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AGENDA
KERMAN PLANNING COMMISSION
REGULAR MEETING
Kerman City Hall
Monday, June 12, 2017
6:30 PM

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

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

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. May 8, 2017
3. PUBLIC HEARING

A. **Subject:** Conditional Use Permit 17-01, Mario Castelan Tire Shop 14306 W. Whitesbridge (adjacent to JS Auto Sales and Kerman Auto Dismantling Site)

   **Recommendation:** Commission by motion, open public hearing, hear any comments, close public hearing and adopt resolution approving a conditional use permit for a tire shop located adjacent to JS Auto Sales and Kerman Auto Dismantling site at 14306 W. Whitesbridge, the site is zoned General Industrial that allows tire shops by way of a conditional use permit.

B. **Subject:** Conditional Use Permit 17-02, Auto Detail/Car Wash 14986 W. Whitesbridge

   **Recommendation:** Commission by motion, open public hearing, hear any public testimony, close public hearing and adopt resolution approving conditional use permit 17-02, Auto Detail/Car Wash at 14986 W. Whitesbridge, Kerman CA

C. **Subject:** Public Hearing of the City of Kerman Planning Commission On Proposed Ordinance Amending Chapter 17.40, Single Family Residential; Chapter 17.42, Multi-Family Residential; and Chapter 17.66, Second Residential Units of Title 17 of the Kerman Municipal Code.

   **Recommendation:** Commission by motion, open public hearing, hear any comments, close public hearing and recommend that Council adopt resolution to initiate Ordinance Amending Chapter 17.40 Single Family Residential; Chapter 17.42 Multiple Family Residential; and Chapter 17.66, Second Residential Units of the Kerman Municipal Code.

4. PETITIONS/RESOLUTIONS

A. **Subject:** Approve Street Names for tract 5832 and tract 5921 (Benchmark Communities)

   **Recommendation:** Commission by motion, consider staff report and findings and adopt resolution approving street names for tract 5832 and tract 5921. The naming of street names is required for staff to move forward with addressing of the lots prior to construction, issuance of building permits and notification to all interested agencies. A public hearing is not required to approve street names.

B. **Subject:** Petition of Amendment Relating to Front Yard Fence Heights in Residential Zone Districts

   **Recommendation:** Commission by motion, consider Petition of Amendment Relating to Front Yard Fence Heights in Residential Zone Districts and set public hearing for July 10, 2017

5. ADMINISTRATIVE REPORTS  None Offered

COMMUNICATIONS
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 June 1, 2017.

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

Call to Order – Chairman, Robert D. Epperson, called meeting to order at 6:35pm
Roll Call – Secretary, Olivia Pimentel
Commissioners Present: Epperson, Bandy, Jones, Espino, Wettlaufer, Felker, Nunez
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. March 13. 2017, C/Jones, made a motion to approve minutes as presented, second C/Wettlaufer. Unanimously approved as presented.

3. PUBLIC HEARING  None offered

4. PETITIONS/RESOLUTIONS

   A. Subject: Petition of Amendment Accessory Dwelling Ordinance

      Recommendation: Commission by motion approved the Petition of Amendment to Initiate Zone Ordinance Amendment to Title 17 of the Kerman Municipal Code Amending Sections 17.40 Single Family Residential and Section 17.42 Multi-Family to Add Accessory Dwelling Units to the permitted uses and Amend Section 17.66 Accessory Dwelling Units to permitted uses in all Residential Zone Districts in accordance with State standards adopted as of January 1, 2017 and set public hearing for June 12, 2017. Motion C/Jones, second C/Nunez

      YES: Epperson, Bandy, Jones, Nunez, Espino, Wettlaufer
      NOES: None
5. ADMINISTRATIVE REPORTS

A. **Subject:** New and Ongoing Project Update
   Staff provided the Commission an update on ongoing projects.

**COMMUNICATIONS** As offered

**ADJOURNMENT** Meeting Adjourned at

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

Staff received application for a proposed tire shop to be located adjacent to an existing commercial business (JS Auto Sales at 14306 W. Whitesbridge Rd). The site is zoned M-2 (Heavy Industrial), which allows tire shops by conditional use permit. It is recommended the Commission approve the project by adopting Resolution 17-03.

ANALYSIS

The site is currently zoned M-2 (Heavy Industrial), and is owned and operated by Mr. Jack Sidhu. The site currently has a conditional use permit (03-02); however, the listed uses are for auto towing, auto repair and auto dismantling. A Conditional Use Permit must list the specific uses. Therefore, a conditional use permit was required for this site to allow the tire shop use.

Staff conducted a site inspection of the proposed tire shop. The subject site currently consists of 1,058 (46x23) square foot commercial building with two office spaces, enclosed garage area, open garage area and parking lot. The JS Auto Sales car lot uses the front office space and part of the parking lot. The proposed tire shop would occupy the remaining office space, enclosed garage area, open garage area and part of the rear yard for tire inventory and equipment. There is chain link fencing with slats existing on site that will be extended to enclose the tire shop area and provide a buffer from the street view. The proposed use is consistent with the existing uses and would provide additional customer services.

Site Data:

Site Location: As reflected in Figure 1 below, the property is located on the North Side of Whitesbridge Road (SR 180), between Vineland Avenue and Goldenrod Avenue (Assessor Parcel Numbers 025-130-72s).

Existing Uses: The parcel is currently partially occupied by JS Auto Sales, which includes auto sales, auto dismantling, auto repair and towing.

General Plan Designation: Heavy Industrial

Zoning: (M-2), Heavy Industrial
Surrounding Uses & Zoning: The table below shows the surrounding land uses and zone districts, which are also reflected in Figure 1.

