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AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
Monday, December 12, 2016
6:30 PM

Chairman Robert Epperson, Vice-Chairman Kevin Nehring
Commissioners Robert Bandy, Leopoldo Espino, Charlie Jones, 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 None offered

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. November 14, 2016
3. PUBLIC HEARING

A. **Subject:** 2016 Kerman Unified School District Request for Planning Commission Report on the Proposed Acquisition of approximately 45 acres for Kerman High School New Athletic Facilities and New Elementary School Project.

**Recommendation:** Commission open public hearing, receive any comments, close public hearing and by motion approve resolution making findings and determination that the proposed acquisition of approximately 45 acres in the City of Kerman is inconsistent with the Kerman General Plan.

B. **Subject:** Conditional Use Permit 16-04, Dance Studio (Steven Montalvo) at 14500 W. Commerce Way, Ste 101

**Recommendation:** Commission, open public hearing, hear any public testimony, close public hearing and by motion approve resolution approving conditional use permit 16-04, Dance Studio (Steven Montalvo) at 14500 W. Commerce Way, Ste 101

C. **Subject:** Public Hearing of the City of Kerman Planning Commission initiating Proposed Ordinance Amending Chapter 17.12 Relating to Conditional Use Permits and Chapter 17.70 Relating to Density Bonus of Title 17 -Zoning, of the Kerman Municipal Code for Compliance with Housing Element Requirements

**Recommendation:** Staff recommends that the Planning Commission, open public hearing, receive any public comments, close public hearing and by motion approve resolution recommending that the City Council Adopt Ordinance Amending Chapter 17.12, Relating to Conditional Use Permits and Chapter 17.70 Relating to Density Bonus of Title 17 of the Kerman Municipal Code.

4. PETITIONS/RESOLUTIONS

5. ADMINISTRATIVE REPORTS

COMMUNICATIONS

A. **Call For Applications Update:** -Currently there are three appointments to be made, two for a three-year term from January 1, 2017 - December 31, 2019 and one for a vacated position (two years remaining) expiring on December 31, 2018. To date, the City Clerk has received five applications for consideration at the December 21, City Council meeting. All applicants are encouraged to attend City Council meeting on December 21st.

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 Friday, December 9, 2016

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

Call to Order – Chairman, Robert D. Epperson, called meeting to order at 6:30pm
Roll Call – Secretary, Olivia Pimentel
Commissioners Present: Epperson, Bandy, Wettlaufer, Nunez, Jones, Espino
Commissioners Absent: None
Pledge of Allegiance - Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS – Unanimously approved as presented

1. PRESENTATIONS - None Offered

REQUEST TO ADDRESS THE COMMISSION  None Offered

2. APPROVAL OF MINUTES

   A. August 8, 2016, C/Jones made a motion to approve minutes as presented, second C/Wettlaufer. Unanimously approved as presented.

PUBLIC HEARING


   At the request of the applicant, Kerman Unified School District, the public hearing was opened, and continued to the December 12th meeting.

4. PETITIONS/RESOLUTIONS

   A. Subject: Petition of Amendment to Title 17 -Zoning, of the Kerman Municipal Code, relating to text amendments required for compliance with the Multi-Jurisdictional Housing Element by City Planner and setting a public hearing for December 12, 2016.

   Staff petitioned the Commission to set public hearing for December 12th to consider a resolution recommending that the City Council adopt an amendment to Title 17 – Zoning, of the Kerman Municipal Code, relating to text amendments pertaining to specialized housing types. Commission set public hearing as requested for December 12, 2016
B. **Subject:** Request for Extension of Conditional Use Permit No. 14-02 and Site Plan Review No. 14-03, Phase II of the Kerman Crossing Neighborhood Center

Staff provided a brief review of the project. The Commission approved this project originally on October 27, 2014 (CUP 14-02) TBS Holdings, Phase II Kerman Crossings, Kerman Neighborhood Shopping Center. There are no changes proposed for the project only an extension. The project was due to expire by November 9, 2016 since no construction has begun; however, the applicants did provide a written request for extension prior to the expiration date as required.

The project includes: the development of Phase II which is to develop approximately 29,753 square feet of retail and restaurant uses on five separate parcels. The proposed uses planned for the sites are a 13,500 square foot retail building, a 2,800 square foot convenience store with fueling station and a detached 1,000 square foot automated drive-thru car wash, and a 2,588 square foot Jack in the Box restaurant. Future development includes a smaller 4,500 square foot retail building and a 5,365 square foot building for a restaurant type use.

**Recommendation:** Commission consider staff report findings and Approve Resolution Extending Conditional Use Permit No. 14-02 and Site Plan Review No. 14-03, Phase II Kerman Neighborhood Shopping Center.

