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Staff Request preliminary discussions on Kerman's Adopted Multi-Jurisdictional Housing Element MJHE (2015-2023) required program implementation to formulate a priority list.
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OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson
Roll Call – Secretary, Olivia Pimentel
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS

   A. Commission to decide whether to select Vice-Chair position or leave vacant.

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. June 13, 2016

3. PUBLIC HEARING - None Offered
4. **PETITIONS/RESOLUTIONS** - None Offered

5. **ADMINISTRATIVE REPORTS**

   A. **Subject:** Staff Request preliminary discussions on Kerman's Adopted Multi-Jurisdictional Housing Element MJHE (2015-2023) required program implementation to formulate a priority list.

   **Recommendation:** Staff request preliminary discussions on Kerman's Adopted Multi-Jurisdictional Housing Element MJHE (2015-2023) required program implementation to formulate a priority list. Several programs were established for the Kerman Housing Element and finding of compliance is conditioned on the implementation of the programs established in the Housing Element.

**COMMUNICATIONS**

**ADJOURNMENT**

In 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 Thursday, August 4, 2016.

/s/ Olivia G. Pimentel
Secretary to the Planning Commission
MINUTES
KERMAN PLANNING COMMISSION
Regular Meeting Kerman City Hall
Monday, June 13, 2016, 6:30 PM

Chairman Robert Epperson, Vice-Chairman (vacant)
Commissioners Robert Bandy, Leopoldo Espino, Charlie Jones, Mario Nunez, Katie Wettlaufer

OPENING CEREMONIES

Call to Order – Chairman, Robert D. Epperson called meeting to order at 6:35 PM
Roll Call – Secretary, Olivia Pimentel, performed
Planning Commissioners Present: Epperson, Bandy, Wettlaufer, Nunez, Jones, Espino
Planning Commissioners Absent: None
Pledge of Allegiance - Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS  - None Offered

REQUEST TO ADDRESS THE COMMISSION – None Offered

2. APPROVAL OF MINUTES

   A. May 2, 2016, minutes, C/Jones made a motion to approve minutes as presented, second
   C/Bandy, unanimously approved.(6/0/0)

3. PUBLIC HEARING

   A. Subject: Public Hearing to consider Resolution Approving Conditional Use Permit (16-03) To
      Allow Kerman Baptist Church to occupy a site in and (M-2) Industrial Zone located at 15260 W.
      Church Avenue

      Staff gave a brief overview of the staff report. Pastor Tom Boonstra submitted an application for
      a conditional use permit to locate a church site at 15260 W. Church Avenue in the industrial zone
      district. Staff explained that Church uses are not consistent with industrial zone uses; however
      the Kerman Municipal Code allows flexibility in the way it is written and allows these uses by way
      of a conditional use permit.

      The subject site in located on a 1.26 acre site with a 5,000 sq.ft., building as shown on the site
      plan, fire department noted that an additional 305 sq. ft. overhang was not shown on the site
      plan and therefore, this would trigger the requirement for fire sprinklers according to the Kerman
      Municipal Code section 15.04.075, that requires any structures that exceed 5,000 sq. ft. and have
      eaves or overhangs that exceed three (3) ft. require fire sprinklers (The existing eaves are 5 x 61
      = 305 sq. ft.)
The Commission was informed that they could not override the requirements of the ordinance or waive fire code life safety requirements or Accessibility requirements. The commission could only approve the change of use and conditional use permit per state law, and could not waive the fore-mentioned requirements. The building code and fire department determine whether to allow a change in occupancy and the Commission’s only action was to decide whether to allow the conditional use or not.

The issue of the Religious Land Use and Institutional Persons Ace of 2000 (RLUIPA) was discussed and it was noted this law prohibits jurisdictions from imposing land use regulations with significant restriction or burden on any religious activity or land use request. Staff noted that this was not the issue in this case and would not apply because the building code and fire code regulate life and safety issues and the structure itself would have to be brought up to code for requested occupancy use - for a church is (A3) to keep it safe for their church members in mind and the uses that are being proposed. The existing building was designed for commercial warehouse and office use. Fire department noted that Churches are much more involved and a heavier use than manufacturing /industrial uses.

Opened Public Hearing at: 6:42 p.m.

Pastor Tom Boonstra addressed the Commission, he spoke in support of the project. He addressed the fire sprinkler requirements and that he would cut off a portion of the overhang (at least two (2) feet) to be within the required square footage that would not trigger the required fire sprinklers. He clarified that his church plans on only using 1/3 of the building for now and as it grows will expand into some of the existing rooms being used for storage now. He only plans on making minor tenant improvements to move some walls, but he will make the required improvements. Trash enclosures, and landscaping were discussed and conditions would be modified as needed.

C/Jones inquired whether the property had been purchased already, the applicant stated that they had an option to buy, pending the approval of this conditional use permit.