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>General Plan Designations</th>
<th>Zone Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Agriculture, Single Family Residence</td>
<td>Fresno County (Agriculture)</td>
<td>Fresno County (Ag) Use</td>
</tr>
<tr>
<td>South</td>
<td>Regional Commercial</td>
<td>Regional Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>East</td>
<td>Agriculture</td>
<td>Fresno County Agriculture/Single Family Use</td>
<td>Fresno County (Ag) Use</td>
</tr>
<tr>
<td>West</td>
<td>Agriculture, Single Family Residence</td>
<td>Commercial Service Use</td>
<td>C-S</td>
</tr>
</tbody>
</table>

**Figure 1**
Site Location

PUBLIC HEARING

A Public Hearing notice was published in the Kerman News and sent to all property owners within 300 feet of the site on May 22, 2017 which is at least ten days prior to this public hearing on June 12, 2017.
Proposed Tire Shop/Open Garage Area

Proposed Tire Shop Office/Enclosed Garage Area

Attachments:

Resolution
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN APPROVING A CONDITIONAL USE PERMIT (CUP 17-01) FOR THE DEVELOPMENT OF A COMMERCIAL RETAIL TIRE SHOP FOR NEW AND USED TIRES AT 14306 W. WHITESBRIDGE AVENUE (ON THE NORTH OF WHITESBRIDGE BETWEEN VINELAND AND GOLDENROD AVENUE) - CASTELAN’S TIRE SHOP

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the “Planning Commission”) duly called and held on June 12, 2017, at 6:30p.m., it was moved by Commission member ___________ and second by Commission member ___________ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission considered an application for a conditional use permit from Mario Castelan to establish a business selling new and used tires on a portion of a 6.49 acre commercial parcel on the north side of Whitesbridge between Vineland and Goldenrod Avenue as reflected in Exhibit ‘A’ and ‘B’; and,

WHEREAS, pursuant to Section 17.12.040 (C) of the Kerman Municipal Code, the Planning Commission hereby grants the conditional use permit based on the following findings:

1. That the location, size, design, and operating characteristics of the proposed uses are compatible with the existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

2. That the proposed use in substantially is consistent with the Kerman General Plan and Zoning Ordinance.

3. That an environmental review as conducted and a determination made that the proposed use is exempt from the California Environmental Quality Act (CEQA) (Section 15301 (a) Re-use of existing buildings with minimal changes).

4. That the subject site is physically suitable for the type and intensity of use being proposed.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission after considering all the evidence presented, including public testimony, determined that the conditional use permit is hereby granted, subject to conditions of approval listed in Exhibit ‘C’.

I HEREBY CERTIFY that the foregoing Resolution was approved at a regular meeting of the Planning Commission of the City of Kerman on the 12th day of June, 2017, and was fully adopted at said meeting by the following vote:
AYES:
NOES:
ABSENT:
ABSTAIN:

_________________________________
Robert D. Epperson, Chairperson

ATTEST:

_________________________________
Olivia Pimentel, Secretary

Exhibits
A. Preliminary Site Plan
B. Photos of Site
C. Conditions of Approval
Exhibit ‘A’

Preliminary Site Plan

Exhibit ‘B’
Photos of Site'  

Proposed Tire Shop

Proposed Tire Shop Office
Exhibit ‘C’

Conditions of Approval

General Conditions

1. The use shall be established within one (1) year from the approval date (June 12, 2017). Any extension of time shall be submitted in writing thirty (30) days prior to permit expiration, which shall be presented to the Planning Commission for their consideration.

2. Prior to the commencement of any business within the existing building, the business owner shall obtain a business license from the Finance Department.

3. The Planning Director has the right to revoke the use permit for noncompliance of any conditions or if the operations under this use permit are deemed to be detrimental to the public health, safety, welfare, morals or injurious or detrimental to property and improvements in the neighborhood or the city.

4. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Kerman and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attach, set aside, void, or annul the City’s approval concerning this application, which action is brought within the time period provided for in Section 55499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.

Site Plan

5. There are no proposed changes to the site, the site shall be maintained all landscaping, fencing and structures regularly so that the development is kept in continued good repair, including but not limited to the removal of graffiti and the continued provision of healthy landscaping.

Parking

The existing parking spaces comply with Section 17.74.03 of the Kerman Municipal Code. No additional parking will be required for the site.

Trash Enclosures/Outdoor Storage

Trash enclosures exist on site, no additional trash enclosures will be required for this project.

Signage and Lighting

6. Any new outdoor signage shall require a sign permit from the City.

Building Permit and Fees

7. The developer/property owner shall secure a building permit from the Kerman Building Division prior to construction of the proposed fence by completed Building Permit Application and pay any associated fees.

END OF CONDITIONS

APPLICANT’S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Conditional Use Permit No. 17-01.

___________________ ______________________________
Date Applicant/Owner
To: Kerman Planning Commission  
From: Olivia Pimentel, Assistant Planner, and Collins & Schoettler Planning Consultants  
Subject: Conditional Use Permit (CUP 17-02) for Auto Detail and Car Wash (Ihsanulhag Mohammad) 14986 W. Stanislaus Avenue.

Recommendation:

Staff recommends that the Planning Commission open the public hearing, take public testimony, close the public hearing and by motion adopt Resolution approving a Conditional Use Permit (CUP 17-02) to operate an outdoor hand car wash and auto detailing in an existing commercial building located at 14986 W.Stanislaus Avenue.

Applicant:

Ihsanulhag Mohammad  
774 S. Kenneth Avenue  
Kerman, CA 93630

Background:

The Planning and Development Services Department was informed by an existing approved car wash (dba: Kerman Wash & Dry Kali Kleen located at 556 S. Madera, that the car detail business operator had relocated to a new location on Stanislaus Avenue. Kerman Wash & Dry Kali Kleen stated they were going to remain open; however were temporarily closed due to remodeling work. The business “Nito’s Car Detail; Shop” operated by Juan Luis Morales; however, had begun doing business without permits or approval of a conditional use permit at a new site location. Car wash businesses are allowed in the General Commercial zone district by way of a conditional use permit. The business owner thought that the conditional use permit followed the business to the new location and that the business license covered the hand car wash and auto detailing business at the new location. Staff witnessed the operation of the hand car wash and auto detailing operation and advised the applicant that the conditional use permit goes with the land of which it was issued (at 556 S. Madera Avenue) and does not follow the business and they were notified to cease operation and apply for a conditional use permit to operate the business. The applicant stopped operation and proceeded to apply for a conditional use permit.
Project Description:

The property owner of the new commercial building where the proposed car wash/detail shop is to be located submitted an application for a conditional use permit to operate the hand car wash and auto detailing business at 14986 W. Stanislaus Avenue. The existing building has three commercial spaces that are currently being occupied by auto repair businesses. The building is owned by Mr. Ihsanulhag Mohammad, the proposed car detail shop is operated by Mr. Juan Luis Morales, doing business as “Nito's Car Detail. The hand care wash and auto detail business will operate out of the the third rental space, Suite C and the adjacent parking lot, as shown in attachments. The parking lot is being remodeled to accommodate the carwash area and a metal canopy is being proposed for the site.