C/Jones made a motion to approve the extension request for one (1) year (November 14, 2017), second C/Wettlaufer, unanimously approved as presented by the following vote:

Ayes: Bandy, Epperson, Jones, Wettlaufer, Nunez, Espino  
Nays: None  
Abstain: None  
Absent: None

5. **ADMINISTRATIVE REPORTS** - None Offered

**COMMUNICATIONS**

A. Call For Applications - Two (2) Planning Commission Terms Of Office Expire 12/31/2016. (Bandy, Wettlaufer) Incumbents were encouraged to re-apply by deadline of 12/2/2016.

**ADJOURNMENT** – Meeting adjourned at 6:54 p.m.

Minutes prepared by:

[Signature]

Olivia Pimentel  
Planning Commission Secretary
To: City of Kerman Planning Commission

From: Olivia Pimentel, Planning Technician, David Brletic, Planning Consultant, Collins & Schoettler Planning Consultants

Subject: Kerman Unified School District Request for Planning Commission Report on Proposed Acquisition of Property and on General Plan Evaluation Regarding Proposed Kerman High School Athletic Facilities Addition and Elementary School Located on North Side of State Route/Whitesbridge Avenue and West of State Route 145/Madera Avenue in Kerman, California.

Recommendation

Planning Department Staff recommends as follows:

Commission open public hearing, receive any comments, close public hearing and by motion approve resolution making findings and determination that the proposed acquisition of approximately 45 acres in the City of Kerman is inconsistent with the Kerman General Plan.

Executive Summary

On November 12, 2016 the Planning Commission opened public hearing, took any comments and continued the public hearing to December 12, 2016 at the request of the applicants Kerman Unified School District. The Kerman Unified School District has provided the City with written notice dated October 13, 2016, regarding the proposed school site acquisition of approximately 45 acres for high school athletic facilities and a new elementary school north of State Route 180 and west of State Route 145. As part of that notice, the District has requested that the Planning Commission provide its recommendation regarding the site acquisition as well as its evaluation on General Plan Consistency.

The Public Resources Code in Section 21151.2 provides that before a school district acquires title to a new school site or to add to a new school site, it must give notice to the local Planning Commission. The Planning Commission is required to investigate the proposed site and within 30 days after receipt of the notice shall submit a written report of the investigation and its recommendations concerning acquisition of the site. The Government Code in Section 65402 requires that the District submit information regarding the acquisition to the local Planning Commission which is to conduct a General Plan consistency evaluation regarding the proposed acquisition. The intent of Section 21151.2 is to 'promote the safety of pupils and comprehensive community planning.'
The Proposed Resolution, if adopted by the Planning Commission, would approve the Report Relating to Kerman Unified School District’s Proposed Acquisition of Property for Proposed Kerman High School Athletic Facilities Addition and Elementary School and Relating to General Plan Evaluation. The Report is attached to the resolution as Exhibit ‘A.’

**Background:**

Public Resources Code Section 21151.2 requires a school district to notify the local Planning Agency having jurisdiction of its intention to acquire title to property for use as a school site. The Code requires that the planning Agency to investigate and evaluate the proposed acquisition and submit a written report of the investigation, together with recommendations to the Governing Board of the school district within thirty (30) days of the request. If the report does not favor the acquisition of the property for a school site, or for addition to a present school site, the Governing Board of the school district shall not acquire title to the property until thirty (30) days after the after the Commission’s report has been received.

Similarly, State Government Code Section 65402 requires a school district, prior to authorizing construction of a public building, disposing of any real property, or acquiring property, to submit the location, purpose, and extent of such acquisition, disposition, or public building to the Planning Agency having jurisdiction for its review as to conformity with the local General Plan. Section 65402 further states that the Planning Agency shall render its report as to conformity with said adopted General Plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

Planning Department Staff has conducted the required reviews and prepared a detailed report. The report is attached as Exhibit A to the proposed resolution approving the report.

In summary the report includes the following:

- Location of acquisition site
- Existing Use, General Plan Designation, and Zoning
- Surrounding Uses and Zoning
- Aerial View
- Preliminary Site Plan
- Land Use Map
- Discussion of General Plan Designation and Inconsistency
- Discussion of need for zone change amendment, and Conditional Use Permit.
- Recommendation that if KUSD wishes to proceed with acquisition, the project would require a General Plan and zoning amendments and obtainment of a Conditional Use Permit.

