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AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
Monday, December 14, 2015
6:30 PM

AGENDA PACKET AVAILABLE FOR
REVIEW 72 HOURS PRIOR TO
THE PLANNING COMMISSION
MEETING AT THE PLANNING DEPT.
AND ON THE CITY WEBSITE
ITEMS RECEIVED AT THE
MEETING WILL BE AVAILABLE
FOR REVIEW AT THE CITY
PLANNING OFFICE

Chairman Robert Epperson, Vice-Chairman Kevin Nehring
Commissioners Robert Bandy, Charlie Jones, Eric Kehler, Mario Nunez, Katie Wettlaufer

ALL MEETING ATTENDEES ARE ADVISED THAT ALL PAGERS, CELLULAR TELEPHONES AND ANY OTHER COMMUNICATION
DEVICES SHOULD BE POWERED OFF UPON ENTERING THE COUNCIL CHAMBERS,
AS THESE DEVICES INTERFERE WITH OUR AUDIO EQUIPMENT.

OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson

Roll Call – Secretary, Olivia Pimentel

Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS

REQUEST TO ADDRESS THE COMMISSION

This portion of the meeting is reserved for members of the public to address the Commission on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Commission. Speakers shall be limited to (3) three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Commission on items on the Agenda should notify the Chairman when that Agenda item is called, and the Chairman will recognize your discussion at that time. It should be noted that the Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

2. APPROVAL OF MINUTES

A. Minutes

3. PUBLIC HEARING - None Offered

4. PETITIONS/RESOLUTIONS

- A. Petition of Amendment to Section 17.92.030 of Title 17 of the Kerman Municipal Code Relating to Transitional and Supportive Housing - Zones and Setting of Public Hearing

Planning Commission by motion set a public hearing for January 11, 2016 to consider a resolution recommending that the City Council adopt an amendment to section 17.92.030 of the Kerman Municipal Code relating to transitional and supportive housing zones in accordance with Petition of Amendment to Zoning Ordinance filed by City Planner.

5. ADMINISTRATIVE REPORTS - None Offered

COMMUNICATIONS

- A. Reminder: City Council to appoint three (3) Planning Commissioners for three (3) year terms on Wednesday December 16, 2015. All applicants should plan on attending City Council meeting to answer any questions or just to offer any comments for Council consideration.

ADJOURNMENT

compliance with the American with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the City Clerk at (559) 846-9380. Notification of 48 hours prior to the meeting will enable the City Clerk to make reasonable arrangement to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically handicapped.

AGENDA POSTING CERTIFICATION

I, OLIVIA G. PIMENTEL, Planning Secretary for the City of Kerman, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Kerman Planning & Development office at 850 So. Madera Avenue, and at Kerman Community/Teen Center, 15100 Kearney Plaza, and emailed to interested parties on: December 7, 2015

/s/ Olivia G. Pimentel
Secretary to the Planning Commission



MINUTES
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall 850 S. Madera Avenue Kerman CA 93630
Monday, November 09, 2015 6:30 p.m.

Chairman Robert Epperson, Vice-Chairman Kevin Nehring
Commissioners Robert Bandy, Charlie Jones, Eric Kehler, Mario Nunez, Katie Wettlaufer

Call to Order – Chairman, Robert D. Epperson called meeting to order at 6:36pm.

Roll Call – Secretary, Olivia Pimentel

Commission Present: Bandy, Nehring, Wettlaufer, Kehler, Nunez, Jones, Epperson

Commission Absent: None

Guest: Robert Martinez, Jessica Tovar, Raquel Arredondo, Louis Lopez

Pledge of Allegiance - Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS - Agenda unanimously approved as presented

1. PRESENTATIONS – None offered

REQUEST TO ADDRESS THE COMMISSION –

Mr. Louis Lopez, Dreams Recycling located at 15401 W. California Avenue requested to address the Commission regarding a proposed use on his existing business. He requested to use a shredder for his recycling business. Staff and the Commission recommended that he schedule an appointment with the new contract planner (David Brletic) to determine the next step and what his options were.

2. APPROVAL OF MINUTES

- A. October 12, 2015, C/ Nehring made a motion to approve minutes of October 12, 2015 as presented, second C/Jones. Unanimously approved as presented.

3. PUBLIC HEARING

- A. Conditional Use Permit 15-03, Tovar Large Family Daycare

Adopt Resolution, Approving Conditional Use Permit 15-03, Tovar Large Family Daycare

Opened Public Hearing at 6:58 p.m.

Ms. Jessica Tovar, 14290 W. B Street, applicant addressed the commission and spoke in support of her large family day care application, she noted that she has had several years of experience working with children and had waiting list.

C/Bandy inquired whether applicant will have maximum number of children all year, applicant explained that her clients vary depending on the season, many are teachers children and so when school is out for the summer, her enrollment goes down as well.

C/Nehring inquired how many children were siblings, this would affect traffic, the applicant stated several that were siblings.

Closed Public Hearing at 7:20 p.m.