C/Epperson, inquired about fire sprinklers in restrooms, kitchen areas.

Planning Consultant, Dave Brletic, noted that a few things should be added to the conditions of approval.

1. Future noxious industrial uses that will develop in the industrial zone district that could be a nuisance for the church because the industrial zone is intended for these uses by right. The Mid Valley Disposal expansion was given as an example, it is in the process of being expanded and at full built out the project will have an entrance off of Church Avenue with a two-story administration building, that will be a mirror of the Mid Valley Disposal entrance off of Jensen Avenue. What is quite now could be used with daily traffic, trucks, etc. seven days a week. So while right now the industrial zone is not fully occupied it will be developed eventually and the Church needs to be aware of that fact.

2. A condition to require the conditional use permit be renewed every year or every two (2) years to assure that the use, occupancy uses, parking, etc. is consistent as approved and that permits have been issued for any improvements to the building as required.

Closed Public Hearing at: 7:20 p.m.

No other comments
C/Jones made a motion to approve Resolution Approving Conditional Use Permit 16.03, Kerman Baptist Church to occupy a site in an (M-2) Industrial zone district located at 15260 W. Church Avenue, second C/Bandy. Resolution passed by the following vote:

Yes: Bandy, Epperson, Wettlaufer, Nunez, Jones, Espino
Noes: None
Absent: None
Abstain: None

4. PETITIONS/RESOLUTIONS  None Offered

5. ADMINISTRATIVE REPORTS

A. Subject:  Kevin Nehring, Vice-Chairman has been appointed to the City Council effective May 18th. Mr. Nehring will fill the vacant seat of Nathan Fox until his term ends December 2016.

This is an information item only, the Council is the only body that can fill a planning commission position, Mr. Nehring’s City Council seat ends December 31, 2016 at which time he will need to decide to run for Council or return to the Commission and request Council re-appointment. The Commission will vote for a Vice-Chairperson at the next meeting.

COMMUNICATIONS -  None Offered

ADJOURNMENT: 7:30 pm

Olivia G. Pimentel
Secretary to the Planning Commission
TO: Chairman and Commissioners  
FROM: Olivia Pimentel, Planning Technician and David Brletic, Planning Consultant  
SUBJECT: Staff request preliminary discussions on MJHE Adopted Kerman Housing Element program implementation requirements to establish a prioritized list to comply with State conditions of approval.

RECOMMENDATION
Commission provide preliminary discussion and input.

EXECUTIVE SUMMARY
The City of Kerman received notification from the Department of Housing and Community Development (HCD) that Kerman's 5th Cycle (2015-2023) Adopted Housing Element has been accepted (Attachment ‘A’). The Fresno County MJHE project prepared a regional plan addressing housing needs through a single certified housing element document for 13 participating jurisdictions, including Kerman. The Housing Element must include:

1) Identification and analysis of existing and projected local housing needs;  
2) Identification of resources and constraints;  
3) Goals, policies, and implementation programs for rehabilitation, maintenance, improvement, and development of housing for all economic segments of the population.

Kerman’s Housing Element finding of compliance is conditioned on the implementation of the programs established in the Housing Element, such as, City rezoning adequate sites to address the unaccommodated housing need from the prior planning period. There are several programs that were identified for Kerman to comply with the Housing Element. The attached list (Attachment ‘B’) is a preliminary list of items that must be addressed by the City of Kerman in a timely manner.

Staff is requesting input from the Commission to prioritize a list and give staff direction to begin the process of implementing the required updates to our current municipal code, etc. Because of the budget constraints staff recommends that we process those that are time sensitive; but not more than one half of the required amendments and the rest next fiscal year.

OUTSTANDING ISSUES
None

FISCAL IMPACT
TBD

Attachments:
A. HCD Acceptance Letter for the MJHE Housing Element (2015-2023)  
B. List of Required Program ----
July 25, 2016

Mr. John Kunkel, City Manager
City of Kerman
850 S. Madera Avenue
Kerman CA, 93630

Dear Mr. Kunkel:

RE: Kerman's 5th Cycle (2015-2023) Adopted Housing Element

Thank you for submitting the City of Kerman’s housing element adopted April 6, 2016 which was received for review on April 27, 2016. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review.

The adopted housing element conditionally meets the statutory requirements of State housing element law (GC, Article 10.6). The Department's review found the adopted housing element to be substantially the same as the revised draft housing element the Department’s February 1, 2016 review determined met statutory requirements. The finding of compliance is conditioned on the City rezoning adequate sites to address the unaccommodated housing need from the prior planning period.

The City, in coordination with Fresno Council of Governments (Fresno COG), elected to collectively prepare a multi-jurisdictional housing element (MJHE) for the fifth-cycle housing element update. The Department commends the City for working with other participating jurisdictions during the housing element update process to form a detailed and comprehensive document that addresses both local and regional housing issues.