Discussion:

As reflected in Attachment A, the applicant is proposing to operate a hand car wash and auto detailing business using an existing tenant space for the detailing and the adjacent parking lot for the car wash area, with a covered metal carport.

Land Use and Zoning

The subject property is designated General Commercial (CG) on the land use map and zoned General Commercial (CG) which allows for a wide range of commercial and office uses which are diverse, visually pleasing, and convenient in terms of parking and access, attractive and used by citizens of Kerman as well as visitors to the area. The proposed site is centrally located, and will provide good access and will not conflict with existing land uses. Land designated for commercial uses shall be required to comply with the design standards of the Kerman Zoning Ordinance's design districts. The proposed use of a commercial auto detail and car wash is consistent with the land use designation that is allowed by way of a conditional use permit.

Surrounding Uses

The surrounding uses are described as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Land Use</th>
<th>Zoning</th>
<th>Existing Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>Commercial Use</td>
<td>(CG) General Commercial</td>
<td>Commercial Businesses</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>(R-1) Residential</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>North</td>
<td>Commercial</td>
<td>(CG) General Commercial</td>
<td>Commercial Business</td>
</tr>
<tr>
<td>South</td>
<td>Commercial</td>
<td>(CG) General Commercial</td>
<td>Commercial Business</td>
</tr>
</tbody>
</table>

The hand car wash and auto detail business is an allowed use by way of a conditional use permit and should not have a negative impact on surrounding uses. The auto detail/car wash will not have a large volume of noise other than from the small cleaning equipment/vacuums used to clean and detail the autos. The hours of operation will be Monday thru Saturday 8:00a.m thru 7:00 p.m.

Nito's Auto Detail/Car Wash

The auto detail/car wash use is proposing to occupy a existing 3,440 s.f area (suite C) for the car detailing site and the adjacent parking lot for the car wash.
The site consists of an existing commercial building (Suite ‘A’ 1,255 s.f., Suite ‘B’ 2,768 s.f. and Suite ‘C’ 3,440 s.f. for a total building area of 5,443 s.f. The proposed auto detail will be inside the building along Stanislaus Avenue and the car wash will be outside in the adjacent to the alley.

The City Engineer’s primary concern was relating to the wash water. Since they will likely be using various cleaning and degreasing products, it must drain to the sanitary sewer, not the gutter. This is going to take some site modifications on their part. Conditions of approval have been addressed to mitigate this concern.

Conditional Use Permits

Section 17.12.040 allows the Planning Commission to grant a conditional use permit provided that a public hearing is held on the proposed use to review and to consider any public testimony. Prior to the public hearing a staff report, environmental determination and general plan finding for the use permit shall be made available to the planning commission, interested agencies and the public. The auto detail/car wash is a commercial use that is permitted in the General Commercial zone district by way of conditional use permit.

Due to operational characteristics, conditional use permits are required for certain uses within each zone district in order to minimize impacts upon surrounding uses. In considering a conditional use permit, the Planning Commission must make certain findings, as follows:

1. That the location, size, design, and operating characteristics of the proposed uses are compatible with the existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

2. That the proposed use in substantially is consistent with the Kerman General Plan and Zoning Ordinance.

3. That an environmental review as conducted and a determination made that the proposed use is exempt from the California Environmental Quality Act (CEQA) as an accessory structure to an existing commercial or industrial use (Section 15311, Class 11).

4. That the subject site is physically suitable for the type and intensity of use being proposed.

Alternate Action:

The Planning Commission may modify the conditions of approval or deny the request for a conditional use permit.

Attachments:

A. Aerial Map
B. Site Plan
C. Resolution No. 17-04, approving Conditional Use Permit (CUP 17-02) for the auto detail and car wash on a existing commercial site on the northeast of Madera Avenue and Stanislaus Avenue (Nito’s Auto Detail/Car Wash)
Attachment ‘A’

Aerial Map
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN APPROVING A CONDITIONAL USE PERMIT (CUP 17-02) FOR A AUTO DETAIL/CAR WASH COMMERCIAL USE AT AN EXISTING BUSINESS SITE 14986 W. STANISLAUS AVENUE (AUTO DETAIL/CAR WASH)

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the “Planning Commission”) duly called and held on June 12, 2017, at 6:30p.m., it was moved by Commission member ______________ and second by Commission member ______________ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission considered an application for a conditional use permit from Ihsanulhag Mohammad to do business as a auto detail and car wash at a existing business site located at 14986 W. Stanislaus Avenue as reflected in Exhibit ‘A’; and,

WHEREAS, pursuant to Section Section 17.12.040 of the Kerman Municipal Code, the Planning Commission hereby grants the conditional use permit based on the following findings:

1. That the location, size, design, and operating characteristics of the proposed uses are compatible with the existing and known future uses and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare of the City.

2. That the proposed use in substantially is consistent with the Kerman General Plan and Zoning Ordinance.

3. That an environmental review as conducted and a determination made that the proposed use is exempt from the California Environmental Quality Act (CEQA) as an accessory structure to an existing commercial or industrial use (Section 15311, Class 11).

4. That the subject site is physically suitable for the type and intensity of use being proposed.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission after considering all the evidence presented, including public testimony, determined that the conditional use permit is hereby granted, subject to conditions of approval listed in Exhibit ‘B’.

