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OPENING CEREMONIES

Call to Order
Roll Call
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS/CEREMONIAL MATTERS

REQUEST TO ADDRESS 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 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. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. SUBJECT: Minutes

RECOMMENDATION: Commission approve minutes as presented.

ATTACHMENTS: September 10, 2018

3. PUBLIC HEARINGS
A. **SUBJECT:** Resolution recommending City Council Adopt Ordinance Amending Chapter 17 of the Kerman Municipal Code (KMC) Relating to Permitted Uses in the Urban Reserve, Open Space, Rural Residential, Single Family Residential and Multiple Family Residential Districts and Definitions for Employee Housing and Farmworker Housing.

**RECOMMENDATION:** Commission by motion, open public hearing, hear any public comment, close public hearing and adopt resolution recommending City Council Adopt Ordinance Amending Chapter 17 of the Kerman Municipal Code (KMC) Relating to Permitted Uses in the Urban Reserve, Open Space, Rural Residential, Single Family Residential and Multiple Family Residential Districts and Definitions for Employee Housing and Farmworker Housing.

**ATTACHMENTS:** Staff Report

B. **SUBJECT:** Resolution recommending City Council Adopt Ordinance Amending Chapter 17.42 of the Kerman Municipal Code Relating to Multiple Family Residential Districts Density Standards

**RECOMMENDATION:** Commission by motion, open public hearing, hear any public comment, close public hearing and adopt resolution recommending City Council Adopt Ordinance Amending Chapter 17.42 of the Kerman Municipal Code Relating to Multiple Family Residential Districts Density Standards

**ATTACHMENTS:** Staff Report

C. **SUBJECT:** Resolution recommending City Council adopt Land Use Amendments relating to parcels located on the northwest corner of Kearney Blvd and Vineland Avenue as follows: (1) Amend the General Plan land use designations from “Very Low Density Residential” and “Low Density Residential” to “High Density Residential” and (2) Rezone the site from “RR” (Rural Residential) and SD-R-4.5 (Smart Development (4,500 s.f. minimum lot size) to R-3 (Multi-family Residential), and (3) Adoption of Mitigated Negative Declaration.

**RECOMMENDATION:** Commission by motion, open public hearing, hear any comments, close public hearing and adopt Land Use Amendments relating to parcels located on the northwest corner of Kearney Blvd and Vineland Avenue as follows: (1) Amend the General Plan land use designations from “Very Low Density Residential” and “Low Density Residential” to “High Density Residential” and (2) Rezone the site from “RR” (Rural Residential) and SD-R-4.5 (Smart Development (4,500 s.f. minimum lot size) to R-3 (Multi-family Residential), and (3) Adoption of Mitigated Negative Declaration.

**ATTACHMENTS:** Staff Report

4. **PETITIONS/RESOLUTIONS**

5. **ADMINISTRATIVE REPORTS**

6. **COMMUNICATIONS**

**ADJOURNMENT**
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 Monday December 3, 2018.

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

Call to Order by Chairman Robert Bandy at 6:33 p.m.
Roll Call by Destiny Garcia, Assistant Secretary
Commission Present: Bandy, Bishop, Espino, Felker, Nehring, Nunez
Commission Absent: Wettlaufer
Pledge of Allegiance: Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS – Motion by B/Felker, second K/Nehring, agenda approved as presented.

1. PRESENTATIONS/CEREMONIAL MATTERS - None Offered

REQUEST TO ADDRESS COMMISSION – None Offered

2. CONSENT CALENDAR

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Commission Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. SUBJECT: Minutes: C/Nunez made a motion to approve minutes of August 13, 2018 as presented, second C/Espino, unanimously approved as presented.

3. PUBLIC HEARINGS

A. SUBJECT: Conditional Use Permit 18-04, Manchaca Second Hand Store at 901 S. Madera Avenue recommendation that City Council approve this Conditional Use Permit. Families with Foster kids can benefit from this Second hand store as this is a Non-Profit Organization.