Attachments:

A. Resolution with Exhibits
RESOLUTION NO. 16-10
BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION APPROVING REPORT RELATING TO KERMAN UNIFIED SCHOOL DISTRICT’S PROPOSED ACQUISITION OF PROPERTY AND ON GENERAL PLAN EVALUATION REGARDING PROPOSED KERMAN HIGH SCHOOL ATHLETIC FACILITIES ADDITION AND ELEMENTARY SCHOOL LOCATED ON THE NORTH SIDE OF STATE ROUTE 180/WHITESBRIDGE AVENUE AND WEST OF STATE ROUTE 145/MADERA AVENUE IN KERMAN CALIFORNIA.

WHEREAS, the Planning Commission has received a request from the Kerman Unified School District for a Planning Commission Report and General Plan Conformity Report regarding its proposed athletic facilities addition and new elementary school site on 45 acres located north of State Route 180/Whitesbridge Avenue and west of State Route 145/Madera Avenue; and

WHEREAS, Public Resources Code Section 21151.2 requires that upon such request the Planning Commission conduct a review and prepare a report on the proposed acquisition; and

WHEREAS, Government Code Section 65402 requires the Planning Commission perform an evaluation regarding conformance with the City’s General Plan; and

WHEREAS, Planning Staff has reviewed the proposed acquisition per Public Resources Code Section 21151.2 and Government Code Section 65402 and prepared a report for the Planning Commission’s review and consideration; and

WHEREAS, the report regarding the proposed acquisition and General Plan conformance is attached as Exhibit A to this resolution; and

WHEREAS, the Planning Commission conducted a public hearing on November 14, 2016 regarding the above referenced review and report; and continued public hearing to December 12, 2016 at the request of the applicants, Kerman Unified School District.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, after considering all the information, documents, public testimony, and evidence presented at the public hearing as follows:

1. The foregoing recitals are incorporated by reference as if fully set forth.

3. Planning Department staff is directed to transmit the report to the Kerman Unified School District.

******

The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on the 12th day of December. Commissioner __________________ moved approval and Commissioner __________________ seconded the motion.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

__________________________ _______________
Chairman, Robert D. Epperson Date

__________________________ _______________
Secretary, Olivia Pimentel Date
Exhibit ‘A’ to Resolution

City of Kerman Planning Commission Report

Re: Proposed Acquisition of Property and on General Plan Evaluation Regarding Proposed Kerman High School Athletic Facilities Addition and Elementary School Located on North Side of State Route/Whitesbridge Avenue and West of State Route 145/Madera Avenue in Kerman, California.

General Information

Date: November 18, 2016

Site Location: The subject property is located north of State Route 180/Whitesbridge Rd. and west of State Route 145/Madera Avenue. The site is approximately 45 acres of farmland (Assessor Parcel Number 020-120-32s, 26s, & 27s), as shown in Figure 1 below.

Existing Use: Farmland

General Plan: Frontages of Whitesbridge and Madera Avenues: General Commercial (CG), Remaining property designated as Medium Density Residential (R1)

Zoning: Frontages of Whitesbridge and Madera Avenue: General Commercial (CG) Remaining: Urban Reserve (UR) and Open Space (O)

CEQA: Not a project pursuant to CEQA guidelines §15061(b) (3) and 15378.

Surrounding Uses & Zoning:

<table>
<thead>
<tr>
<th>Location</th>
<th>General Plan Designation</th>
<th>Zone District</th>
<th>Existing Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Fresno County/Agriculture</td>
<td>Ag</td>
<td>Fresno County/Agriculture</td>
</tr>
<tr>
<td>South</td>
<td>General Commercial/School offices/Quasi Public</td>
<td>CG/QP</td>
<td>School District Offices/ Covenant Church/School</td>
</tr>
<tr>
<td>East</td>
<td>General Commercial</td>
<td>CG</td>
<td>Shopping Center</td>
</tr>
<tr>
<td>West</td>
<td>General Commercial</td>
<td>CG</td>
<td>Fresno County/Agriculture</td>
</tr>
</tbody>
</table>
General Plan Amendment

The subject site is currently designated with General Commercial (CG) along the frontages of State Route 180/Whitesbridge and State Route 145/Madera Avenue with the remaining property designated for Medium Residential (R-1) single family land uses. The proposed project for an athletic facility and new elementary school site would require a General Plan Amendment.
The existing General Commercial designated (CG) site is vacant and being used for farmland. The General Commercial (GC) General Plan designation is generally reserved for properties located on both sides of Madera and Whitesbridge Avenues. This designation shall provide for shopping centers, retail uses, offices.

The 2027 General Plan includes policy recommendations related to the various physical development aspects of the community. These are supported by a set of goals and objectives. The Planning Commission shall refer to the General Plan when making a decision regarding this particular request. The following policies, related to commercial development are contained in the Land Use Element of the 2007 General Plan:

3. POLICY: Maintain land at the intersection of Madera and Whitesbridge and along Whitesbridge for regional commercial uses.

