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OPENING CEREMONIES

Call to Order
Roll Call
Pledge of Allegiance

AGENDA APPROVAL/ADDITIONS/DELETIONS

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: September 16, 2019
3. PUBLIC HEARINGS

A. **SUBJECT**: Continued Public Hearing for CUP 19-01, Reade and Sons Funeral Home 15395 W. Kearney Blvd.

**RECOMMENDATION**: It is recommended that the Planning Commission hear any remaining public testimony, close the public hearing, and adopt updated Resolution No. 19-11 approving Conditional Use Permit 19-01, Reade & Sons Funeral Home subject to conditions of approval.

**ATTACHMENTS**: Staff Report

B. **SUBJECT**: Public Hearing Conditional Use Permit 19-05, Massage Business at 736 S. Madera Avenue

**RECOMMENDATION**: That the Planning Commission by motion, open the public hearing, receive public comments, close public hearing and adopt resolution approving Conditional Use Permit (CUP 19-05) with Conditions for Massage Therapist Business located at 736 S. Madera Avenue in the General Commercial Zone District, subject to certain findings and conditions of approval.

**ATTACHMENTS**: Staff Report

C. **SUBJECT**: Public Hearing To Consider actions relating to Tract Map No. 6236, Reorganization/Annexation 2018-01 (Whitesbridge/Siskiyou), located on the northeast corner of Whitesbridge and Siskiyou Avenue

a) A Resolution of the Planning Commission of the City of Kerman Recommending that the City Council of the City of Kerman Certify the Environmental Impact Report (Sch# 2019029077) and the Mitigation Monitoring and Reporting Program for General Plan Amendment No. 2018-02, Reorganization/Annexation No. 2018-01, Whitesbridge/Siskiyou Project, Prezone No. 2018-01, and Tentative Tract Map No. 6236 for the Project Located on the Northeast Corner of State Route 180/Whitesbridge Avenue and Siskiyou Avenue (APN 020-120-31s)

b) A Resolution of the Planning Commission of the City of Kerman Recommending Approval to the City Council of Tentative Subdivision Map 2018-01, Tract No. 6236, Located on the Northeast Corner of Whitesbridge and Siskiyou Avenues APN 020-120-31s.

d) A Resolution of the Planning Commission of the City of Kerman, California, Recommending that the City Council of the City of Kerman Amend the Kerman Municipal Official Zone Map to Prezone (No. 2018-01) Property from the Agriculture Ae-20 to Medium Density Residential (SD-R-5) Neighborhood Commercial (NC), High-Density Residential (R-3), and Open Space (“O” Zone) for Tract Map No. 6236, (Whitesbridge/Siskiyou) Project (APN 020-120-31s).

e) A Resolution of the Planning Commission of the City of Kerman, California, Recommending that the City Council of the City of Kerman Approving Street Names for Tentative Subdivision Map: Tract 6236 Located on the northeast corner of Whitesbridge and Siskiyou Avenues

**RECOMMENDATION:** The Planning Commission by motion, open public hearing, hear any public testimony, close public hearing and adopt the following resolutions which recommend approval of project entitlements:

a) A Resolution of the Planning Commission of the City of Kerman Recommending that the City Council of the City of Kerman Certify the Environmental Impact Report (Sch# 2019029077) and the Mitigation Monitoring and Reporting Program for General Plan Amendment No. 2018-02, Reorganization/Annexation No. 2018-01, Whitesbridge/Siskiyou Project, Prezone No. 2018-01, and Tentative Tract Map No. 6236 for the Project Located on the Northeast Corner of State Route 180/Whitesbridge Avenue and Siskiyou Avenue (APN 020-120-31s)

b) A Resolution of the Planning Commission of the City of Kerman Recommending Approval to the City Council of Tentative Subdivision Map 2018-01, Tract No. 6236, Located on the Northeast Corner of Whitesbridge and Siskiyou Avenues APN 020-120-31s.