I HEREBY CERTIFY that the foregoing Resolution was approved at a regular meeting of the Planning Commission of the City of Kerman on the 12th day of June, 2017, and was fully adopted at said meeting by the following vote:
AYES:

NOES:

ABSENT:

ABSTAIN:

_________________________________
Robert D. Epperson, Chairperson

ATTEST:

_________________________________
Olivia Pimentel, Secretary

Exhibits
   A. Location of Proposed Car Detail/Car Wash
   B. City Engineer’s notes
   C. Conditions of Approval
Exhibit ‘A’

Proposed Location of Car Detail and Car Wash

14986 W. Stanilsaus Avenue

Site Plan

Proposed Auto Detail (Inside, suite C)

Proposed Auto Car Wash (Outside, parking lot with Metal Canopy)
Exhibit 'B'

City Engineer's Notes
Exhibit ‘C’

Conditions of Approval – Auto Detail/Car Wash

1. Conditional Use Permit No. 17-02 is granted to allow Ihsanulhag Mohammad to conduct business for a Auto Detail/Car Wash and to occupy a space in an existing business located at 14986 W. Stanislaus Avenue for use as a hand car wash and auto detail business.

2. The approval of Conditional Use Permit No. 17-02 is valid for a period of one (1) year from the approval date (until June 12, 2018). If the use approved by this action is not established within such period of time, the permit shall expire unless upon written request by the applicant prior to the expiration date, an extension is granted by the Planning Commission.

3. The proposed use shall conform substantially to the site plan dated “Received May 10, 2017, on file with the Planning and Development Services Department, except as modified by these conditions. Minor changes to the plans may be allowed subject to the approval of the Director if found to be in substantial conformance with the approved exhibits.

4. The applicant shall obtain a Car Washing and Polishing Certificate through the California Department of Industrial Relations and show proof to the Planning and Development Department that such a certificate was obtained within 30 days of the date of approval of CUP No. 17-02. The Planning Director or designated staff may issue as cease and desist order for failure to obtain certificate.

5. In the event that the applicant proposes to modify the hours of operation for services beyond those indicated of 8:00 a.m. to 5:00 p.m. or other aspects of the business or modify the exterior of the building or site, the modification shall be subject to the review of the Planning Director. The Planning Director may approve the modification or refer the matter back to the Planning Commission if judged to be substantial.

6. That this approval is expressly granted to the Auto Detail and Car Wash located at 14986 W. Stanislaus Avenue and is not transferable unless and until the new owner/operator submits a letter to the City’s Director of Planning Development Services wherein said owner/operator states he has read, understand, and agrees to the conditions of approval of Conditional Use Permit No. 17-02.

7. The applicant shall maintain the site clean and fee of any trash or debris related to the hand car wash and auto detail business.

8. The applicant shall not store any vehicles overnight or conduct any auto repair or service work to vehicles on the site or connection with the business.

9. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Kerman and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attach, set aside, void, or annul the City’s approval concerning this application, which action is brought within the time period provided for in Section 55499.37. The City will
promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.

10. On-site signage shall be allowed in accordance with the Sign Ordinance and Sign Design Guidelines, and a sign permit application shall be submitted to the Planning and Development Services Department for review and approval prior to installation.

11. The applicant shall maintain the area surrounding the use including but not limited to the sidewalk area and parking area in a clean and orderly manner at all times.

12. Except for the approved times for hours of operation, all other activities on the site shall be limited to administrative functions during normal business hours, unless subsequent approval by the Planning Director is given for a modification.

13. Prior to occupancy, the applicant shall meet all applicable provisions of the Uniform Building Code, Fire Code, and all other applicable City codes, ordinance, and development standards in effect at the time of this approval shall be complied with.

14. If operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings.

15. That failure to abide by a faithfully comply with any and all conditions attached to the granting of this conditional use permit shall constitute grounds for revocation of said site plan approval by the Planning Commission.

16. The applicant shall install a commercial grease trap per City of Kerman standards and specifications No. S-9 within 30 days of the date of approval of CUP No. 17-2. Any questions regarding this requirement shall be referred to the Public Works Department. The Planning Department may issue a cease and desist order if the applicant fails to comply with this condition in a timely manner.

17. Pursuant to Government Code Section 66474.9, the applicants (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Kerman and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attach, set aside, void, or annul the City's approval concerning this application, which action is brought within the time period provided for in Section 55499.37. The City will promptly notify the applicants of any such claim action or proceeding and cooperate fully in the defense.

18. The Planning Director has the right to request that the use permit for noncompliance of any conditions or if the operations under this use permit is deemed to 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 improvement in the neighborhood or the city.
19. Applicant shall within 24 hours remove any graffiti, paint or other markings on the mobile office upon notification by city staff.

Engineering Conditions of Approval

20. Submit Grading and Drainage Plan and Overall Site Utility Plan on 24” x 36” sheet for review and approval by the City Engineer. These plans shall be prepared by a registered civil engineer. All plans shall be approved by the City and all other involved agencies prior to the release of any development permits.

21. Within twenty (20) calendar days after all improvements have been constructed and accepted by the City, the developer shall submit to the City of Kerman Engineering Division one PDF file on CD and one black and white copy of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT".

22. The developer shall pay development impact fees, grading plan check, and permit fees at the rate in effect at the time of payment prior to the issuance of Building Permit. Development impact fees will be limited to those applicable to water and sewer and will be calculated based on estimated water usage and wastewater generation.

23. The developer shall comply with, and be responsible for obtaining encroachment permits from the City of Kerman for all work performed within the City’s right-of-way.

24. The developer shall be responsible for all actions of his contractors and subcontractors during the course of any work occurring on the site. The developer shall designate, in writing before starting work, an authorized representative who shall have complete authority to represent and to act for the developer. Said authorized representative shall be present at the site of the work at all times while work is actually in progress on the development. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work which may be required. When the developer or his authorized representative is not present on any particular part of the work where it may be desired to give directions, orders may be given by the City Engineer which shall be received and obeyed by the person or persons in charge of the particular work in reference to which the orders are given. Whenever orders are given to the developer’s representative or superintendent or foreman to do work required for the convenience and safety of the general public because of inclement weather or any other such cause, such work shall be done at the developer's expense.