5. POLICY: Ensure that land designated for regional commercial uses is properly designed, located and protected against incompatible uses so that it achieves its maximum development potential.

6. POLICY: Ensure that land designated for general commercial uses is properly designed, located and protected against incompatible uses so that it achieves its maximum development potential.

Zone Change Amendment

Portions of the site are zoned Urban Reserve (UR) and Open Space (O). Within the UR and O districts, educational institutions and schools require a Conditional Use Permit.

Other portions of the site are zoned General Commercial (CG). Educational institutions and schools are not permitted within the CG zone district.

The proposed project for an athletic facility and new elementary school site would require a Zone Change Amendment, contingent upon the required General Plan Amendment.

Conditional Use Permit

As previously stated portions of the site have the proper General Plan designation and Zoning designation to allow the proposed use with a Conditional Use Permit. However, the remainder of the site would require a General Plan Amendment and Zone Change Amendment prior a Conditional Use Permit being considered for the remainder of the site.

General Information

The subject site is vacant and currently used for agriculture purposes that is bounded by two fully developed roadways State Route 180/Whitesbridge and State Route 145/Madera Avenue. The proposed project will consist of the acquisition of a site, approximately 45 acres, for an addition to high school athletic facilities to an existing high school and a new elementary school site and the construction and operation of the school facilities. The high school athletic facilities would be placed on the westerly approximately 32 acres and the elementary school would occupy the northeasterly approximately 13 acres (See photographs in Attachment ‘A’).
**Project Objectives:** (1) High School: to allow the relocation of high school athletic facilities to free-up space for additional classroom facilities on the existing Kerman High School site and to improve and expand athletic facilities for both the District and community. (2) Elementary School: to serve students in grades K-6 generated by planned urban development in the northern portion of the City of Kerman.

**Planned Facilities:** The elementary school would have administrative offices, approximately 28 classrooms, a multi-purpose building, a library, physical education facilities and approximately 87 parking spaces. The high school athletic facilities addition would include athletic fields such as a stadium for football, track, and soccer (3,000 seats), baseball and softball diamonds, soccer fields, an outdoor pool, and buildings such as a gymnasium, locker room, District Office, field house, storage/maintenance buildings and approximately 447 parking spaces. Necessary street, sewer, water and storm drainage infrastructure will also be included in the project.

**Proposed Development Scheduling:** The District will acquire the site when required school site approval processes are completed and funding is available. The timing for construction of the project is uncertain and will depend upon enrollment growth and funding availability. The District estimates that the elementary school would be constructed in approximately 5 years and the high school athletic facilities would be phased in over a 5-15 year period.

**Summary and Recommendation**

The City of Kerman Planning Commission's recommendation is that if the acquisition and project are pursued, the District should process a General Plan Amendment, Rezone Amendment, and CUP.
Attachment ‘A’ to Planning Commission Report
Aerial view of site
Attachment ‘B’ to Planning Commission Report
Preliminary Site Plan

Preliminary Site Plan
Kerman High School Athletic Facilities Addition and New Elementary School Project
Kerman Unified School District

Source: Danbi Architects, KUSD
Attachment ‘C’ to Planning Commission Report
Land Use Map
To: Chairman and Commission Members  
From: Olivia Pimentel, Planning Technician and Dave Brletic, Planning Consultant  
Subject: Public Hearing Conditional Use Permit (CUP 16-04) Dance Studio (Steven Montalvo)  
14500 W. Commerce Way #101 Kerman CA

RECOMMENDATION

Commission open public hearing, receive public comments, close public hearing and by motion approve resolution approving Conditional Use Permit CUP 16-04 for a Dance Studio (Steven Montalvo) located at 14500 W. Commerce Way, Ste 101, subject to certain findings and conditions of approval.

EXECUTIVE SUMMARY

Staff received an application for a conditional use permit to operate a dance studio, in an approximately 2,500 sq.ft tenant space located at 14500 W. Commerce Way (see attached location map). The applicant proposes to offer dance instruction classes, that would run Monday –Thursdays from 4:00 pm to 10:00 pm and Friday and Saturday for rehearsals as needed. The proposed dance studio also requests in addition to offer the facility for Cheer programs, Church, Family, Teen movie night, Karaoke, and Zumba nights.

By way of background, in 2008 the Planning Commission approved a similar use for a dance studio at the same sight. There were no reported incidents or complaints from neighbors, as those businesses generally close at five (5:00 pm) and are closed during the weekends, so the dance studio did not create a nuisance. Letters of support were received. The previous dance studio closed in 2010 because of personal problems for the business owner.