Open public hearing: 6:39 pm
Commission had no objections.
Close Public Hearing: 6:40 pm
RECOMMENDATION: C/Nehring, made motion to approve Conditional Use Permit 18-04, Manchaca Second Hand Store at 901 S. Madera Avenue  C/Bandy, approved as presented by the following vote:

Yes: Bandy, Nehring, Nunez, Espino, Felker, Bishop,
Noes: None
Abstain: None
Absent:  Wettlaufer

4. PETITIONS/RESOLUTIONS - None offered

5. ADMINISTRATIVE REPORTS – None offered

6. COMMUNICATIONS

ADJOURNMENT – Meeting adjourned at 6:48

Prepared by: Olivia G. Pimentel
Secretary to the Planning Commission
From: Olivia Pimentel, Assistant Planner

Subject: Public Hearing on Resolution recommending City Council Adopt Ordinance Amending Chapter 17 of the Kerman Municipal Code Relating To Permitted Uses in the Urban Reserve, Open Space, Rural Residential, Single Family Residential, and Multiple Family Residential Districts and Definitions for Employee Housing and Farmworker Housing.

RECOMMENDATION

The Commission will open the public hearing, receive a staff report, receive public comments, close the public hearing, deliberate, and by motion approve a resolution recommending that the City Council adopt an Ordinance amending Chapter 17 of the Kerman Municipal Code relating to permitted uses in the Urban Reserve, Open Space, Rural Residential, Single Family Residential, and Multiple Family Residential Districts and Definitions for Employee Housing and Farmworker Housing.

BACKGROUND

The purpose of the proposed ordinance is to add language to the Municipal Code regarding employee housing and farmworker housing as permitted uses in certain zone districts. This is an action plan from the Kerman Housing Element and will ensure compliance with State Health & Safety Code Section 17032.5, which concerns employee housing that serves six or fewer employees and with Health & Safety Code Section 17032.6 regarding farmworker housing.

DISCUSSION

Staff petitioned the Planning Commission on July 9, 2018, to schedule a public hearing to consider the Ordinance Amendment. The Commission set a public hearing for August 13, 2018; however due to unexpected staff illness was continued to December 10th and re-noticed.

A. Employee Housing

Section 17021.5 of the State Health & Safety Code is within the part of the Health and Safety Code known as the Employee Housing Act (“EHA”). The EHA sets standards for construction, maintenance, use, and occupancy of living quarters called “employee housing” as defined in Section 17008 of the Health & Safety Code.
Section 17021.5 requires that jurisdictions treat employee housing located in single family homes and occupied by six or fewer employees as a single-family use. In this way, it is similar to the rules for registered group homes of six or fewer residents. There are several provisions that apply to employee housing for six or fewer employees:

- It cannot be included within the definition of a boarding house, hotel, dormitory, etc.
- No conditional use permit, zoning variance, or other zoning clearance can be required that is not required of a family dwelling of the same type in the same zone.
- Use of a single-family dwelling for purposes of employee housing does not constitute a change of occupancy.
- Generally, the housing shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other family dwellings of the same type in the same zone are not likewise subject. Fire inspection fees cannot be charged.
- Rules regarding deeds, transfer of real property, etc. must treat the employee housing the same as a property used by a single household.

For these reasons, those districts that allow single family dwellings need to be amended to allow employee housing for six or fewer employees as a permitted use.

B. Farmworker Housing.

Health and Safety Code Section 17021.6 provides that farmworker housing with up to 12 units or 36 beds designed for use by a single family or household is considered an agricultural use of land and cannot be required to obtain any permit that an agricultural use is not required to obtain. The City of Kerman includes agricultural uses in the Rural Reserve (RR), Single Family Residential (R-1), Multiple Family Residential (R3), Urban Reserve (UR), and Open Space (O) zone districts. For this reason, the proposed ordinance provides that those districts are amended to add farmworker housing as a permitted use. A definition for farmworker housing is also being added to the ordinance.

C. Alternative to Proposed Farmworker Housing Amendments.

An alternative to the proposed farmworker housing ordinance amendments is to amend some of the current zone districts that allow agricultural use of land as a conditional use rather than a permitted use. If such amendments are made, farmworker housing would need to follow conditional use procedures and would be listed as a conditional use in the respective zone districts.

D. Summary of Proposed Amendments

1. Add definitions for “employee housing” and “farmworker housing” in Chapter 17.90.
2. Add employee housing as defined in new provision to zone districts which allow single-family dwellings.
3. Add farmworker housing as a permitted use in zone districts which allow agricultural uses.
ENVIRONMENTAL REVIEW:

Staff has performed a preliminary environmental assessment of this project (zone amendments) and, pursuant to CEQA Guidelines, Section 15061 (b) (3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the baseline for permitted uses in the affected zone districts allows similar intensities of use and the proposed uses are equal to or less than those uses. Therefore, this project is not subject to CEQA.