C/Jones made a motion to approve Conditional Use Permit 15-03, Tovar Large Family Daycare as amended to amend condition of approval relating to separation (#21), second C/Kehler. Approved as amended

Ayes: Bandy, Nehring, Wettlaufer, Kehler, Nunez, Jones, Epperson

Noes: None

Absent: None

Abstain: None

4. PETITIONS/RESOLUTIONS

- A.** Approve Extension Request for Conditional Use Permit 14-02, TBS Holdings, Kerman Neighborhood Shopping Center, Phase II

Planning Commission review, consider and approve an Extension Request for Conditional Use Permit No. 14-02 for a 1,000 square foot detached automated drive-thru car wash in connection with a proposed convenient store and fueling station, Jack In The Box and Future Retail located in Phase II of the Kerman Crossing Neighborhood Center (SEC Whitesbridge Road and Kline Street)

Mr. Robert Martinez, addressed the Commission and spoke in support of the extension request citing several unforeseen delays in getting this project started within the one year time limit, including, but not limited to pg&e delays, and management entitlements agreement issues. Mr. Martinez, said that one (1) year extension was adequate, even though his extension request letter said two (2) years.

C/Nehring made a motion to approve an extension of one (1) year for Conditional Use Permit 14-02, TBS Holdings, Kerman Neighborhood Shopping Center, Phase II, second C/Jones, approved as amended to add a condition or amend conditions to add requirement for water conservation and recycling for car wash, approved by the following vote:

Ayes: Bandy, Nehring, Wettlaufer, Kehler, Nunez, Jones, Epperson

Noes: None

Absent: None

Abstain: None

5. ADMINISTRATIVE REPORTS - None offered

COMMUNICATIONS - None offered

ADJOURNMENT



Olivia G. Pimentel

Secretary to the Planning Commission

November 12, 2015

PLANNING & DEVELOPMENT
Chris Kufis, Building Official
Olivia Pimentel, Dept.Sect./Planning Tech
Amy Garza/Permit Clerk



850 S. Madera Avenue
KERMAN, CA 93630

Mayor – Stephen B. Hill
Council Members
Rhonda Armstrong
Nathan Fox
Bill Nijjer
Gary Yep

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December 14, 2015

TO: Chairman and Commissioners
FROM: Olivia Pimentel, Planning Technician
RE: Petition of Amendment to Zoning Ordinance

In accordance with Section 17.26.020 subsection D of the Municipal Code, this memorandum serves as a Petition of Amendment to the City of Kerman Zoning Ordinance. Under said code section the Petition of Amendment may be filed by a city planner with the Planning Commission.

The Petition of Amendment is a method for initiation of a Zoning Ordinance Amendment. The Petition requests that the Planning Commission consider amendments to Section 17.92.030 Transitional and Supportive Housing - Zones of the Kerman Municipal Code relating to emergency shelters, transitional and supportive housing for the homeless. The specific language of the amendments is included in the Staff Report to the Planning Commission. Under Section 17.26.040 of the Municipal Code, upon receipt of a Petition of Amendment, the Planning Commission shall set a date for a public hearing on the amendment.

By separate cover, the undersigned has submitted a detailed report to the Planning Commission that addresses the basis for the Petition of Amendment and the setting of a public hearing by resolution. That report is incorporated herein by reference.

“COMMUNITY COMES FIRST”



City of Kerman

"Community Comes First"

CHAIRPERSON
ROBERT EPPERSON

VICE CHAIR
KEVIN NEHRING

COMMISSIONER
ROBERT BANDY

COMMISSIONER
ERIC KEHLER

COMMISSIONER
KATIE WETTLAUFER

COMMISSIONER
CHARLIE JONES

COMMISSIONER
MARIO NUNEZ

PLANNING DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING DECEMBER 14, 2015

To: Kerman Planning Commission
From: Olivia Pimentel, Planning Technician
Subject: Setting of Public Hearing Per Petition of Amendment to Zoning Ordinance Regarding Proposed Revisions to Section 17.92.030 of the Kerman Municipal Code Relating to Transitional and Supportive Housing Zones

RECOMMENDATION:

Planning Commission by motion set a public hearing for January 11, 2016 to consider a resolution recommending that the City Council adopt an amendment to section 17.92.030 of the Kerman Municipal Code relating to transitional and supportive housing zones in accordance with Petition of Amendment to Zoning Ordinance filed by City Planner.

EXECUTIVE SUMMARY:

A Petition of Amendment has been submitted to the Planning Commission regarding amendment to Section 17.92.030 of the Kerman Municipal Code. Early in the year the Planning Commission and City Council considered and approved Ordinance No. 15-01 regarding various Code Amendments to comply with SB2's requirements relating to Emergency Shelters, Transitional Housing, and Supportive Housing, and to ensure the City will comply with the Housing Element Update. The Code Amendments adopted as part of Ordinance 15-01 are now codified in the Kerman Municipal Code.