25. The developer shall take all responsibility for his contractors and shall not allow them to work on, place debris on, store supplies or equipment on, or in any other way encroach upon any other properties without the written permission of such property owners. In the event other properties are encroached upon without written permission, work shall be automatically shut down until resolved.

26. During the site construction, any public streets fronting the project shall be kept clear of any construction debris and shall not be used as a storage area for equipment, materials, or other items.
27. All new utilities shall be underground, including all electrical conductors.

28. Install water service with reduced pressure backflow preventer and meter per City Standards.

29. Install sanitary sewer service with commercial grease trap per City Standards for collection of all wash water. No wash water will be allowed to enter the City's storm drainage system. The site shall be graded and adequate wash water collection facilities installed to prevent wash water from entering the storm drainage system. All wash water shall be conveyed to the sanitary sewer system.

**END OF CONDITIONS**

**APPLICANT'S ACKNOWLEDGMENT**

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Conditional Use Permit No. 17-02.

___________________  ______________________________
Date                 Ihsanulhag Mohammad
                     Applicant
From: Olivia Pimentel, Assistant Planner and Contract City Planner

Subject: Public Hearing of the City of Kerman Planning Commission On Proposed Ordinance Amending Chapter 17.40, Single Family Residential; Chapter 17.42, Multi-Family Residential; and Chapter 17.66, Second Residential Units of Title 17 of the Kerman Municipal Code.

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 17.40, Single Family Residential; Chapter 17.42, Multi-Family Residential; and Chapter 17.66, Second Residential Units of Title 17 of the Kerman Municipal Code, hereinafter referred to as “Ordinance Amendment.”

BACKGROUND

The proposed Ordinance Amendment is intended to comply with the City’s 5th Cycle, 2015-2023, Housing Element requirements as well as new comprehensive legislation regarding Accessory Dwelling Units that became effective January 1, 2017.

A. The Housing Element.

The Housing Element 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 relating to second residential units.
B. Accessory Dwelling Units.

In 2016 the state passed legislation promoting Accessory Dwelling Units as a way to address affordable housing. Two bills (SB 1069 and AB 2299) addressed attached, detached and repurposed Accessory Dwelling Units, primarily by limiting local agency discretionary approvals and by requiring local agencies to conform their ordinances to state law or be preempted. The changes to state law took effect on January 1, 2017.

According to State law, an ADU is a secondary residential unit with complete independent living facilities for one or more persons and generally takes three forms:

- **Detached:** The unit is separated from the primary structure.
- **Attached:** The unit is attached to the primary structure.
- **Repurposed Existing Space:** Space (e.g. master bedroom) within the primary residence is converted into an independent living unit.

**DISCUSSION**

Staff petitioned the Planning Commission on May 8, 2017, to schedule a public hearing to consider the Ordinance Amendment. The Commission set a public hearing for this evening, June 12, 2017. The issues being addressed with Ordinance Amendment are discussed below and include: compliance with the Housing Element and new Accessory Dwelling Units state law.

A second residential unit (now more commonly referred to as an “accessory dwelling unit” or “granny flat”) is an additional self-contained living unit either attached to or detached from the primary residential unit on a single lot. It has cooking, eating, sleeping, and full sanitation facilities. Accessory dwelling units can be an important source of affordable housing since they can be constructed relatively cheaply and have no associated land costs. Accessory units can provide supplemental income to the homeowner, allowing the elderly to remain in their homes or moderate-income families to afford a home.

To encourage accessory dwelling units on existing lots, State law requires cities and counties to either adopt an ordinance based on State standards authorizing accessory dwelling units in residentially-zoned areas, or where no ordinance has been adopted, to allow accessory dwelling unit on lots zoned for single family or multifamily use that contain an existing single family unit subject to ministerial approval (“by right”) if they meet standards set out by law. Local governments are precluded from totally prohibiting accessory dwelling units in residentially-zoned areas.

Proposed Amendments to the zoning ordinance includes text modifications and new text additions to the following chapters:

- Chapter 17.40 – Single Family Residential
- Chapter 17.42 – Multi-Family Residential
- Chapter 17.66 – Second Residential Units
The Kerman Zoning Ordinance currently allows second residential units in the Single Family and Multi-Family zone districts with a conditional use permit consistent with Chapter 17.66. The following revisions are necessary for compliance with State law.

Chapter 17.40 R-1 Single Family Residential District

Repeal: 17.40.030 (I) Conditional Uses. A second residential unit consistent with the requirements of Chapter 17.66.

Add: 17.40.020 (F). Permitted Uses. An accessory dwelling unit consistent with the requirements of Chapter 17.66

Chapter 17.42 Multi-Family Residential District

Remove: 17.42.030 (H) Conditional Uses. A second residential unit consistent with the requirements of Chapter 17.66.

Add: 17.42.020 (K). Permitted Uses. An accessory dwelling unit consistent with the requirements of Chapter 17.66

Chapter 17.66 Second Residential Units: Repeal current Chapter and Add Chapter 17.66 Accessory Dwelling Units

Comprehensive amendments were made to 17.66 to comply with the Housing Element and ADU legislation.

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 w/ Ordinance as Exhibit
RESOLUTION NO. 17-

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 17.40, SINGLE FAMILY RESIDENTIAL; CHAPTER 17.42 MULTI-FAMILY RESIDENTIAL; AND CHAPTER 17.66 SECOND RESIDENTIAL UNITS RELATING TO ACCESSORY DWELLING UNITS TO BE PERMITTED IN ALL RESIDENTIAL ZONE DISTRICTS 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 state has enacted comprehensive legislation which promotes Accessory Dwelling Units and preempts local laws; and

WHEREAS, the HCD July 25, 2016 letter includes a list of requirements necessary for the Housing Element to be in compliance with state law including accessory dwelling units being allowed by right in all residential zone districts; and

WHEREAS, on May 8, 2017, 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 June 12, 2017; and

WHEREAS, adoption of 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 compliance with state law in Accessory Dwelling Units; 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 approve 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 June, 2017, 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 17.40, SINGLE FAMILY RESIDENTIAL, CHAPTER 17.42 MULTI-FAMILY RESIDENTIAL AND CHAPTER 17.66 SECOND RESIDENTIAL UNITS RELATING TO ACCESSORY DWELLING UNITS TO BE PERMITTED IN ALL RESIDENTIAL ZONE DISTRICTS OF TITLE 17 OF THE CITY OF KERMAN MUNICIPAL CODE

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

SECTION 1. Section 17.40.020 is amended by adding subsection H to read as follows:

17.40.020 Permitted uses.

A. One single-family dwelling and accessory structures or one single-family manufactured home and accessory structures.

B. Licensed small family day care home (eight or fewer children, as regulated by state law).

C. Temporary subdivision sales offices, model homes, and construction materials storage yards within a tract being developed.