Attachments

Resolution w/Ordinance as Exhibit A
RESOLUTION NO. 18-08
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 AN ORDINANCE AMENDING CHAPTER 17 OF THE KERMAN MUNICIPAL CODE RELATING TO PERMITTED USES IN THE URBAN RESERVE, OPEN SPACE, RURAL RESIDENTIAL, SINGLE FAMILY RESIDENTIAL, AND MULTIPLE FAMILY RESIDENTIAL DISTRICTS AND DEFINITIONS FOR EMPLOYEE HOUSING AND FARMWORKER HOUSING

WHEREAS, the City of Kerman adopted a Housing Element on April 6, 2016 as required by state law; 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, state legislation mandates that cities comply with employee housing and farmworker housing requirements; and

WHEREAS, on July 9, 2018, 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 August 13, 2018, which was continued to December 10th, 2018 and properly noticed; and

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 17.26.040, 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 amendments are 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). Staff has performed a preliminary environmental assessment of this project (zone amendments) and, pursuant to CEQA Guidelines, Section 15061 (b) (3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the baseline for permitted uses in the affected zone districts allows similar intensities of use and the proposed uses are equal to or less than those uses. Therefore, this project is not subject to 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 ____ day of ___________, 2018, by the following vote.

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

APPROVED BY:

______________________________ _______________
Robert Bandy, Chairperson Date

______________________________ _______________
Olivia Pimentel, Secretary Date
ORDINANCE NO.____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN AMENDING
CHAPTERS 17.32, 17.34, 17.36, 17.40, 17.42, AND 17.90 OF THE KERMAN MUNICIPAL
CODE RELATING TO PERMITTED USES IN THE URBAN RESERVE, OPEN SPACE,
RURAL RESIDENTIAL, SINGLE FAMILY RESIDENTIAL, AND MULTIPLE FAMILY
RESIDENTIAL DISTRICTS AND DEFINITIONS FOR EMPLOYEE HOUSING AND
FARMWORKER HOUSING

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

SECTION 1. Section 17.32.020 of Chapter 17.32 “UR Urban Reserve” of Title 17 of the Kerman Municipal
Code is amended to read as follows:

17.32.020 Permitted uses.

Permitted uses in this district are as follows:

A. One single family dwelling or one single family manufactured home consistent with the architectural
standards specified in Chapter 17.40;

B. Agricultural and residential accessory uses consistent with the standards established in Chapter
17.62;

C. Home occupations consistent with the requirements of Chapter 17.18;

D. The growing and harvesting of trees, vines, vegetables, field crops, grains, pasture and other
agricultural commodities;

E. The raising of livestock, including but not limited to sheep, goats, horses, mules, and swine. The total
number of animals shall not exceed two mature animals per acre except in the case of newborns. Newborns
up to four months, in age shall not be considered a part of this calculation;

F. The raising of poultry providing that there are not more than three birds per one thousand three
hundred square feet of lot area and the total does not exceed one hundred birds;

G. The raising of rabbits and other fur-bearing animals providing that there are no more than sixty
mature animals on the property at any one time;

H. Sale of agricultural products, including sale at roadside stands, if the products are produced on the
property where the sale is conducted;
I. Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services including, but not limited to large animal veterinary practices, blacksmiths, farm management offices, custom meat-cutting, and other agriculturally dependent uses which are of a similar character and not substantially different from the list above;

J. Open space uses including, but not limited to wildlife habitat, wetlands, and game preserves but not including hunting clubs;

K. Beekeeping;

L. Agricultural processing such as fruit dehydrators and packing sheds not exceeding a use area of five thousand square feet;

M. Greenhouses, hothouses, and similar types of buildings not to exceed a use area of ten thousand square feet;

N. Employee Housing;

O. Farmworker Housing.

SECTION 2. Section 17.34.020 of Chapter 17.34 “Open Space, Recreation and Public Facilities” of Title 17 of the Kerman Municipal Code is amended to read as follows:

17.34.020 Permitted uses.

Permitted uses in this district are as follows:

A. One single-family dwelling or single-family mobile home consistent with the architectural standards established in Section 17.40.050;

B. Agricultural and residential accessory uses consistent with the standards established in Chapter 17.62;

C. Parks, playgrounds, campgrounds and botanical gardens;

D. Wetlands, wildlife habitat, and reservoirs;

E. Growing and harvesting of agricultural crops;

F. Grazing of livestock;

G. Employee Housing;

H. Farmworker Housing.
SECTION 3. Section 17.36.020 of Chapter 17.36 RR Rural Residential District of Title 17 of the Kerman Municipal Code is amended to read as follows:

17.36.020 Permitted uses.

Permitted uses in this district are as follows:

A. One single-family dwelling or one single-family manufactured home consistent with the architectural standards specified in Section 17.40.050;

B. Agricultural and residential accessory uses consistent with the standards established in Chapter 17.62;

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

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

E. The growing and harvesting of trees, vines, vegetables, field crops, grains, pasture and other agricultural commodities;

F. The raising of livestock, including but not limited to sheep, goats, horses, mules, and swine. The total number of animals shall not exceed two mature animals per acre except in the case of newborns. Newborns less than four months in age shall not be considered a part of the calculation;

G. Employee Housing;

H. Farmworker Housing.

SECTION 4. Section 17.40.020 of Chapter 17.40 “R-1 Single Family Residential District” of Title 17 of the Kerman Municipal Code is amended 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 17.87;
G. Cottage food operations (as regulated by state law);

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

I. Employee Housing.

J. Farmworker Housing

SECTION 5. Section 17.42.020 of Chapter 17.42 “R-3 Multiple Family Residential District” of Title 17 of the Kerman Municipal Code is amended 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 greenhouses 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;

L. Employee Housing;

M. Farmworker Housing.
SECTION 6. Section 17.90.020 of Chapter 17.90 Definitions of Title 17 of the Kerman Municipal Code is amended by adding two definitions to the current definitions to read as follows:

“Employee housing” means housing for six or fewer employees in a single-family dwelling in districts where single-family dwellings are allowed. Employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory or other similar term that implies the employee housing differs in any way from a family dwelling and shall not constitute a change in occupancy for purposes of local building codes. Additionally, employee housing shall not be subject to any fees to which other family dwellings of the same type in the same zone are not likewise subject.

“Farmworker housing” means housing with up to 12 units or 36 beds designed for use by a single family or household and which is considered an agricultural use of land per Health and Safety Code Section 17021.6.

SECTION 7. CEQA. Staff has performed a preliminary environmental assessment of this project (zone amendments) and, pursuant to CEQA Guidelines, Section 15061 (b) (3), has determined with certainty that there is no possibility that this project may have a significant effect on the environment. This is because the baseline for permitted uses in the affected zone districts allows similar intensities of use and the proposed uses are equal to or less than those uses. Therefore, this project is not subject to CEQA.

SECTION 8. Effective Date. This ordinance shall become effective thirty days after its adoption.

SECTION 9. 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 foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on ______________________2018, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on ______________________2018, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN:

The foregoing ordinance is hereby approved:

ATTEST: 
APPROVED: 

_________________________________ 
Marci Reyes, City Clerk 

_________________________________ 
Rhonda Armstrong, Mayor
RECOMMENDATION:

Commission will open the public hearing, receive a staff report, receive public comments, close the public hearing, deliberate and by motion approve resolution recommending City Council Adopt Ordinance Amending Chapter 17.42, relating to Multiple Family Residential Districts Density Standards

BACKGROUND

The proposed Ordinance Amendment amends certain zoning requirements in the Kerman Municipal Code relating to the multi-family zone district. This will ensure compliance with statutory requirements of Government Code (GC) section 65583.2 (h) and (i), relating to zoning development standards in multifamily housing districts such as accommodate 20 units per acre and comply with the City’s Housing Element requirements as well as new comprehensive State legislation regarding Multi-Family Residential that became effective January 1, 2017.

A. The Housing Element.

The Housing Element was adopted by the City Council on April 6, 2016. The Housing Element is required by State law and establishes policies and action plans to accommodate the housing needs of all income segments of Kerman’s population through the years 2016 to 2023. 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 Zoning Ordinance, relating to multi-family residential units, density, etc.
DISCUSSION

Staff petitioned the Planning Commission on July 9, 2018, to schedule a public hearing to consider the Ordinance Amendment. The Commission set a public hearing for August 13, 2018, which was continued and re-noticed to this evening.

Proposed Amendments to the zoning ordinance are as follows:

Chapter 17.42 – Multi-Family Residential

The Kerman Zoning Ordinance currently allows Multi-Family residential units by right up to forty units and additional units permitted with Conditional Use Permit in the Multi-Family zones. This is not consistent with state law and is being amended. The density standard for the R-3 zone is being amended to comply with state law. The following revisions are necessary for compliance with State law.

