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OPENING CEREMONIES

Call to Order
Roll Call
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

To accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed.

1. PRESENTATIONS/CEREMONIAL MATTERS

None

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 Mayor when that Agenda item is called, and the Mayor 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:

RECOMMENDATION: Commission approve minutes as presented.

ATTACHMENTS: July 8, 2019
B. **SUBJECT:** Resolution Finding the Determination of General Plan Conformity for the Disposition of Property Described as a Portion of APN 020-120-24ST and Located North of Whitesbridge Road at the First Street Alignment

**RECOMMENDATION:** Commission adopt resolution finding that the disposition of property located north of Whitesbridge Road at the First Street alignment, a portion of APN 020-120-24ST, is in conformity with the General Plan.

**ATTACHMENTS:** Staff Report - Determination of General Plan Conformity for the Disposition of Property

3. **PUBLIC HEARINGS**

A. **SUBJECT:** Public Hearing for Conditional Use Permit No. 19-04, West Coast Tires & Auto Center 170 S. Madera Ave

**RECOMMENDATION:** By motion, open the public hearing, hear any public testimony, close the public hearing and adopt resolution approving conditional use permit 19-04, West Coast Tires & Auto Center 170 S. Madera Ave.

**ATTACHMENTS:** Staff Report - CUP 19-04

4. **PETITIONS/RESOLUTIONS**

None

5. **ADMINISTRATIVE REPORTS**

None

6. **COMMUNICATIONS**

A. Cancellation of September 9, 2019

B. Special Called Meeting September 16, 2019

7. **ADJOURNMENT**

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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.

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

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

AGENDA APPROVAL/ADDITIONS/DELETIONS - C/Nehring made a motion to approve agenda as amended, changed date from May 13, 2019 to correct date of June 10, 2019.

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

RECOMMENDATION: C/Bishop made a motion to approve minutes of June 10, 2019 as presented, second C/Wettlaufer, unanimously approved as amended.

3. PUBLIC HEARINGS None offered

4. PETITIONS/RESOLUTIONS None offered

5. ADMINISTRATIVE REPORTS None offered

6. COMMUNICATIONS as offered

ADJOURNMENT - Meeting adjourned at 7:49 p.m.

/s/ Olivia G. Pimentel
Secretary to the Planning Commission
To: Chairman and Commission Members  
From: Jerry Jones, City Engineer  
Subject: Resolution Finding the Determination of General Plan Conformity for the Disposition of Property Described as a Portion of APN 020-120-24ST and Located North of Whitesbridge Road at the First Street Alignment

RECOMMENDATION:

Commission adopt resolution finding that the disposition of property located north of Whitesbridge Road at the First Street alignment, a portion of APN 020-120-24ST, is in conformity with the General Plan.

EXECUTIVE SUMMARY

The Kerman Unified School District (KUSD) has acquired the property north of Whitesbridge Road on either side of the future First Street alignment. KUSD intends to build a new district office (in construction), elementary school, and athletic site on the property. As such, KUSD has prepared a conceptual master plan for the property for the City’s review. As part of the review process, it was determined that the future First Street alignment needs to be re-aligned to fit the master plan. The City has been working with KUSD regarding the future alignment, and KUSD is willing to grant an easement for public street and utility purposes for the new alignment. In order to do so, the City must transfer the portion of property currently held by the City that informally was intended for First Street to KUSD. Attachment ‘B’ shows the subject portion of property.

The first step in this process is a General Plan Conformity Determination by the Planning Commission. California Government Code Section 65402 requires the disposition 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 conformity for the proposed disposition of the subject portion of APN 020-120-24ST. The Planning Commission’s review for General Plan conformance will be forwarded to the City Council for its consideration of the property disposition. The final approval of the disposition will be presented to City Council at a later date.

This is not a project under the California Environmental Quality Act Guidelines Section 15378 as it involves a mere real property transfer and will not have an adverse physical impact on the community. By this action the Planning Commission is solely making a determination of conformity with the General Plan. Planning Commission is not making a determination on whether to dispose of the subject property.