D. Home occupations consistent with the requirements of Chapter 17.18.

E. Private greenhouses and horticultural collections, flower and vegetable gardens.

F. Recreational vehicle, motor home, travel trailer, truck camper, camping trailer, boat or boat trailer storage, consistent with the requirements of Chapter 17.78.

G. Cottage food operations (as regulated by state law).

H. An accessory dwelling unit consistent with the requirements of Chapter 17.66.
SECTION 2. Section 17.40.030 is amended to read as follows:

17.40.030 Conditional uses.

Conditional uses in this district are as follows:

A. Private institutional uses, including but not limited to churches, cemeteries, hospitals, convalescent homes and charitable organizations.

B. Mobile home parks consistent with the requirements of Chapter 17.68.

C. Licensed large family day care home (eight to fourteen children, as regulated by state law).

D. Community care facility (six or fewer persons).

E. Public uses of an administrative, public service or cultural type including special district, city, county, state or federal facilities.

F. Utility and communication facilities, electrical distribution substations, and water pump stations.

G. Public educational institutions and schools.

H. Nursery school.

I. Guest house.

SECTION 3. Section 17.42.020 is amended by adding Subsection K to read as follows.

17.42.020 Permitted uses.

Permitted uses in this district are as follows:

A. Single-family dwellings, single-family manufactured homes consistent with the architectural standards established in Section 17.40.050;

B. Multiple-family dwelling up to forty units.

C. Residential accessory uses consistent with Chapter 17.62.

D. Licensed small family day-care home (six or fewer children).

E. Community care facility (six or fewer persons).
F. Temporary subdivision sales offices, model homes, and construction materials storage yards within a tract being developed

G. Home occupations consistent with the requirements of Chapter 17.18.

H. Private green houses and horticultural collections, flower and vegetable gardens.

I. Recreational vehicle, motor, home, travel trailer, truck camper, camping trailer, boat or boat trailer storage, consistent with the requirements of Chapter 17.78.

J. Cottage food operations (as regulated by state law).

K. An accessory dwelling unit consistent with the requirements of Chapter 17.66.

SECTION 4. Section 17.42.030 is amended to read as follows:

**17.42.030 Conditional uses.**
Conditional uses in this district are as follows:

A. Private institutional uses, including but not limited to churches, cemeteries, hospitals, convalescent homes and charitable organizations

B. Mobile home parks consistent with the requirements of Chapter 17.68.

C. Large family daycare home (seven to twelve children).

D. Public uses of an administrative, public service or cultural type including special district, city, county, state or federal facilities.

E. Utility and communication facilities, electrical distribution substations, and water pump stations.

F. Public educational institutions and schools.

G. Nursery school.

SECTION 5. Chapter 17.66 is repealed in its current form and new Chapter 17.66 is added to read as follows:
Chapter 17.66

Accessory Dwelling Units

Sections:

17.66.010 Purpose.
17.66.020 Definition.
17.66.030 Uses.
17.66.040 Conditions and Development Standards.
17.66.050 Permit Requirements
17.66.060 Fees.

17.66.010 Purpose.

The purpose of this chapter is to provide for the establishment of new accessory dwelling units on existing lots as a means of providing additional housing opportunities for the citizens of Kerman.

Accessory dwelling units contribute needed housing to the community’s housing stock. Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security. Allowing accessory dwelling units in single-family or multi-family residential zones provides additional rental housing stock in California. Thus, accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations.

17.66.020 Definitions.

A. “Accessory Dwelling Unit” (“ADU”) means a detached or attached residential dwelling unit which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

An accessory dwelling unit also includes the following:

1. An efficiency unit as defined in Section 17958.1 of Health and Safety Code.

2. Living area which means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.
3. Manufactured home as defined in Section 18007 of the Health and Safety Code, which means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under this part as defined in Health and Safety Code, Section 18007.

B. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

17.66.030 Uses.

Notwithstanding any other provision of this code, accessory dwelling units shall be permitted in all single-family and multi-family residential districts subject to the provisions of this chapter.

17.66.040 Conditions.

The following conditions shall apply to accessory dwelling units (ADUs) being constructed in a single-family or multi-family residential district:

A. Ownership. Owner may occupy either primary or accessory dwelling unit. The unit is not intended for sale separate from the primary residence and may be rented. An accessory dwelling unit must be used for rentals of terms longer than 30 days.

B. Zoning. The lot is zoned for residential and contains an existing, single-family dwelling.

C. Attachment. The accessory dwelling unit may be attached to, or constructed within, the primary residence or may be attached to a garage. A garage may be converted to an accessory dwelling unit. If attached, the accessor dwelling unit must have a separate means of entrance from the primary dwelling unit. Alternately, an accessory dwelling unit may be constructed as a freestanding or detached unit in compliance with setback requirements and other development standards applicable to the zone district. No setback shall be required for an existing garage that is converted to an accessory dwelling unit and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

D. Building Area. The accessory dwelling unit shall not exceed fifty percent of the square footage of the existing primary dwelling, up to a maximum of one thousand two hundred square feet, if built as a freestanding or detached structure shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with existing general plan and zoning designations for the lot. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does
not permit at least an efficiency unit to constructed in compliance with local development
standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not
required in the primary residence.