The following requirements of GC section 65583.2(h) and (i), relating to the Housing Elements, Program 3: Rezone and Provision of Adequate Sites including all of the following must be part of the Kerman Zoning Ordinance:

- Permits both rental and owner-occupied multifamily housing without discretionary action (Requiring a CUP for projects exceeding 100 units is not consistent with the statute.)
- Requires a minimum density of 20 units per acre,
- Accommodate a minimum of 16 housing units per site,
- At least 50 percent of the very low and low-income housing need shall be accommodated on sites designated for residential use and for which nonresidential uses or mixed uses are not permitted, except that the city may accommodate all of the very low and low-income housing need on sites designated for mixed uses if:
  - those sites allow 100 percent residential use; and
  - Require that residential use occupy 50 percent of the total floor area of a mixed-use project.

Amend: Chapter 17.42 Multi-Family Residential District

Amend: Chapter 17.42.040 Development standards to comply with the Housing Element new legislation

<table>
<thead>
<tr>
<th>Zone</th>
<th>Unit Density</th>
</tr>
</thead>
</table>
| R-3  | One residential unit per two thousand three hundred one thousand five hundred square feet of area. Residential development on parcels containing at least 0.8 acres shall have a minimum density of 20 units per acre to acre to assure affordability standards, unless it can be demonstrated that affordability can be achieved with a lesser
Delete:

3. Maximum Density. The maximum number of units on any given site shall be one hundred—regardless of the underlying density standards.

ENVIRONMENTAL REVIEW:

The proposed ordinance amendment to the City of Kerman Zoning Ordinance has been 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. 18-09

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF THE CITY OF KERMAN PLANNING
COMMISSION RECOMMENDING CITY COUNCIL ADOPT AN
ORDINANCE AMENDING CHAPTER 17.42 MULTIPLE FAMILY
RESIDENTIAL DISTRICTS DENSITY STANDARDS

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 Multi-Family Residential units and affordable housing 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 July 9, 2018, 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 and the Planning Commission has conducted such public hearing; 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 relating to Multi-Family Residential Zone Districts; and

WHEREAS, the proposed amendment 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 amendments are 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). The amendments are exempt from review under Section 15061(b)(3) of 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 ___th day of ___, 2018, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

______________________________ _______________
Robert Bandy, Chairperson  Date

______________________________ _______________
Olivia Pimentel, Secretary  Date
### ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN AMENDING CHAPTER 17.42 MULTIPLE FAMILY RESIDENTIAL DISTRICTS DENSITY STANDARDS**

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

#### SECTION 1.

Section 17.42.040, sections B and D are amended as follows:

**17.42.040 Development Standards.**

Development standards in this district are as follows:

A. **Lot Size.** The minimum lot size for each residential zone shall be seven thousand square feet.

B. **Unit Density.**

1. **Zone Standard.**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Unit Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-2</td>
<td>One residential unit per three thousand five hundred square feet of area.</td>
</tr>
<tr>
<td>R-3</td>
<td>One residential unit per two thousand three hundred <strong>one thousand five hundred</strong> square feet of area. Residential development on parcels larger than .08 acres shall have a minimum density of 20 units per acre to assure affordability standards, unless it can be demonstrated that affordability can be achieved with a lesser density.</td>
</tr>
</tbody>
</table>

2. **Location.** Multiple-family developments containing ten or more units shall be located on a collector or arterial street, as identified in the circulation element of the Kerman general plan.
C. Building Coverage. The building coverage for each lot shall be as follows:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-2</td>
<td>Forty-five percent.</td>
</tr>
<tr>
<td>R-3</td>
<td>Fifty percent.</td>
</tr>
</tbody>
</table>

D. Lot Dimensions. The lot dimensions for each residential zone shall be as follows:

1. Lot Width.
   - Interior lot: Seventy sixty feet.
   - Corner lot: Seventy sixty five feet.
   - Reverse corner lot: Seventy feet.
   - Cul-de-sac lot: Forty feet.

2. Lot Depth. No requirement.

SECTION 3. 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 4. Effective Date. This ordinance shall become effective thirty days after its adoption.

