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OPENING CEREMONIES

Call to Order
Roll Call
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

1. PRESENTATIONS/CEREMONIAL MATTERS

   A. Swearing In of New/Returning Planning Commission Members

   RECOMMENDATION: Planning Commission by motion vote for Chairman and Vice-Chairman Positions. Council re-appointed the following three incumbents for three year terms (2019-2021): Robert Felker, Leopoldo Espino and Kevin Nehring.

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 by motion approve minutes of December 10, 2018

   ATTACHMENTS: December 10, 2018
3. PUBLIC HEARINGS - None Offered

4. PETITIONS/RESOLUTIONS

A. **SUBJECT:** Determination of Conformity with the General Plan of Acquisition and Disposition of Property Described as APN 03-700-04 and Located at Southeast Corner of Siskiyou and Whitesbridge Avenues

   **RECOMMENDATION:** Planning Commission adopt Resolution Finding that the Acquisition and Disposition of Property Located at Southeast Corner of Siskiyou and Whitesbridge Avenues (APN 03-700-04) Are In Conformity with the General Plan

   **ATTACHMENTS:** Staff Report

B. **SUBJECT:** Petition of Amendment filed by Planning Director to Initiate Zone Ordinance Amendment to Section 17.26 relating to Petition of Amendment procedures

   **RECOMMENDATION:** Commission set public hearing to initiate Zone Ordinance Amendment to Section 17.26 relating to Petition of Amendment procedures

   **ATTACHMENTS:** Petition of Amendment

5. ADMINISTRATIVE REPORTS

   A. **Informational:** Joint City Council/Planning Commission Meeting January 16th regarding General Plan Update 5:00pm

6. COMMUNICATIONS

   **ADJOURNMENT**

   ___________________________________________________________________

   *Agenda packet is available for review 72 hours prior to the meeting at the city clerk's office and on the city website. Items received at the meeting will be available for review at the city clerk's office.*

   *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 January 10, 2019

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

Call to Order by Chairman Robert Bandy at 6:35 p.m.
Roll Call by Destiny Garcia, Assistant Secretary
Commission Present: Bandy, Wettlaufer, Espino, Felker, Nehring,
Commission Absent: Nunez, Bishop
Pledge of Allegiance: Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS – 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: K/Nehring made a motion to approve minutes of September 10, 2018 as presented, second K/Wettlaufer, unanimously approved as presented.

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.

Staff reviewed staff report explaining that this was one of the three (3) house cleaning items before the Commission this evening. The Housing Element was “conditionally” approved by the Housing and Community Development Department (HCD) provided that several amendments would be made in order to be in compliance with state law and HCD. Adding Employee and Farmworker Housing to all of the City’s zone districts that allow residential uses and definitions. This Ordinance adds Employee Housing and Farmworker Housing as a permitted use in all zone districts that allow residential uses either by right or conditionally as follows: Urban Reserve (UR), Open Space (O), Rural Residential (RR), Single Family Residential (SFR), Multiple Family Residential (MFR) and adds to the city’s definitions.

Open public hearing: 6:44 pm
Commission had no objections.
Close Public Hearing: 6:50 pm

**RECOMMENDATION:** L/Espino, made motion to approve Resolution 18-08, 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 K/Nehring, approved as presented by the following vote:

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

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

Staff Report reviewed with Commission, The proposed Ordinance Amendment was a clean up item. The Housing Element was "conditionally" approved by HCD, provided that amendments to the municipal code be made relating to density standards in the multiple family zone districts. This Ordinance will bring the city into compliance with state law and HCD.

Open public hearing: 6:57pm

Commission had no objections.

Close Public Hearing: 6:58pm

**RECOMMENDATION:** K/Nehring, made motion to approve Resolution 18-09, Adopt Ordinance Amending Chapter 17.42 of the Kerman Municipal Code Relating to Multiple Family Residential Districts Density Standards, second by B/Felker, approved as presented by the following vote:

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

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.

Staff Report was reviewed with Commission. The proposed Ordinance Amendment was a clean up item. The Housing Element was “conditionally” approved by HCD, provided that amendments to the municipal code be made relating to adequate affordable zone sites. The City was required to rezone approximately 8.4 acres, it has rezoned 4.5 acres and 3.9 remained to be rezoned. However, after an inventory of available site, staff found several parcels in the city limits that was zoned Rural Residential and was vacant. Staff reached out to the property owners (Sims, Joe and Talmachoff) and they were all in agreement to rezone of the property in order to assist the City in complying with available sites for affordable housing.
Open public hearing: 7:11 pm

Commission had no objections. Property owners (Sims) were in attendance they had no comments.