d) A Resolution of the Planning Commission of the City of Kerman, California, Recommending that the City Council of the City of Kerman Amend the Kerman Municipal Official Zone Map to Prezone (No. 2018-01) Property from the Agriculture Ae-20 to Medium Density Residential (SD-R-5) Neighborhood Commercial (NC), High-Density Residential (R-3), and Open Space (“O” Zone) for Tract Map No. 6236, (Whitesbridge/Siskiyou) Project (APN 020-120-31s).

e) A Resolution of the Planning Commission of the City of Kerman, California, Recommending that the City Council of the City of Kerman Approving Street Names for Tentative Subdivision Map: Tract 6236 Located on the northeast corner of Whitesbridge and Siskiyou Avenues

**ATTACHMENTS:** Staff Report
4. PETITIONS/RESOLUTIONS
   None

5. ADMINISTRATIVE REPORTS
   None

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.

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

Call to Order by Kattie Wettlaufer at 6:32 p.m.
Roll Call by Destiny Garcia, Assistant Secretary
Commission Present: Wettlaufer, Bandy, Espino, Felker, Bishop, Nehring (arrive time 6:50)
Commission Absent: Nunez, (EXC)
Pledge of Allegiance: Performed

AGENDA APPROVAL/ADDITIONS/DELETIONS - C/Bandy made a motion to approve agenda as presented, C/Felker second, unanimously 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

RECOMMENDATION: C/Espino Made a motion to approve the minutes of the August 12, 2019 meeting, Second C/Bandy, unanimously approved.

B. SUBJECT: Resolution Finding the Determination of General Plan Conformity for the Disposition of Property located on the south west corner of Industrial Way, APN 023-060-98ST

RECOMMENDATION: C/Bandy made a motion to approve Resolution 19-10, finding the determination of General Plan Conformity for the disposition of property located on the south west corner of Industrial Way, APN 023-060-98ST with the change of direction noted in the subject, second C/Espino, unanimously approved.

3. PUBLIC HEARINGS
A. **SUBJECT**: Resolution 19-11, Approving Conditional Use Permit No. 2019-01, Reade & Sons Funeral Home

Staff gave a brief report regarding the request for to bring back this approved Conditional Use Permit for Reade and Sons Funeral Home located at 15395 W. Kearney Blvd. Ryan Reade the applicant spoke in favor of the item that had already been previously approved by the Commission on May 13, 2019.

Open public hearing: 6:42 pm

Please note Conditional Use Permit 19-01 was previously approved and adopted May 13, 2019. Staff decided to re-notice public hearing due to complaints received from residents who did not get notified.

After much discussion several residents were not in support of the funeral home. The Commission decided to table the matter.

Continued public hearing to the next Planning Commission meeting on October 14, 2019: 8:14 pm

**RECOMMENDATION**: Commission decided to table this matter by the following vote:

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

B. **SUBJECT**: Eastside Community Park: Phase One

Staff provided a brief power point presentation regarding the proposed project to annex approximately 15.6 acres into the City of Kerman for a proposed Eastside Community Park and recommended that the City of Kerman Council approve several associated entitlements:

1. **Adopt Resolution No. 2019-12**, recommending approval of General Plan Amendment No. 2019-01 requesting expansion of the Fresno LAFCo Sphere of Influence


3. **Adopt Resolution No. 2019-14**, recommending pre-zoning the Eastside Community Park site as Open Space (O)


Staff recommended that the Planning Commission consider all the facts and take the following actions:

1. **Adopt Resolution No. 2019-12**, recommending approval of General Plan Amendment No. 2019-01 requesting expansion of the Fresno LAFCo Sphere of Influence

3. Adopt Resolution No. 2019-14, recommending pre-zoning the Eastside Community Park site as Open Space (O)


Open public hearing: 9:17 pm

Staff noted that there were changes to Resolution Numbers.