SECTION 5. 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 Commissioners  
From: Olivia Pimentel, Assistant Planner  
Subject: Public Hearing to Consider Land Use Amendments relating to parcels located on the northwest corner of Kearney Blvd and Vineland Avenue as follows: (1) Amend the General Plan land use designations from “Very Low Density Residential” and “Low Density Residential” to “High Density Residential” and (2) Rezone the site from “RR” (Rural Residential) and SD-R-4.5 (Smart Development (4,500 s.f. minimum lot size) to R-3 (Multi-family Residential), and (3) Adoption of Mitigated Negative Declaration.

RECOMMENDATION

Planning Commission conduct public hearing and adopt Resolution Recommending Approval of General Plan Amendment Changing the General Plan Designation from “Very Low Density Residential” and “Low Density Residential” to “High Density Residential” and Recommending Ordinance Changing the Official Zoning Map from the Rural Residential (RR) and SD-R-4.5 (smart development (4,500 square foot minimum lot size) to R-3 (multi-family residential) Zone District and Adopt a Mitigated Negative Declaration Relating to Approximately Six Acres of Property Situated on Three Parcels, Located on the Northwest of Kearney Blvd and Vineland.

EXECUTIVE SUMMARY

The City of Kerman adopted the Kerman Housing Element in 2016. The Housing Element was conditionally approved by the State of California Housing and Community Development Department (HCD). There were several conditions that were required in order for the City to remain in compliance with State housing policy.

One of the conditions was for the City of Kerman to rezone approximately 8.5 acres of land (inside city limits) to allow for future multiple-family residential development – to meet the City’s need for affordable housing. To date, the City has rezoned approximately 4.5 acres (Gateway Villa Apartments at the southeast corner of Whitesbridge and Siskiyou), which leaves approximately 3.9 acres remaining that require rezoning.

The City has identified approximately 6 acres of undeveloped land on the west side of Vineland Avenue, north of Kearney Boulevard, and reached out to the owners of this property. The property owners have all agreed to allow for a rezone of the rear portions of their properties, leaving the frontages along Kearney Blvd to remain as rural residential, as indicated (Figure 1 below).
Each parcel as a whole is over three (3) acres. Each property owner has agreed to allow for a rezone of approximately two (2) acres on the rear of their parcel in order to allow for future multi-family residential development.

Because state law requires that zoning be consistent with the General Plan, it is also necessary to amend the General Plan.

**Figure 1**
**Site Location**
General Information

Site Location: The subject site is located on the northwest corner of Kearney Blvd and Vineland Avenue (portions of Assessor Parcel Numbers 023-130-32s,33s and 34s)

Existing Uses: Vacant

General Plan: The General Plan Land Use Element designates the three parcels on the northwest of Kearney Blvd and Vineland with a combination of “Very Low Density Residential” and “Low Density Residential”.

According to the General Plan, these designations are typically reserved for those lands that are on the fringe of the community, have already been divided into lot sizes that are one-half acre or larger, or are required to “buffer” an industrial, agricultural, or public use.

Zoning: The easterly two parcels are zoned “RR” (Rural Residential). RR zoning is intended to provide for low density residential development on large lots in order to preserve the rural character of Kerman, allow for agricultural uses and serve as a transition area between urbanizing lands and agriculture. The westerly parcel is zoned SD-R-4.5 (Smart Development (4,500 s.f. minimum lot size) and Rural Residential for the frontage along Kearney Blvd. This zone is intended to promote development designs that respond to significant planning-related issues facing the San Joaquin Valley, including urbanization of agricultural land, air pollution, housing affordability, traffic, aesthetics and neighborhood deterioration.

Surrounding Uses & Zoning:

<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>Single family residential</td>
<td>Medium Density Residential</td>
<td>R-1-7</td>
</tr>
<tr>
<td>South</td>
<td>Single family residential</td>
<td>Median Density Residential</td>
<td>R-1.7</td>
</tr>
<tr>
<td>East</td>
<td>Single family residential</td>
<td>Medium Density Residential</td>
<td>R-1-7</td>
</tr>
<tr>
<td>West</td>
<td>Senior Housing/Kearney Palms III</td>
<td>Medium Density Residential</td>
<td>SD-R-4.5</td>
</tr>
<tr>
<td></td>
<td>Single Family Ranch Home</td>
<td>Very Low Density</td>
<td>RR</td>
</tr>
</tbody>
</table>

Analysis

Rezoning of the site will allow for future development of multi family housing – to satisfy the City’s requirement to rezone land for affordable housing (apartment complexes, senior citizen projects, condominiums, etc). It should also be noted that the R-3 zone is being amended to allow a density of one dwelling per 1,500 square feet of lot area. This will put Kerman’s density standard in line with State law and other cities in the County. The current standard allows one dwelling per 2,300 square feet of lot area.
The General Plan land use map will require an amendment to redesignate property from “Very Low Density Residential” and “Low Density Residential” to “High Density Residential”. This will allow for multiple family residential uses for future development.