FISCAL IMPACT:

None.
RESOLUTION 19-

RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION FINDING THAT THE DISPOSITION OF PROPERTY LOCATED NORTH OF WHITESBRIDGE ROAD AT THE FIRST STREET ALIGNMENT, A PORTION OF APN 020-120-24ST, IS IN CONFORMITY WITH THE GENERAL PLAN

WHEREAS, the City of Kerman (City) is requesting a General Plan conformity review for a proposed disposition of property north of Whitesbridge Road at the First Street Alignment, a portion of APN 020-120-24ST; and

WHEREAS, Section 65402 of the California Government Code requires that the Planning Agency of the City review and report on proposed disposition 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.

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 a mere real property transfer and will not have an adverse physical impact on the community.

Section 3. The Planning Commission hereby determines that the proposed disposition of a portion of APN 020-120-24ST 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 12th day of August, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_______________________
Kevin Nehring
ATTEST:       Chairman
________________________
Andy Chamberlain
City Planner
To: Chairman and Commission Members  
From: Olivia Pimentel, Assistant Planner  
Subject: Public Hearing for Conditional Use Permit No. 19-04, West Coast Tires & Auto Center 170 S. Madera Ave

RECOMMENDATION:

By motion, open the public hearing, hear any public testimony, close the public hearing and adopt resolution approving conditional use permit 19-04, West Coast Tires & Auto Center 170 S. Madera Ave.

EXECUTIVE SUMMARY

The applicant, Ibriahim Alwareeta, submitted an application for a conditional use permit to allow for the remodel and renovation of a vacant old building to make way for a 4,000 s.f. tire and automotive repair shop at 170 S. Madera Ave. The subject property in the general commercial zone district located approximately ¼ mile southeast of Whitesbridge Rd and Madera Ave. as shown on the location map in Attachment ‘A’

The proposed tire and auto repair shop are not allowed by right in the general commercial zone; but is allowed by way of a conditional use permit pursuant to section 17.48.030.

APPLICANT/DEVELOPER
Ibriahim Alwareeta/owner  
4385 W. Shaw Ave  
Fresno, CA 93722  
(559) 681-4810

PLANNING COMMISSION ACTION

Pursuant to the Kerman Municipal Code section 17.12.050, the Planning Commission may approve, conditionally approve or deny the conditional use permit. The decision of the Planning Commission shall be final unless appealed to the City Council within ten days of a decision.

OUTSTANDING ISSUES

None, this lot has been vacant for about 20 years.
SITE INFORMATION:

Site Location: ¼ mile southeast of Whitesbridge Rd and Madera Ave.
Assessor's Parcel Nos.: 023-030-11s
Total Size: 13,000 SF
Existing Uses: Vacant Building: The lot is designated as General Commercial (CG) on the Land Use Map.
Zoning: The parcel is zoned General Commercial (CG).
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>General Commercial</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>South</td>
<td>General Commercial</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
<tr>
<td>East</td>
<td>Multiple Family</td>
<td>Multiple Family</td>
<td>R-3</td>
</tr>
<tr>
<td>West</td>
<td>General Commercial</td>
<td>General Commercial</td>
<td>CG</td>
</tr>
</tbody>
</table>

ANALYSIS:

The request is for a conditional use permit to renovate and remodel a vacant commercial lot (13,000 sq.) with an existing old building to make way for a 5,267 sq. building that will have offices, showroom and auto repair shop with 4 roll up doors.

The site: The automotive repair shop will provide auto repair, oil changes, new and used tires sales.