Close public hearing: 9:18 pm

**RECOMMENDATION:** C/Felker made motion to adopt the following resolution numbers 19-12, 19-13, 19-14, and 19-15 second C/Espino, approved as presented by the following vote:

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

4. **PETITIONS/RESOLUTIONS** None Offered

5. **ADMINISTRATIVE REPORTS** None Offered

6. **COMMUNICATIONS** - As Offered

**ADJOURNMENT** – Meeting adjourned at 9:20 p.m

/s/ Olivia G. Pimentel
Secretary to the Planning Commission
To: Chairman and Commission Members  
From: Olivia Pimentel, Assistant Planner  
Subject: Conditional Use Permit No. 19-01, Reade & Sons Funeral Home 15395 W. Kearney Blvd.

RECOMMENDATION:

It is recommended that the Planning Commission hear any remaining public testimony, close the public hearing, and adopt updated Resolution No. 19-11 approving Conditional Use Permit 19-01, Reade & Sons Funeral Home subject to conditions of approval.

EXECUTIVE SUMMARY

This updated staff report provides responses to public questions, further information for the public and Planning Commission, an updated Resolution No. 19-05, and some clarifications to the conditions of approval.

By way of background, the applicant, Reade & Sons Funeral Home, submitted an application for a conditional use permit to occupy a vacant church site and for use as a funeral home, which was approved by the Planning Commission on May 13, 2019. After the approval, a member of the public contacted the City and wanted to comment on the project. Staff reviewed the notice, determined there were some issues with it, and published and circulated a new notice on August 6, 2019, consistent with the requirements of the Municipal Code. A new public hearing was held on September 16, 2019, and the Planning Commission received public testimony. The Planning Commission directed staff to send additional mailed notices for the item to all property owners within a 300-foot radius of the site, kept the public hearing open, and continued the meeting to October 14, 2019. Staff subsequently mailed another notice to property owners within 300 feet of the site and to other members of the public who requested notice, and then published the notice in the newspaper on October 2, 2019. A sample of the latest notice is attached to this Staff report.

Staff recommends the Planning Commission conclude and close public testimony, and then adopt updated Resolution No. 19-11 approving Conditional Use Permit 19-01 as conditioned.

RESPONSES TO QUESTIONS

During the public hearing on September 16, 2019, the following items were raised:

1. Mailed Notice Not Required to be Recieved: Some individuals stated their property was within the 300-foot radius, but they did not receive a mailed public hearing notice.
There is no requirement for adjacent property owners to receive notice under State law. However, the City Council approved certain requirements for notice. In this regard, Municipal Code Section 17.10.020 requires a “single notice” of the hearing be published and mailed to property within 300 feet of the site. Here, Staff re-reviewed the September 16, 2019 mailing list for the 300-foot radius and confirmed it contain all the properties/property owners. Regardless, new notices were sent out again. In total, notices of the hearings on this matter have been sent on three occasions, and published in the newspaper three times. As such, the “single notice” requirement has been met.

Additionally, Municipal Code Section 17.010.030 states that: “Failure of any person or entity to receive a notice given pursuant to Section 17.10.020 shall not invalidate any proceedings for amendment to this title, nor any permits authorized by this title.” If the City has provided notice, as it has done here on multiple occasions, then the failure of a property owner to receive the notice does not affect the proceeding.

Staff recommendation: No action required.

2. Mailed Notice Beyond 300 Foot Notice Not Legally Required: Several members of the public thought that the 300-foot notice radius was not sufficient.

As noted above, there is no requirement for adjacent property owners to receive notice under State law, and notice for this project has been provided as required by the Municipal Code. If the City were inclined to change this standard for future projects, it would require an ordinance amendment of the Municipal Code approved by the City Council.

Staff recommendation: No action required. However, if requested by the Planning Commission, Staff can set this as an agenda item for consideration by the Planning Commission at a future meeting.

3. Consistency with “Quasi-Public” Land Use Designation in the General Plan: There were questions whether the General Plan designation for the site was consistent with the R-1 zone district designation.