Close Public Hearing: 7:13 pm

**RECOMMENDATION**: K/Nehring, made motion to approve Resolution 18-10, 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, second by B/Felker, approved as presented by the following vote:

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

4. **PETITIONS/RESOLUTIONS** - None offered

5. **ADMINISTRATIVE REPORTS** - None offered

6. **COMMUNICATIONS**

**ADJOURNMENT** – Meeting adjourned at 7:20


Prepared by: Olivia G. Pimentel
Secretary to the Planning Commission
To: Chairman and Commissioners  
From: Olivia Pimentel, Assistant Planner  
Subject: Determination of Conformity with the General Plan of Acquisition and Disposition of Property Described as APN 03-700-04 and Located at Southeast Corner of Siskiyou and Whitesbridge Avenues

RECOMMENDATION

Planning Commission adopt Resolution Finding that the Acquisition and Disposition of Property Located at Southeast Corner of Siskiyou and Whitesbridge Avenues (APN 03-700-04) Are In Conformity with the General Plan

EXECUTIVE SUMMARY

California Government Code Section 65402 requires the acquisition of real property be submitted to and reported upon by the Planning Agency (Planning Commission), as to the conformity with the adopted General Plan. The City is requesting a determination of General Plan consistency for the proposed acquisition of APN 023-700-04. The Planning Commission's review for General Plan conformance will be forwarded to the City Council for its consideration of the property acquisition and disposition.

For the past two years, the City has been working with Willow Partners LLC in their efforts to develop a 61-unit affordable housing multi-family project at the Southeast corner of Siskiyou and Whitesbridge Avenues. Willow Partners went through the planning process and secured approval of General Plan Amendment 16-02, Rezone 16-01, and Conditional Use Permit 16-02.

Willow Partners has gone through two rounds of seeking tax credits from the California Tax Allocation Committee. Approval is based on the number of points awarded to the project. There are usually two award rounds per year. This project was very close to having the necessary points to be funded last round. In order to further enhance the ability for the project to be awarded tax credits by the California Tax Allocation Committee and thereby assure the viability of completing the Project, Willow Partners has proposed a land transfer transaction whereby the property owner will donate the property to the City and the City will in turn donate the property for the project. This type of arrangement is allowable because this is a low-income affordable housing project.
The proposed property transaction would make the property available for affordable multi-family housing. Thus, the land transfer transactions are in conformance with the General Plan designation of High Density Residential.

This is not a project under the California Environmental Quality Act Guidelines Section 15378 as it involves mere real property transfers and will not have an adverse physical impact on the community. Even if this were a project, it has been previously assessed per Mitigated Negative Declaration No.16-02. None of the circumstances under CEQA Guidelines 15162 are present and as such no further assessment is needed.

By this action the Planning Commission is solely making conformity with the General Plan determination. It is not making a determination on whether to enter into the acquisition and disposition transactions.

Attachment: Resolution
Resolution of the City of Kerman Planning Commission Finding that the City’s Acquisition and Disposition of Property Located at Southeast Corner of Siskiyou and Whitesbridge Avenues (APN 03-700-04) Are In Conformity with the General Plan

WHEREAS, the City of Kerman (City) is requesting a General Plan Consistency review for a proposed acquisition and disposition of property located at the Southeast corner of Siskiyou and Whitesbridge Avenues (APN 023-700-04); and

WHEREAS, Section 65402 of the California Government Code requires that the Planning Agency of the City Planning Commission review and report on proposed acquisition and transfer of property for conformity with the General Plan; and

WHEREAS, the Planning Commission considered all of the information presented by staff and public testimony presented in writing at its January 14, 2019, meeting.

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

Section 1. The foregoing recitals are incorporated herein by reference.

Section 2. The proposed activity is not subject to CEQA because it is not a “project,” pursuant to Section 15378 of the State CEQA Guidelines (Title 14 of the California Code of Regulations. This is not a project under the California Environmental Quality Act Guidelines Section 15378 as it involves mere real property transfers and will not have an adverse physical impact on the community. Even if this were a project, it has been previously assessed per Mitigated Negative Declaration No.16-02. None of the circumstances under CEQA Guidelines 15162 are present and as such no further assessment is needed.

Section 3. The Planning Commission hereby determines that the proposed acquisition and disposition of APN 023-700-04 by the City is consistent with the City’s General Plan.

The foregoing Resolution of the City of Kerman was passed and adopted by the Planning Commission on the 14th day of January, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Olivia Pimentel
PLANNING SECRETARY

Robert Bandy, Chair of the
PLANNING COMMISSION
To: Chairman and Commissioners  
From: Olivia Pimentel, Assistant Planner  
Subject: Petition of Amendment filed by Planning Director for Planning Commission to Consider Zone Ordinance Amendment to Section 17.26 relating to Petition of Amendment procedures

RECOMMENDATION

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

The Petition of Amendment is a method for initiation of a Zoning Ordinance Amendment. The Petition requests that the Planning Commission set public hearing to consider the following amendments:

1. Zone Ordinance Amendment Amending Title 17 of the Kerman Municipal Code Amending Sections 17.26 Zoning Ordinance Amendments.

The specific language of the amendments will be presented at the public hearing and distributed to the Planning Commission with the agenda for that meeting.

Under Section 17.26.040 of the Municipal Code, upon receipt of a Petition of Amendment, the Planning Commission shall set a date for a public hearing on the proposed amendments.

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