Parking: The Parking requirements for auto repair shops is consistent with section 17.74.030.(l) Automobile Repair and Service Shops: required to accommodate at least three (3) vehicles for every 1,000 square feet of gross floor area. The site plan shows a building area of 5, 267 sq. ft. The parking ratio would be $\frac{5,267 \times 3}{10} = 15.77$ spaces (round up to 16) parking stalls required. The site plan shows 10 parking stalls. The applicant will be required to add 6 more onsite parking stalls in order to meet the city standards. Parking must provide parking for employees, customers and for cars waiting to be picked up. The applicant indicated there will be 5 employees. Parking will be developed in accordance with the City of Kerman's Development Standards Chapter 17.78

Landscaping: Landscaping will be required along the front and street side according to section 17.78.060 Landscape guidelines, City standards require one 15-gallon drought tolerant tree for every 25 feet. All landscapes areas are to be provided with appropriate irrigation system and maintained. The project landscape plans will be review for compliance with State Water Efficient Landscape Ordinance (MWELO)

PUBLIC HEARING:

A public hearing notice was mailed to property owners and residents within 300 feet of the site. The City also published notice of this public hearing in the Kerman News on July 31, 2019. As of the date this report, staff has not received any verbal inquiry regarding the proposed project.
SUMMARY/CONCLUSION:

The proposed Conditional Use Permit 19-04, is consistent with the Kerman General Plan and Zoning Ordinance. On that basis, staff recommends that the Planning Commission adopt Resolution approving Conditional Use Permit 19-04, West Coast Tires & Automotive, subject to the conditions of approval.

Attachments

A. Location Map
B. Resolution with/Exhibits
Attachment ‘A’

Location Map
¼ mile south of Whitesbridge Rd on the east side of Madera Ave.
RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN APPROVING A CONDITIONAL USE PERMIT (CUP NO. 19-04) WEST COAST TIRES AND AUTO CENTER LOCATED AT 170 S. MADERA AVENUE

WHEREAS, the Planning Commission of the City of Kerman has considered Conditional Use Permit No. 19-04 to allow the construction of a 5,267 square foot automotive repair and tire shops on a vacant site at 170 S. Madera Ave; and

WHEREAS, a Notice of Public Hearing was distributed to all property owners of record within 300 feet of the project site and published in the Kerman News on Wednesday July 31, 2019, in accordance with City policies and Government Code Section 65090; and

WHEREAS, a Notice of Exemption has been prepared for this project, as projects of this type are categorically exempt from the requirements of CEQA pursuant to §15301(a) (Existing Facilities); therefore, no additional environmental documentation is necessary; and

WHEREAS, the Planning Commission of the City of Kerman has held a public hearing, reviewed said conditional use permit request, and has studied the compatibility of this request with adjacent land uses, and has considered this request in accordance with the conditional use permit criteria established in Section 17.12 of the Kerman Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Kerman hereby finds:

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

2. 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.

3. That the proposed use will not impair the integrity or character of the residential zoning district.

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

5. The proposed use is exempt from the California Environmental Quality Act (CEQA).
6. That there would be no harmful effect upon the desirable neighborhood character with approval of this permit due to the location within an existing public works yard, minimal noise generation, and the site is designed to handle the proposed parking and additional traffic generated.

THE PLANNING COMMISSION FURTHER determines that Conditional Use Permit No. 19-04 is hereby approved, subject to the conditions of approval listed in Exhibit “A”, attached hereto and made a part of this resolution, and all City standards applicable to this project.

The above action is final unless an appeal is filed pursuant to Chapter 17.22 of the Kerman Municipal Code within ten (10) calendar days following Planning Commission action. Resolution approved on this 12TH day of August, 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

____________________________________
Kevin Nehring
Chairman

ATTEST:

____________________________________
Andrew Chamberlain
City Planner
Exhibit ‘A’

CONDITIONS OF APPROVAL

WEST COAST TIRE & AUTO REPAIR SHOP (CUP NO. 19-04)

1. The approval of Conditional Use Permit No. 19-04 is valid for a period of one (1) year from the approval date (until August 12, 2020). 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.

2. The use is to remodel and construct up to 5,267 square foot building for use as a tire sales and auto repair shop. The project will include approximately 4,000 sq. shop with 1,000 sq. office/show room. Shop will have up to 4 roll up doors. If the applicant desires to increase the square footage of the project, the applicant shall file an amendment and the Planning Director will refer the matter to the Planning Commission for consideration.

3. The proposed use shall conform substantially to the site plan received July 5, 2019, ‘Exhibit ‘A’ and floor plan, ’Exhibit ‘B’ 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. In the event that the applicant proposes to modify the hours of operation for services 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.