Under State law, the City’s zoning ordinance in the Municipal Code must be consistent with the General Plan – not the other way around. This typically means that if the R-1 zone district was not compatible with the General Plan land use designation, then the zone district would have to be change to another zone district that would permit “quasi-public” land uses (i.e., the site could still be used for a funeral home and residential uses would be excluded). However, the General Plan contains the Consistency Matrix below which identifies the Quasi-Public designation as consistent with R-1 zone. (See below.) This means that all the designations are consistent.
Staff recommendation: No action required. However, if requested by the Planning Commission, Staff can set this as an agenda item for a future meeting for consideration by the Planning Commission as to whether certain an amendment of the General Plan would be warranted.

**GENERAL PLAN/ZONING CONSISTENCY MATRIX**

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Note: **** denotes consistency between land use designation and zone district; a blank denotes lack of consistency.
A land use designation followed by (R) indicates a Reserve and consistent zoning in the UR zone.

4. Use Authorized in the R-1 Zone District: There were questions whether the proposed use is, or should be, allowed in the R-1 zone.

“Private institutional uses” are allowed in parcels zoned Single Family Residential (R-1) per Municipal Code section 17.40.030. This includes (but are not limited to) churches, cemeteries, hospitals, convalescent homes and charitable organizations. Funeral homes are a type of private institutional use allowed in the R-1 zoned district, which is consistent with the “Quasi-public” land use designation in the City’s General Plan.
Generally prohibiting funeral homes or other quasi-public uses in R-1 zone districts requires an ordinance amendment approved by the City Council.

Staff recommendation: No action required. However, if requested by the Planning Commission, Staff can set this as an agenda item for a future meeting for consideration by the Planning Commission as to whether certain land uses should not be allowed in R-1 zone districts even if designated “quasi-public.”

5. Sufficiency of Street Parking: There were comments requesting that no street parking be allowed in front of houses, as there was apparently already not room due to parking by the school, and street parking should be available for the housing use when needed.

As noted below, the propoposed project complies with the Municipal Code requirements. Public street parking is public – not private to individual houses. Residents cannot legally prohibit members of the public from parking on the public street in front of their homes so they can make private use of the public facilities. Additionally, residential housing is supposed to provide enough off-street parking for both the occupants and temporary guests and visitors. Municipal Code Section 17.40.080 and 17.74.020 sets parking requirements for residential uses as follows:

“Not less than two covered parking spaces shall be provided for each dwelling unit within the buildable portion of the lot. The required parking spaces may be provided within a garage, a carport, or any combination thereof. Each parking space shall be at least nine feet in width and nineteen feet in length. All carports and garages shall have a driveway length of at least twenty feet free and clear from the back edge of the sidewalk which is for the temporary parking of vehicles.”
(Emphasis added.)

This does not include parking by residents and their guests in the alleys. If there is insufficient on-street parking, and restrictions are requested, a study would need to be done to assess to support any restriction and to determine who is using the excess parking capacity on the street. This would also include an assessment as to whether the residences are properly utilizing off-street parking in garages and having their guests park in driveways. If restrictions were supported by the study, such as no parking on a certain side of the street during certain school hours, the restrictions would have to apply to all users of the public streets, including the adjacent residences.

At full capacity only 3 on-street parking spaces would be needed by the project, and at least 10 are reasonably available per the City’s standards. Applicants have also indicated they are willing to restripe the lot to add an additional parking spaces, and there is additional parking on the west side of the area, meaning that no off-street parking would be required even assuming maximum anticipated capacity was reached.

Staff recommendation: No action required. Condition No. 18 has been added to clarify that restriping be done within one year of commencement of use to result in a total of 36 parking spaces on-site. However, if requested by the Planning Commission, the City Planner can forward a request to the Public Works Department to assess whether red curbs on corners in the area would be warrant per City standards.
6. School, Church and Funeral Home Traffic: Questions were raised whether the existing school and church traffic in the immediate area (when combined with the funeral home) would be too much and would be potentially injurious to school children.