In reviewing the amendments made as part of Ordinance 15-01, the project manager of Mintier Harnish, the City of Kerman's consultants who are preparing the multijurisdictional housing element, notified staff that there is an inconsistency in the City's treatment of transitional and supportive housing that will need to be corrected. The definitions for transitional housing and supportive housing that the City adopted are correct and comply with State law because they include the statement that these uses are "residential uses allowed in all zones that allow residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone."

However, Section 17.92.030 Transitional and Supportive Housing – Zones, says "Transitional housing and supportive housing shall be considered a residential use of property in the multifamily zone district, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone." (emphasis added)

The restriction to only the multifamily zone district is inconsistent with State law requirements. The original version of the code amendments that were part of Ordinance No. 15-01 somehow got changed along the way. However and unfortunately we were notified that this will need to be fixed in order for HCD to certify the City's Housing Element.

PLANNING COMMISSION ACTION

Pursuant to Section 17.26.020 of the Kerman Municipal Code, an amendment to the Kerman Zoning Ordinance may be initiated by the Planning Director with the Planning Commission to recommend to the City Council approval, conditional approval or denial of an amendment. Following action by the Planning Commission, staff will prepare a report and present the Commissions' recommendation to the City Council for final action.

OUTSTANDING ISSUES

Staff was assured that the City would be fine as long as this inconsistency is cleared in the next couple of months. The issue is that HCD will not certify the City's Housing Element as in compliance with State law until the City has implemented the code amendments for emergency shelters and transitional and supportive housing. The City will be submitting the Housing Element to HCD for certification in mid-March.

PUBLIC HEARING:

Staff is requesting that the Planning Commission set a public hearing date of January 11, 2016 to consider a resolution recommending that the City Council Adopt an amendment to Kerman Municipal Code Section 17.92.030 Transitional and Supportive Housing-Zones to read as follows:

Section 17.92.030 Transitional and Supportive Housing – Zones, Transitional housing and supportive housing shall be considered a residential use of property allowed in all zones that allow residential uses, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone."

SUMMARY/CONCLUSION:

Attachments

- A. Planning Commission Resolution 16-xx
- B. CC Ordinance

Attachment 'A'

RESOLUTION NO. 16-

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING AMENDMENT TO SECTION 17.92.030 OF TITLE 17, RELATING
TO TRANSITIONAL AND SUPPORTIVE HOUSING-ZONES OF THE KERMAN MUNICIPAL
ORDINANCE

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the "Planning Commission") duly called and held on January 11, 2016, at 6:30 p.m., it was moved by Commission member _____ second by Commission member _____ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission has initiated a zoning ordinance amendment to Title 17 of the Kerman Municipal Code amending chapter 17.90.030 relating to transitional and supportive housing -zones as set forth in Exhibit 'A', attached hereto and incorporated by this reference; and

WHEREAS, the Planning Commission pursuant to Chapter 17.26 regarding Zoning Ordinance Amendments and Section 17.26.030 has scheduled a public hearing for January 11, 2016, to consider the zoning ordinance amendments; and

WHEREAS, the Planning Department has determined that the proposed amendment is statutorily exempt from environmental review pursuant to Section 15282(i) of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission recommends that the City Council adopts Zoning Ordinance Amendment No. 16-01 relating to transitional, and supportive housing - zones for the homeless.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this project:

1. The proposed zoning ordinance amendments are consistent and compatible with other goals, policies and implementation programs set forth in the General Plan.
2. That the proposed zoning ordinance amendments will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.
3. The proposed zoning amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.
4. That the proposed zoning amendments comply with State housing law as outlined in Senate Bill 2.

The foregoing Resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 11th day of January, 2016, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

Robert D. Epperson, Chairperson

Date

Olivia Pimentel, Secretary

Date

Exhibit "A"

ORDINANCE NO. 16-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN AMENDING SECTION 17.92.030 OF TITLE 17 OF THE KERMAN MUNICIPAL CODE RELATING TO TRANSITIONAL AND SUPPORTIVE HOUSING ZONES

THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 17.92.030 of Title 17, Chapter 17.92 of the Kerman Municipal Code is amended to read as follows:

17.92.030 Transitional and Supportive Housing—Zones.

Transitional housing and supportive housing shall be considered a residential use of property allowed in all zones that allow residential uses, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

SECTION 2. Pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, the adoption of this ordinance is exempt from CEQA review pursuant to 14 California Code of Regulations section 15-61(b)(3), and a Notice of Exemption will be filed with the County Recorder upon adoption of this ordinance.

SECTION 3. This ordinance shall become effective thirty days after adoption.

SECTION 4. Upon passage, this ordinance or a summary of the same shall be published within fifteen (15) days of passage pursuant to the laws of the State of California in the Kerman News, a newspaper of general circulation published and circulated in said City of Kerman.

The foregoing ordinance was introduced and given its first reading at a regular meeting of the City Council of the City of Kerman held on the — day of _____, and was passed after a second reading and noticed public hearing held pursuant to law at a regular meeting of the City Council of the City of Kerman on the — day of _____, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Stephen Hill
Mayor

Marci Reyes
City Clerk