For the element to remain in compliance after December 31, 2016, the City must complete Program 3 actions. This program commits to rezone sites to accommodate the 168 unit carryover of housing need not met in the 4th cycle by December 31, 2016. Pursuant to GC Section 65584.09, a jurisdiction that failed to identify or make available adequate sites to accommodate all of the previous cycle’s housing need must zone or rezone adequate sites to accommodate all of the previous cycle’s unmet housing need within the first year of the next housing element cycle. The City must monitor and report on the results of this and other programs through the annual progress report, required pursuant to GC Section 65400.
Mr. John Kunkel, City Manager

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For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established “legacy” communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. The Department urges the City to consider these timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor’s Office of Planning and Research at: http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Please note, the City of Kerman now meets specific requirements for State funding programs designed to reward local governments for compliance with State housing element law. For example, the Department’s Housing Related Parks Program includes housing element compliance as a threshold requirement. Please see the Department’s website for specific information about this and other State funding programs at http://www.hcd.ca.gov/hpd/hrp/plan/he/loan_grant_hecompl011708.pdf.

Please be aware, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRROP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Information is available on the Department’s website at: http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html.

Among other things, Programs 10 and 13 are essential to providing a variety of housing choices and addressing constraints and necessary to comply with housing element law. As a result, the City should monitor and report on the status of these and other Programs through the annual progress report, required pursuant to GC Section 85400. If these Programs are not completed in a timely manner, then the element should be amended to identify alternatives or necessary action for completion.

The Department encourages the City to continue its engagement process with the public during implementation of the housing element. In addition, continued collaboration with jurisdictions that participated in the MJHE will help the City in addressing local housing issues that have an impact throughout the region.
Mr. John Kunkel, City Manager
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The Department appreciates the efforts Ms. Olivia Pimentel, Planning Technician; Ms. Helen Nazaroff, Executive Secretary; Mr. David Brletic, Contract Planner; and Ms. Chelsey Payne, the City's consultant, provided throughout the course of the housing element review. The Department wishes the City success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to GC Section 65400. If the Department can provide assistance in implementing the housing element, please contact Tom Brinkhuis, of our staff, at (916) 263-6651.

Sincerely,

[Signature]

Glen A. Campora
Assistant Deputy Director
List of Program Requirements to comply with MJHE Housing Element
Not in any Program Order

a. Program 10: Removal of Governmental Constains, Zoning Code Amendments: Farmworker/Employee Housing, Single Room Occupancy, Group Homes, Second Units, Reasonable Accommodation and Density Bonus. Within one year of MJHE adoption the City is to amend zone ordinance to accommodate a minor reduction in parking standards and modify its conditional use permit findings to remove the reference to the term ‘morals’ from the required findings of approval.
b. Program 12: Monitoring of Planning and Development Fees, consider incentives such as deferred or reduced fees to facilitate affordable housing development.
c. Program 13: Monitor CUP Requirements for Multifamily and Mix Use Developments.
d. Zone Ordinance Amendment: Removing the term “moral” from our Ordinance.
e. Zone Ordinance Amendment: Minimum density of 20 units per acre be modified consistent with current requirements.
f. Program 3: Rezone and Provide for Adequate Sites: Rezone enough land to cover the unaccommodated need from the Fourth Cycle of 168 lower-income units (approximately 8.4 acres) within one year of the Housing Element due date of (i.e. December 31, 2016). (We just rezoned 4.5 acres/Gateway Villas Apartments)
g. Program 4: Develop and implement a formal evaluation procedure pursuant to Government Code Section 65863 by 2016 Monitoring of Residential Capacity (no net loss).
h. Program 6: Affordable Housing Incentives. Continue to offer incentives such as density bonus (increase to 35%, is currently 25%) and streamlined processing (such as pre-application consultation to identify potential issues), etc
Expand the City’s affordable housing inventory by 226 units over the next eight years – 40 extremely low income, 80 very low income, and 106 low income units.
i. Program 5: Water and Wastewater Service, Establish procedures by the end of 2016 for granting priority water and sewer service to developments with lower-income units in compliance with California Code Section 65589.7
j. Density Bonus of 25 percent is outdated and does not comply with current State law, which requires a density bonus of 35 percent. Also, our current KMO does not provide for density bonus for a development with childcare facilities.
k. Farmworker/Employee Housing, does not comply with current state law.
l. Group Homes, our current KMO does not fully comply with State law requirements.
m. Reasonable Accommodation: Amendments to the current KMO are required to address group homes and provide for reasonable accommodation procedures.
n. Program 9: Encourage and Facilitate Accessory Units (Second Units)
   • By 2018, consider fee reductions for second units.
   • By 2019, implement a public education program advertising the opportunity for second units through City website and at planning counter.
   • Note this will require a Zone Ordinance Amendment: our current KMO is inconsistent in its treatment of second units.
   Chap. 17.66, permitted by right in single family (R-1); however, require CUP in all other districts