5. This approval is expressly granted to West Coast Tires & Auto Center 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. 19-04.

6. 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.

7. The applicant shall comply with the Kerman Municipal Code and all other applicable City of Kerman ordinances and state and federal codes.

8. A landscape and irrigation plan shall be submitted for review and approval.

9. 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.

10. All activities on the site shall be limited to routine functions during normal business hours, unless subsequent approval by the Planning Director is given for a modification.
11. 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.

12. 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.

13. Failure to comply with any and all conditions attached to the granting of this conditional use permit shall constitute grounds for revocation.

14. Caltrans has required at this location SR 145 (Madera Avenue) is classified as a four-lane conventional highway. Caltrans in its effort to minimize traffic conflicts attempts to limit the number of access points to the main line. No new driveways will be permitted to access the State right of way. Access should be taken from S. Kline St.

15. The existing right-of-way (ROW) is 40 feet measured from centerline, an additional 10-foot will be required. Right-of-way dedicated to the State due to the proposed project or work proposed in the State right-of-way, will need to be dedicated and conveyed to the State (in a form approved by the State) before an encroachment permit is issued for any work in the State right-of-way. The ROW requirements are attached.

16. The existing curb, gutter, and sidewalk will need to be reconstructed in order to meet current Caltrans standards. A 10-foot sidewalk within the limits of the project will be required to match the existing sidewalk pattern to the north and south of the project site.

17. An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. The Streets and Highways Code Section 670 provides Caltrans discretionary approval authority for projects that encroach on the State Highway System. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, “Time Limitations.” Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit. Upon project approval by the local public agency and prior to an encroachment permit application submittal, the project proponent is required to schedule a “Pre-Submittal” meeting with District 6 Encroachment Permit Office. Please contact District 6 Encroachment Permit Office at (559) 488-4058 to schedule this meeting.

18. No outdoor vehicle storage overnight.

19. No outdoor storage of tires or automotive parts.
21. No lighting, direct or indirect including signs, shall fall upon the adjacent residential units to the east.

22. No mechanical equipment shall be located/ oriented to the residential area to the east so as to cause any type of noise or exhaust issues.

23. The required parking shall be met, which may result in the reduction of the building area shown in the exhibits. Changes deemed significant to achieve the parking requirement may be subject to additional Planning Commission review at the discretion of City Staff.

24. Police Department has required adequate video camera system be set up to provide safety surveillance for the site. The camera quality should be 1080P or higher.

25. Police Department has required additional lighting be installed in the parking lot area to provide proper illumination.

26. The hours of operation as requested are 8:00 am – 6:00 pm, Monday thru Saturdays. Any modifications or changes to the hours of operation require prior approval of the Planning Director.

27. Fire Department will review construction plans in accordance with California Code Regulations Title 24- Fire Code and California Code of Regulations Title 19- Public Safety. Prior to receiving your NCFPD conditions of approval, you must submit construction plans to the City of Kerman Planning & Development for review.

28. Fire Department – In addition, it is the Applicants Responsibility to deliver a minimum of one set of plans to the NCFPD. before submitting to North Central Fire Protection District please visit website at www.NorthCentralFire.org and fill out the Fire District Permit Application (DFP-001) to submit with your plans. Note; requirements for your project may include but are not limited to:

- Water Flow Requirements
- Fire Hydrants
- Water Storage Requirements
- Fire Sprinklers Systems
- Fire Pumps
- Fire Alarm Systems
- Road Access
- Premises Identification
- NCFPD Ordinance 2016-01
- Title 15.60 County Ordinance
- CFC Ch. 23 –Motor Fuel-Dispensing Facilities & Repair Garages
- CFC Ch. 34- Tire Rebuilding & Tire Storage

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. 19-01.

______________________________  ______________________________
Date                        Ibrahim Alwareetu
Applicant
Exhibit ‘A
Site Plan
Exhibit 'B'
Floor Plan
Exhibit ‘C’
Elevation Plan