At six acres, the site could theoretically accommodate up to 174 dwelling units (at one unit per 1,500 square feet of lot area). However, once other standards are factored in (such as setbacks, parking, lot coverage, etc.) it is likely that significantly fewer units would result. Again, no projects are proposed at the current time – the site is only proposed for a zone change and land use amendment to allow for future development – in compliance with the Kerman Housing Element.

**Environmental Review**

Staff determined that the proposed amendments required an environmental study (prepared consistent with the California Environmental Quality Act (CEQA)). The study indicates that the project will not have a significant impact on the environment provided that mitigation measures are implemented, and therefore, the City may adopt a “Mitigated Negative Declaration”.

**Summary and Recommendation**

The proposed action is to amend the zoning and land use designations on the subject site, which consists of six acres spanning three parcels. The General Plan land use designations will be amended from “Very Low Density Residential” and “Low Density Residential” to “High Density Residential”. The site will be rezoned from “RR” (Rural Residential) and SD-R-4.5 (Smart Development (4,500 s.f. minimum lot size) to R-3 (Multi-family Residential). Finally, it is recommended the Planning Commission adopt a Mitigated Negative Declaration for the project.

On the basis of the foregoing analysis, staff recommends that the Planning Commission adopt Resolution No. 18-10 approving Rezone, General Plan Amendment, and Mitigated Negative Declaration. If approved by the Planning Commission, this action will be forwarded for consideration by the City Council.

Attachments:

A. Photographs of site: Three parcels (Sims, Joe, Talmachoff)
B. Land Use Map
C. Resolution
Attachment ‘A’
Photographs of Site
General Plan Amendment and Rezone
Northeast Corner of Kearney Blvd and Vineland Avenue
(Frontages along Kearney Blvd. to remain very low density/rural residential)
Attachment ‘B’
Existing Zoning and General Plan Land Use Maps
Approximately 6 acres (3 parcels)
023-130-32s,33s,34s

EXISTING
RESOLUTION NO. 18-10

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT CHANGING THE GENERAL PLAN DESIGNATION FROM “VERY LOW DENSITY RESIDENTIAL” AND “LOW DENSITY RESIDENTIAL” TO “HIGH DENSITY RESIDENTIAL” AND RECOMMENDING CHANGING THE OFFICIAL ZONING MAP FROM THE RURAL RESIDENTIAL (RR) AND SD-R-4.5 (SMART DEVELOPMENT (4,500 SQUARE FOOT MINIMUM LOT SIZE) TO R-3 (MULTI-FAMILY RESIDENTIAL) ZONE DISTRICT AND ADOPT A MITIGATED NEGATIVE DECLARATION RELATING TO THE REAR PORTIONS OF APPROXIMATELY SIX ACRES OF PROPERTY Situated ON THREE PARCELS, LOCATED ON THE NORTHWEST OF KEARNEY BLVD AND VINELAND

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the “Planning Commission”) duly called and held on December 10, 2018 at 6:30 p.m., it was moved by Commission member ____________ second by Commission member ____________ and carried that the following resolution be adopted:

WHEREAS, the Planning Commission received a Petition of Amendment to Rezone and Redesignate the rear portions of several properties located northwest of Kearney Blvd and Vineland Avenue. The General Plan land use designation will be amended from “Very Low Density Residential” and “Low Density Residential” to “High Density Residential”. The rear portion of site will be rezoned from “RR” (Rural Residential) and SD-R-4.5 (Smart Development (4,500 s.f. minimum lot size) to R-3 (Multi-family Residential).

WHEREAS, Section 65300 et seq. of the California Government Code requires each city to have a comprehensive, long-term general plan for the physical development of each county.

WHEREAS, Section 65860 of the California Government Code requires that zoning be consistent with the General Plan.