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Property Owner of Record</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steven Montalvo</td>
<td>Joe H. Boyd, Trust</td>
</tr>
<tr>
<td>857 S. 12th Street</td>
<td>275 S. Madera Avenue</td>
</tr>
<tr>
<td>Kerman, CA  93630</td>
<td>Kerman, CA  93630</td>
</tr>
</tbody>
</table>

PROJECT LOCATION

The proposed CUP project site is located at 14500 W. Commerce Way in the General Industrial Zone District on the northwest corner of W. Commerce Way and Vineland Avenue, as shown in Figure 1 below.
GENERAL INFORMATION

Site Location: Northwest corner of Commerce Way and Vineland Avenue
Address: 14500 W. Commerce Way
APN(s): 023-073-10s
Plan Land Use Designation: General Industrial
Zoning District: M-2 (General Industrial)

Surrounding Uses & Zoning:

<table>
<thead>
<tr>
<th>Location</th>
<th>General Plan Designation</th>
<th>Existing Uses</th>
<th>Zone District</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Industrial</td>
<td>Helena Chemical Co.</td>
<td>M2</td>
</tr>
<tr>
<td>South</td>
<td>Industrial</td>
<td>Agriculture production</td>
<td>M2</td>
</tr>
<tr>
<td>East</td>
<td>Fresno County, Agriculture</td>
<td>Agriculture land uses</td>
<td>Fresno County AE</td>
</tr>
<tr>
<td>West</td>
<td>Industrial</td>
<td>Helena Chemical Company</td>
<td>M2</td>
</tr>
</tbody>
</table>
DISCUSSION

Land Use Compatibility

The subject property is designated general industrial on the land use map and zoned general industrial (M-2). The M-2 zone district is zoned for light to heavy industrial types of uses and allows other uses including music and dance instructions by way of conditional use permit pursuant to Section 17.54.030., which allows with a conditional use permit “All uses listed in the service commercial and light industry districts and under that section 17.50.030, it allows “All uses in the Commercial General district, which allows music and dance instruction uses by right ”). Thus, the proposed use as a dance studio business would be compatible and would not negatively impact the existing businesses with the conditions of approval as listed to mitigate any negative impacts.

Site Plan

The subject site owned by JH Boyd Real Estate Inc. is located within an existing industrial building complex that is fully developed to accommodate up to 11 tenants at 2,500 square fee per space for a total of 27,500 square fee. The site is fully developed with landscaping and 65 parking stalls (see attached photos). There are no proposed changes to the existing building or architecture.

Parking

The parking requirements for commercial uses shall be at least one parking space per §17.74.050 of the Kerman's Municipal Code. The applicant is proposing to utilize the existing parking on-site, there are 65 parking stalls on site, this is adequate for the proposed use, no additional parking will be required.. The applicant anticipated a maximum of up to 20 to 30 students, with classes to be four (4) days a week after 4 pm and on Saturdays as needed, for the most part it is expected that over 50% of the students will be dropped off for lessons and picked up by parents or other family members. Furthermore, there are approximately 10 on-street parallel parking spaces fronting the property along Commerce Way that could be used for the site.

Based on the applicants statement, the Dance Studio heaviest use would be in the evenings after work after 4pm Monday thru Thursday and on Saturdays as needed for rehearsals. Thus, staff finds that the proposed use meets the parking requirements. However, if parking becomes a concern for the adjacent businesses staff included a condition that would allow the Planning Commission to review traffic and parking conditions and, if warranted, provide additional conditions and/or even consider revocation of the permit. The existing tenants (Alpha Petroleum Services; Wesley Forbes, Inc.; Advanced Water Products) operate primarily Monday through Friday and are closed on weekends.

Traffic/Circulation

The main access to the parking lot is from Commerce Way on the east and west end of the property. Staff looked at whether traffic could potentially cause congestion, and determined that traffic patterns would not affect circulation or cause undue congestions. The subject site is accessed through three (3) access points: W. Commerce Way on the east and west ends of the property and on Vineland Avenue that are adequate for safe traffic movements to and from the site.
Noise

The proposed dance studio is located within a general industrial zone district. The proposed use would primarily be conducted inside the building with little to no activity beyond arrival and departure of members and the hours of operation will generally start when the adjacent businesses are ready to leave for the day. Therefore, staff does not anticipate any significant noise impacts upon the surrounding area. If there becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Planning Division or, if needed, return to the Planning Commission for additional conditions or even possible revocation of the permit.

Tenant Improvements

The applicant is not proposing tenant improvements; however if in the event they do decide to make any tenant improvements that will require review and approval by the Building Official and Fire Department. A condition of approval has been added to address any requirements or conditions imposed.

Signage

None is proposed as part of this application; however, any signage would be required to be consistent with the Sign Ordinance and Sign Design Guidelines, and would be submitted to the Planning and Development Services Department for review and permitting prior to installation.