E. Phasing. A single-family residential unit shall exist on the lot prior to the applicant applying
for an accessory dwelling unit. One accessory dwelling unit shall ministerially be approved with
a building permit to create within a single-family or multi-family residence. The accessory
structure shall have independent exterior access from the existing residence, and the side and rear
setbacks are sufficient for fire safety.

F. Parking. The primary residence shall have at least two off-street parking spaces provided for
by a garage or carport on the same lot as the residence prior to an accessory dwelling unit being
constructed. No additional parking requirements for any accessory dwelling unit in any of the
following instances:

1. The accessory dwelling unit is located within one-half mile of public transit.

2. The accessory dwelling unit is located within an architecturally and historically
   significant historic district.

3. The accessory dwelling unit is part of the existing primary residence or an existing
   accessory structure.

4. When on-street parking permits are required but not offered to the occupant of the
   accessory dwelling unit.

5. When there is a car share vehicle located within one block of the accessory unit.

6. When a garage, carport, or covered parking structure is demolished in conjunction with
   the construction of an accessory dwelling unit, and the local agency requires that those
   off-street parking spaces be replaced. The replacement spaces may be located in any
   configuration on the same lot as the accessory dwelling unit, including, but not limited
to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical
automobile parking lifts.

G. Number. Only one accessory dwelling unit shall be allowed per lot. The applicant applying
for an accessory dwelling unit must apply for a lot line adjustment to create one legal parcel
where two separate legal parcels exist. Accessory dwelling unit must be located on the same lot
as the existing dwelling.

H. Utilities. The accessory dwelling unit, whether attached or detached, shall not be considered
new residential uses for the purposes of calculating local agency connection fees or capacity
charges for utilities, including water and sewer service. Applicant shall not be required to install
a new or separate utility connection directly between the accessory unit; however, the connection
may be subject to a connection fee or capacity charge that shall be proportionate to the burden of
the proposed accessory dwelling unit, based upon either its size or the number of its plumbing
fixtures, upon the water and sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

I. Compliance with Building Codes. All accessory dwelling units shall comply with all applicable requirements of the building code as adopted and enforced at time of application. In cases where an accessory dwelling unit is to be attached or created through the reconfiguration of a portion of an existing single-family dwelling, both the accessory and primary dwelling shall be upgraded to comply with such building code requirements which include, but are not limited to, noise separation between units sharing common walls, emergency egress and heating/ventilation requirements, as required by the building official. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

J. Other Development Standards.

An accessory dwelling unit shall be constructed consistent with the development standards for the district in which it is located including the following:

1. Where a separate entrance is provided to the accessory dwelling unit, a paved walkway from the required parking space to the entrance shall be provided.

2. The color, material and texture of the roof, exterior walls and fenestration of an accessory dwelling unit shall be architecturally compatible with the primary dwelling unit.

3. When possible, the roof pitch of the accessory dwelling unit shall be the same as the primary unit.

4. No accessory dwelling may be constructed on a parcel which is already nonconforming to the provisions of this title, where the existing use is a nonconforming use, or on which the accessory dwelling unit would create nonconformity to this title. Furthermore, the property being considered for a accessory dwelling unit shall be in compliance with the standards of the zoning ordinance and applicable provisions of the Kerman Municipal Code. Any existing or identified code violations must be corrected prior to approval of a accessory dwelling unit.

5. The accessory dwelling unit may only be single-story.

6. The accessory dwelling shall have approved address numbers that are plainly legible and visible from the street or road fronting the property pursuant to Section 505 of the California Fire Code. Address numbers shall contrast with their background and be a minimum of four inches high with a minimum stroke width of one-half inch. If the address numbers for the accessory dwelling unit cannot be visible from the street, the address numbers can be placed on the primary dwelling unit, existing front yard fence or placard at the entrance to the site.

7. Postal Service. The applicant must coordinate and comply with the U.S. Postal Service requirements for delivery of mail to the accessory dwelling unit.
8. Accessory Structures within Existing Space.

An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the Chapter if complying with:

a. Building and safety codes

b. Independent exterior access from the existing residence

c. Sufficient side and rear setbacks for fire safety


The accessory dwelling unit shall not be a trailer coach or recreational vehicle as those terms are defined in state law.

Section 17.66.050 Permit Requirements.

ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Planning Director or Designee shall issue a building permit or zoning certification to establish an accessory dwelling unit in compliance with this Chapter if all applicable requirements are met in Section 17.66.030, as appropriate. The Planning Director or designee may approve an accessory dwelling unit that is not in compliance with section 17.66.030 as set forth in Section 17.66.050. The Fresno County Health Officer shall approve an application where a private sewage disposal system is being used.

17.66.060 Fees.

From time to time, the city council shall by ordinance or resolution establish appropriate application and/or appeal fees for persons seeking approval of plans and drawings for an accessory dwelling unit. Such fees shall not exceed the reasonable cost of processing such an approval or appeal.

17.66.070 Review Process for Structure Not Complying with Development Standards.

An accessory dwelling unit that does not comply with standards in Section 17.66.030 may be permitted with a zoning certificate or an administrative use permit at the discretion of the Planning Director or designee subject to findings in Section 17.66.080 subject to the following findings:

A. In order to deny an application or permit under this chapter, the director of planning and development or designee shall find that the Accessory Dwelling Unit would be detrimental to the public health and safety or would introduce unreasonable privacy impacts to the immediate neighbors.
B. In order to approve an application or permit to waive required Accessory Unit Dwelling parking the director of planning and development or designee shall find that additional or new on-site parking would be detrimental, and that granting the waiver will meet the purposes of this chapter.

SECTION 6. CEQA. The proposed ordinance amendment to the City of Kerman Zoning Ordinance is 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.

SECTION 7. Effective Date. This ordinance shall become effective thirty days after its adoption.

SECTION 8. Publication. 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
To: Chairman and Commission Members  
From: Olivia Pimentel, Assistant Planner and Collins & Schoetller, Planning Consultant  
Subject: Resolution approving street names for tract 5832 and 5921

RECOMMENDATION

Commission by motion consider and approve resolution adopting street names for tract 5832 and 5921 (Benchmark Communities) located on north side of Kearney Blvd off of Sixteenth Street.