WHEREAS, the Proposed Rezone and General Plan Amendment, is depicted in Attachment ‘A’ and incorporated by this reference; and

WHEREAS, the Planning Commission pursuant to chapter 17.26, Zoning Ordinance Amendments, section 17.26.030 conducted a duly noticed public hearing on December 10, 2018 to consider the zone ordinance and General Plan Amendment (APN 023-130-32s,33s and 34s)n; and

WHEREAS, the Planning Department determined that the Proposed Ordinance requires an environmental study (prepared consistent with the California Environmental Quality Act (CEQA)) and the study indicates that the project will not have a significant impact on the environment, provided that mitigation measures are implemented and therefore the City may adopt a “Mitigated Negative Declaration”
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. The Planning Commission recommends that the City Council approve a General Plan Amendment as illustrated in Exhibit A. This recommendation is based on the finding that the proposed general plan amendment is of substantial benefit to the City and the amendment is internally consistent with the General Plan. The General Plan Amendment will bring the City into compliance with the conditions set by HCD for the Housing Element.

3. The Planning Commission recommends that the City Council approve the proposed ordinance amending the Official Zoning Map which is attached as Exhibit B. The proposed rezoning of property will help meet the conditions of the Housing Element. Additionally, the following findings are hereby made:

   a. The proposed zoning ordinance amendments as set forth in the Proposed Ordinance are consistent and compatible with other goals, policies and implementation programs set forth in the Kerman General Plan.

   b. That the Proposed Ordinance amendments will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the community.

4. The Proposed amendments require an environmental study (prepared consistent with the California Environmental Quality Act (CEQA)) and the study indicates that the project will not have a significant impact on the environment, provided that mitigation measures are implemented, and therefore the City may adopt a “Mitigated Negative Declaration”

The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 10th day of December 2018, by the following vote.

AYES: ____________________________  
NOES: ____________________________  
ABSENT: ____________________________  
ABSTAIN: ____________________________  
APPROVED BY: ____________________________  

__________________________  
Chairman, Robert Bandy  

__________________________  
Secretary, Olivia Pimentel

Date Date
Exhibit "A"

Proposed General Plan Land Use and Zoning Maps
Approximately 6 acres (Remainder portions of 3 parcels)
023-130-32s,33s,34s)
(Frontages along Kearney Blvd to remain Very Low Density/Rural Residential)
Maps of Proposed Land Use and Zoning designations
Exhibit “B”

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF KERMAN, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN HERETOFORE ADOPTED BY TITLE 17 OF THE KERMAN MUNICIPAL CODE, BEING THE ZONING ORDINANCE OF THE CITY OF KERMAN

WHEREAS, Rezone Application No. 2018- ___ was initiated by staff to rezone property as described herein below; and,

WHEREAS, pursuant to the provisions of Title 17 of the Kerman Municipal Code, the Planning Commission of the City of Kerman held a public hearing on December 10, 2018, to consider Rezone Application No. 2018- ____ and a related Mitigated Negative Declaration, during which the Commission solicited testimony, considered the environmental assessment, and recommended to the Council of the City of Kerman approval of the rezone application to amend the City’s Zoning Ordinance on real property described herein below from RR (Rural Residential) and SD-R-4.5 (Smart Development (4,500 s.f. minimum lot size) to the R-3 (Multi-family Residential) zone district; and

WHEREAS, the Council of the City of Kerman, on _____________, 2019, held a public hearing and received the recommendation of the Planning Commission on this matter.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed rezoning is in the best interest of the City of Kerman. The Council adopts the Mitigated Negative Declaration prepared in accordance with CEQA.

SECTION 2. The Council finds that the zone district of the real property described in Exhibit “A”, located in the City of Kerman and shown on the Official Zoning Map of the City of Kerman, is reclassified from the from
Initiate Rezone and General Plan Amendment for Multi-Family (R-3) Zone District

RR (Rural Residential) and SD-R-4.5 (Smart Development (4,500 s.f. minimum lot size) to the R-3 (Multi-family Residential) zone district.

SECTION 3. The Council finds that the reclassified zone district is consistent with the 2027 Kerman General Plan.

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

CLERK’S CERTIFICATION

I, Marci Reyes, City Clerk of the City of Kerman, certify that the foregoing Ordinance was adopted by the Council of the City of Kerman, California, at a regular meeting held on the ____________, 2019, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

_____________________________
Marci Reyes, City Clerk
Exhibit “A”

Proposed General Plan Land Use and Zoning

Map showing the proposed land use designation and zoning.

- **High Density**
  - Proposed Land Use Designation: "High Density Residential"
- **R-3 zone**
  - Proposed Zoning: R-3 (Multi Family Residential)

The map highlights areas that will undergo changes from current land use to proposed high-density residential use and from rural residential to multi-family zoning.