Public Utilities and Services

The existing building is currently connected to existing sewer and water services. Prior to occupancy, a fire inspection will be required, if the Fire Department requires it.

PUBLIC HEARING

A public hearing notice was published in the Kerman News and mailed to property owners within 300 feet of the site on Wednesday November 30, 2016. As of the date of this staff report, staff did not receive any written comments or telephone calls in connection with the proposed use.

ENVIRONMENTAL REVIEW

The project is exempt under §15301(a) of the CEQA Guidelines (Existing Facilities); therefore, no additional environmental review documentation is necessary.

Based on its review and the conditions noted, Staff recommends the Planning Commission adopt a resolution approving Conditional Use Permit 16-04, Dance Studio- Steven Maldonado (Attachment ‘A’) Subject to Conditions.

FISCAL IMPACTS

There is no anticipated fiscal impact; costs would be recovered through existing planning entitlement fees.

Attachments:

A. Resolution
RESOLUTION NO. 16-13
BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 16-04 WITH CONDITIONS FOR DANCE STUDIO, STEVEN MONTALVO, BUSINESS ESTABLISHMENT AT 14500 W. COMMERCE WAY, STE 101

WHEREAS, the Planning Commission has received an application for a Dance Studio by Steven Montalvo for a Business Establishment that pursuant to zoning ordinance Chapter 17.54.030, Industrial Conditional Uses and Chapter 17.50, Commercial Service Conditional Uses and Chapter 17.48 General Commercial permitted uses of Title 17 of the Kerman Municipal Code a conditional use permit for Dance Studio Establishments is required; and

WHEREAS, the Planning Commission may adopt conditions for the approval of a conditional use permit.

WHEREAS, the Planning Commission pursuant to Chapter 17.10, Public Hearings, section 17.10.020 notified property owners within 300 feet of the proposed site and published a duly public notice in the local newspaper 10 days prior to the public hearing on November 30, 2016, to consider the conditional use permit; and

WHEREAS, the Planning Department has determined that the proposed conditional use permit is statutorily exempt from environmental review pursuant to Title 14, California Code of Regulations, Section 15301 of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, after considering all the evidence presented at the public hearing as follows:

1. The foregoing recitals are incorporated by reference as if fully set forth.

2. Based on the evidence presented at the hearing, the following findings are hereby made:

   a. The proposed conditional use permit application is consistent and compatible with goals, policies and implementation programs set forth in the General Plan.

   b. That the proposed conditional use permit application will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the community so long as the condition set forth below are met.

   c. The proposed conditional use permit application is statutorily exempt from the California Environmental Quality Act as set forth above.

   d. That the site for the proposed use is adequate in size, shape and location to accommodate the use as it relates to the district for which the use is proposed.

3. Based on the foregoing, the Planning Commission approves the Conditional Use Permit No. 16-04 With the following Conditions for the Dance Studio (Steven Maldonado) Business at 14500 W. Commerce Way, Ste 101, Kerman, CA.
Conditions of Approval

a. The CUP shall become effective upon approval of the Planning Commission.

b. The Dance Studio Establishment Permit requirements shall be maintained at all times.

c. The CUP shall become null and void one (1) year following the effective date unless the approved use has been commenced.

d. The CUP shall be deemed null and void if there is a discontinuance of the use for a continuous period of one year.

e. Parking: The CUP Permittee shall use the on-site parking provided by the existing commercial building complex. However, if parking becomes a concern for the neighborhood the Planning Commission may review traffic and parking conditions and if warranted, provide additional conditions and/or even consider revocation of the CUP.

f. Hours of Operation: The CUP Permittee shall adhere to the approved hours of operation reviewed and approved by the Planning Commission: Monday thru Thursday 4:00 pm to 10:00 pm and Saturdays rehearsal as needed.

g. Traffic/Circulation: The CUP shall be subject to existing traffic/circulation patterns for the subject site. The main access points to the parking lot are on both the east and west ends of the property along W. Commerce Way and a third access point from Vineland Avenue. Staff looked at whether traffic generated from this business could potentially cause congestion, and determined that traffic patterns would not affect circulation or cause undue congestions. The subject site is accessed through a series of local roads (W. Commerce Way and Vineland Avenue) that are adequate for safe traffic movements to and from the site.

h. Noise: The CUP for the proposed dance studio use is to be located within an existing industrial business complex area with several tenants. The proposed use would primarily be conducted inside the building with little to no activity beyond arrival and departure of members. The music will be maintained at an acceptable level. The music would be on only during lessons normally after the other adjacent buildings are closed for the day. Therefore, staff does not anticipate any significant noise impacts upon the surrounding area. If there becomes a concern with complaints from neighbors or the public regarding excessive noise, this condition has been added to allow for review of the CUP by the Planning Division or, if needed, return to the Planning Commission for additional conditions or even possible revocation of the permit.

i. Signage: None is proposed as part of this application; however, any signage would be required to be consistent with the Sign Ordinance and Sign Design Guidelines, and would be submitted to the Planning and Development Services Department for review and permitting prior to installation.

j. Public Utilities and Services: The existing building is currently connected to existing sewer and water services. Prior to occupancy, a fire inspection will be required, if required by the Fire Department.