EXECUTIVE SUMMARY

Benchmark Communities is requesting to move forward with the development of tracts 5832 and 5921 without a subdivision agreement. This is allowed by the map act and staff is working with the developers on provisions and requirements, the site is located on Kearney Blvd off of Sixteenth Street. Sixteenth street will be continued up thru Stanislaus (see attached location map). The applicant proposes to develop the site for new single family residential lots on both sides of sixteenth street.

By way of background, in 2007 the Planning Commission and City Council approved this tract that was apart of a larger annexation project (Northwest Annexation, 115 acres) that consisted of an elementary school (Goldenrod Elementary), and various single family residential lots.

PROJECT LOCATION

The proposed street names were reviewed by the building department and city engineer for continuity and consistency to the local area. The proposed street names are necessary to move forward with the assignment of addresses for each lot. Staff has reviewed the maps and found proposed street names to align with existing streets adjacent to the site and meets city standards and are recommended by staff. The Planning Commission is to review and approve street names that become part of the final map that is approved by the City Council for tracts 5832 and 5921, as shown in Figure 1 below.
Figure 1
Site Location

GENERAL INFORMATION

Site Location: North side of Kearney on both sides of Sixteenth street
Address: Addresses require approved street names
APN(s): 023-350-11 and 023-350-18
Plan Land Use Designation: Smart Development Zone.
Zoning District: Tract 5832 SD (SD R5) / Tract 5921 SD (SD-R 4.5)
Surrounding Uses & Zoning:

<table>
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<th>Location</th>
<th>General Plan Designation</th>
<th>Existing Uses</th>
<th>Zone District</th>
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<td>Residential</td>
<td>Single Family Residential/Ponding Basin.</td>
<td>R-1/O</td>
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<tr>
<td>South</td>
<td>Residential</td>
<td>Single Family Residential</td>
<td>R-1-12/ R-1-7</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>Single Family Residential/Elementary School</td>
<td>R-1-7</td>
</tr>
<tr>
<td>West</td>
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<td>Single Family Large lots</td>
<td>R--R</td>
</tr>
</tbody>
</table>

**DISCUSSION**

**Proposed Street Names for Tract 5832:**

Streets running east/west: Kearney Boulevard, David Avenue, Monterey Avenue

Streets running north/south: Karen Avenue, Sixteenth Street.

**Proposed Street Names for Tract 5921:**

Streets running east/west: Monterey Avenue, Sunset Avenue, Middleton Avenue

Streets running north/south: Sixteenth Street, McKenna Avenue, Seventeenth Street

**PUBLIC HEARING**

The approval of street names does not require a public hearing only approval by the Planning Commission. Approved street names will become part of the final map that is approved by the City Council.

**ENVIRONMENAL REVIEW**

The proposed street names for Tract Maps 5832 and 5921 are 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 the naming of streets for these residential subdivision tracts. documentation is necessary.

Staff recommends the Planning Commission adopt a resolution recommending approval of street names for tract 5832 and 5921.

Attachments:  
A. Resolution
RESOLUTION NO. 17-06
BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN
RECOMMENDING STREET NAMES FOR TENTATIVE SUBDIVISION MAPS: TRACT 5832 AND TRACT 5921
NORTH SIDE OF KEARNEY BLVD ON BOTH SIDES OF SIXTEENTH STREET

WHEREAS, at a regular meeting the Planning Commission of the City of Kerman (the “Planning Commission”)
duly called and held on ____________ 2017, at 6:30 p.m., it was moved by Commission member ______ and second
by Commission member ______ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission is responsible to review proposed streets for a proposed tentative
subdivision map for consistency with existing streets in the proposed site and make recommendation for Council
consideration and final approval; and

WHEREAS, the subject street names on the approved final maps have not been reviewed by the Planning
Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, after considering all the evidence
presented and reviewed Planning Department’s staff report hereby recommends street names as follows:

Proposed Street Names For Tract 5832:

1. Street name(s) running east/west: Kearney Boulevard, David Avenue, Monterey Avenue shall be
   applied to streets within Tract 5832 prior to the Final Subdivision Map approval by City Council,
   as shown on Map 1.

2. Street name(s) running north/south: Karen Avenue, Sixteenth Street shall be applied to streets within
   Tract 5832 prior to the Final Subdivision Map approval by City Council, as shown on Map 1.

Proposed Street Names for Tract 5921:

3. Street name(s) running east/west: Monterey Avenue, Sunset Avenue, Middleton Avenue shall be
   applied to streets within Tract 5921 prior to the Final Subdivision Map approval by City Council,
   as shown on Map 2.

4. Street name(s) running north/south: Sixteenth Street, McKenna Avenue, Seventeenth Street shall be
   applied to streets within Tract 5921 prior to the Final Subdivision Map approval by City Council,
   as shown on Map 2.

5. The subject property is within Kerman’s Sphere of Influence and 2017 growth boundary line.

6. The proposed street names are to be consistent with final maps and Kerman General Plan, Kerman Zoning
Approve Street Names for Tracts 5832/5921 (Benchmark Communities)

Ordinance, and Kerman Subdivision Ordinance.

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend approval of the proposed street names to the City Council for approval.

The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on this ___ day of June 2017, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

__________________________ _______________
Chairman, Robert D. Epperson Date

__________________________ _______________
Secretary, Olivia Pimentel Date
Approve Street Names for Tracts 5832/5921 (Benchmark Communities)
Map 2
To: Chairman and Commissioners
From: Olivia Pimentel, Assistant Planner and Collins and Schoettler Planning Consultants
Subject: Petitions of Amendment to Zoning Ordinance Relating to Fence Heights

Staff has received concerns over the past several years that the City’s standards for front yard fencing in residential zones are overly restrictive in terms of maximum allowed height. The maximum allowed height is currently 42 inches; most cities allow up to 48 inches for front yard fencing.

Accordingly, staff is recommending the Planning Commission initiate an amendment to the Zoning Ordinance on this topic, consistent with Section 17.26.020 (D) of the Municipal Code.

Staff expects to return with a report and ordinance on this topic for discussion and potential action at the July Planning Commission meeting.