End of Conditions
The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 12th day of December 2016, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

__________________________ _______________
Chairman, Robert D. Epperson       Date

__________________________ _______________
Secretary, Olivia Pimentel         Date
To: Kerman Planning Commission
From: Olivia Pimentel, Planning Technician and David Brletic, Contract City Planner
Subject: Public Hearing of the City of Kerman Planning Commission On Proposed Ordinance Amending Chapter 17.12 Relating to Conditional Use Permits and Chapter 17.70 Relating to Density Bonus of Title 17 of the Kerman Municipal Code for Compliance with Housing Element Requirements.

RECOMMENDATION:

Commission, open the public hearing, receive public comments, close the public hearing, and by motion approve resolution recommending that the City Council Adopt Ordinance Amending Chapter 17.12 Relating to Conditional Use Permits and Chapter 17.70 Relating to Density Bonus of Title 17 of the Kerman Municipal Code

BACKGROUND

The proposed Zoning Ordinance Text Amendments pertain to implementation of the City of Kerman's 5th Cycle (2015-2023) Housing Element. The City of Kerman's 5th Cycle (2015-2023) Housing Element (Multi-Jurisdictional Housing Element as it pertains to the City of Kerman) was adopted by the City Council on April 6, 2016. On July 25, 2016, the California Department of Housing and Community Development (HCD) provided the City of Kerman with a letter stating that the Housing Element conditionally met the requirements of state housing element law. The July 25, 2016 letter includes a list of requirements necessary for the Housing Element to be in compliance. Included in the list of requirements were specific amendments to the City of Kerman Zoning Ordinance.

DISCUSSION

The letter from HCD made reference to nine issues to be addressed in the zoning ordinance. Staff had previously discussed with the Planning Commission that the City would break the zoning ordinance amendments into several groups for review by the Planning Commission.
The issues being addressed with this proposed zoning ordinance amendment are discussed below and include: Conditional Use Permit Findings, and Affordable Housing Density Bonus. The plan was to present all of the required amendments relating to the Housing Element Compliance; however, the Commission directed staff to present amendments into several groups to allow Commission more time to review amendments and for fiscal purposes. The next set of amendments will be set for public hearing at a future date. Second Dwelling Units that are also required for Housing Element conformity. However, in light of new state legislature effective on January 1, 2017, staff will present those amendments in the near future.

Staff sent a public notice that included all of the Housing Element Amendments being amended. However with the change in presentation, staff will be required to send out a second public notice for each set of amendments prior to the meeting date for each.

Conditional Use Permit Findings

The Kerman Zoning Ordinance currently requires the Planning Commission to make specific findings in order to approve a Conditional Use Permit. The ordinance currently makes reference to, “morals”. The following revision is necessary for compliance to State law.

Revise: 17.12.040 Action by the Planning Commission. C.1. That the proposed establishment, maintenance, operations of the use applied for will not be detrimental to the public health, safety, welfare, morals of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the city; [Note the proposed ordinance includes the entire subsection C as required for ordinance drafting.]

Affordable Housing Density Bonus

The Kerman Zoning Ordinance currently provides for an Affordable Housing Density Bonus of an increase 25% over the maximum allowable units in a given zone district. State law requires that an Affordable Housing Density Bonus allow for a 35% increase. State law also requires that the City provide for a density bonus for an affordable housing development which includes childcare facilities. The following additions, and revisions are necessary for compliance the State law.

Revise: 17.70.030 Definition of density bonus. A density increase of at least twenty-five thirty-five percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. The density bonus shall not be included when determining the number of housing units which is equal to ten or twenty-five percent of the total. The density shall apply to housing developments consisting of five or more dwelling units.

Add: 17.70.070 Density Bonus for Childcare Facility. A qualifying affordable housing development that includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, shall be granted by the city either of the following:
A. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

B. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

ENVIRONMENTAL REVIEW:

The proposed ordinance amendment to the City of Kerman Zoning Ordinance is recommended to be determined to be exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). Section 15061(b)(3), the general rule exemption, states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment that the activity is not subject to CEQA. No significant environmental impacts would occur as a result of these ordinance amendments.

Attachments

Resolution With Exhibit
RESOLUTION NO. 16-12
BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA
A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE
AMENDING CHAPTER 17.12 RELATING TO CONDITIONAL USE
PERMITS AND CHAPTE 17.70 RELATING TO DENSITY BONUS OF
TITLE 17 OF THE CITY OF KERMAN MUNICIPAL CODE.

WHEREAS, the City of Kerman's 5th Cycle (2015-2023) Housing Element (Multi-Jurisdictional Housing Element as it pertains to the City of Kerman) was adopted by the City Council on April 6, 2016; and

WHEREAS, on July 25, 2016, the California Department of Housing and Community Development (HCD) provided the City of Kerman with a letter stating that the Housing Element conditionally met the requirements of state housing element law; and

WHEREAS, the July 25, 2016 letter includes a list of requirements necessary for the Housing Element to be in compliance with state law; and

WHEREAS, on November 14, 2016, in accordance with Section 17.26.020 subsection D of the Municipal Code, the Planning Commission received and approved a Petition of Amendment requested by the City Planner; and

WHEREAS, the Planning Commission scheduled a public hearing for the proposed amendments to the Zoning Ordinance for December 12, 2016; and

WHEREAS, to the proposed Zoning Ordinance Text Amendments are required for compliance and implementation of the City of Kerman's 5th Cycle (2015-2023) Housing Element; and

WHEREAS, staff has prepared a draft ordinance addressing the amendments necessary for the Housing Element to be in compliance with state law; and

WHEREAS, the proposed ordinance to the Zoning Ordinance of the Kerman Municipal Code is exempt from environmental review pursuant to Section 15061(b)(3) of the California Guidelines for Implementation of the California Environmental Quality Act (CEQA). No significant environmental impacts would occur as a result of these ordinance amendments.

NOW, THEREFORE, BE IT RESOLVED by the City of Kerman Planning Commission as follows:

SECTION 1. The foregoing recitals are true and correct and incorporated by reference
SECTION 2. Based upon the evidence in the Staff Report, public testimony, and project file, and as required by Kerman Municipal Code Section 17.12.020, the Planning Commission makes the following findings:

A. That the proposed amendments will not be detrimental to the public health, safety, and welfare of the persons residing or working in the City of Kerman;

B. That the proposed use is consistent and compatible with the goals, policies and implementation programs set forth in the General Plan; and

C. That the proposed ordinance amendments have been processed in accordance with the California Environmental Quality Act (CEQA).

SECTION 3. Based on the foregoing the Planning Commission recommends that the City Council approves the ordinance attached hereto as Exhibit A. The foregoing Resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 12th day of December 2016, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

______________________________ _______________
Robert D. Epperson, Chairperson Date

______________________________ _______________
Olivia Pimentel, Secretary Date
Exhibit ‘A’

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN AMENDING CHAPTER 17.12 RELATING TO CONDITIONAL USE PERMITS AND CHAPTER 17.70 RELATING TO DENSITY BONUS OF TITLE 17 OF THE KERMAN MUNICIPAL CODE

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

SECTION 1. Subsection C of Section 17.12.040 of Chapter 17.12 of Title 17 of the Kerman Municipal Code is amended to read as follows:

17.20.040 Action by the Planning Commission.

C. The planning commission may approve a conditional use permit as requested, or in a modified form, if on the basis of the application and the testimony submitted, the commission makes the following findings:

1. That the proposed establishment, maintenance, operations of the use applied for will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the city;
2. That the proposed use is consistent with the Kerman general plan;
3. That the environmental document prepared as per the California Environmental Quality Act (CEQA);
4. That the site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the district for which the use is proposed.

SECTION 2. Section 17.70.030 of Title 17 of the Kerman Municipal Code is amended to read as follows:

17.70.030 Definition of density bonus.

A density increase of at least thirty-five percent over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan. The density bonus shall not be included when determining the number of housing units which is equal to ten or twenty-five percent of the total. The density shall apply to housing developments consisting of five or more dwelling units.
SECTION 3. Section 17.70.070 is added to Title 17 of the Kerman Municipal Code to read as follows:

17.70. Density Bonus for Childcare Facility.

A qualifying affordable housing development that includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project shall be granted by the city as either of the following:

A. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

B. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

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. If a summary of the ordinance is published, the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted at City Hall at least five days prior to the meeting at which the ordinance is adopted and again after the meeting at which it is adopted. The ordinance shall become effective thirty days after its adoption.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on ______________, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on ________________ by the following vote:

AYES: ____________________

NOES: ____________________

ABSENT: ____________________

ABSTAIN: ____________________

The foregoing ordinance is hereby approved:

Rhonda Armstrong,
Mayor

ATTEST:

______________________________
Marci Reyes,
City Clerk