There is no substantial evidence in the record that would support this concern. As a preliminary matter, the roadways have been designed with the appropriate traffic capacity for all three uses (and others in the area) operating simultaneously. Even assuming that an unacceptable level of traffic loading was an issue (which it is not), the project is proposed for an existing (not a new) building, and should not be penalized for other users using excess capacity or parking or traffic capacity. Additionally, as a practical matter the school, church and funeral home have different traffic loading patterns and largely operate at different times and different days. For example, peak traffic loading for the school is usually in the early morning (for drop off), and the early afternoon (for pick up) during weekdays – assuming the school is not closed for the summer, etc. On the other hand, church use primarily takes place during the weekends, with minimal weekday traffic. Likewise, the funeral home would largely operate during the weekdays - and would not open until after the school's peak morning traffic. If traffic was more difficult when school was being let out in the afternoon, as a practical matter the business would naturally be more likely to schedule events around this short period of time so as not to inconvenience their customers.

Regardless, based upon parking requirements, and even assuming full capacity use of the site, only 36 cars would be anticipated for the project. Traffic is assumed to be spread across various times (i.e., all vehicles would not arrive at the same minute or even within a few minutes of one another). In any event, 36 cars is not a significant, adverse, traffic impact, and is similar in use to a church.

There is also no substantial evidence in the record that the design of the project would injure children or pedestrians. The law presumes that applicants, their clients, and other users of the roadways will act in a lawful manner and obey all traffic regulations and restrictions.

Staff Recommendation: No action required. Condition No. 16 provides for business office hours daily 8:30 am to 5:00 pm consistent with the applicant’s request. Condition No. 16 has been refined to clarify the applicant’s obligation to endeavor to schedule services outside of the peak hours of the school to the as reasonably possible to reduce potential conflicts.

7. Hours for Services: There were discussions related to establishing hours for services that would not conflict with the school directly southwest of the subject site. There was also discussion of evening and overnight viewings.

An issue is that the school may change its operations at any time, or may use a “flex” schedule, with no notice to the public or adjacent properties. Additionally, the school is only in operation for use by students during certain portions of the school year, meaning that year-round restrictions on the funeral home to accommodate the school may not make sense.

There was also discussion of evening and overnight viewings. However, an anticipated use for churches is the conduct of evening and midnight activities. This are similar in nature and intensity
as the use proposed by the funeral home. Staff believes these types of viewings can be managed by the business as they may not draw large numbers of participants. Any activity is subject to the current noise and nuisance ordinances, and can result in enforcement as would any other violation of the City’s Municipal Code.

Staff Recommendation: No action required. Condition No. 16 provides for business office hours daily 8:30 am to 5:00 pm consistent with the applicant’s request. Condition No. 16 has been refined to clarify the applicant’s obligation to endeavor to schedule services outside of the peak hours of the school to the as reasonably possible to reduce potential conflicts.

8. Website: City website did not list the September 16, 2019 meeting of the Planning Commission.

The City is striving to make sure that meetings are correctly posted on the website. September 16, 2019, was a regularly scheduled meeting, and the current meeting has been listed on the City’s website.

Staff Recommendation – No additional action.

9. Site Lighting and Landscaping: This was raised as a potential question during public comment. Site lighting and landscaping are covered in Conditions No. 8 and 15. The applicant is planning to install additional security lighting and has been refurbishing the on-site landscaping. With these conditions, the applicant has met the requirements of the Municipal Code.

Staff Recommendation – No additional action.

10. Enforcement of Conditions of Approval: Concerns were raised whether the City would enforce the conditions of approval.

A use permit cannot be denied on the speculation that an applicant may violate a condition of approval or that the City might not be able to enforce the violation. City staff review use permits to ensure compliance. Additionally, the City also welcomes and relies on the community to report violations.

Staff Recommendation – No additional action required.

11. Sign Size: Questions were raised regarding the sign of the size allowed for the proposed use.

The signage is to be approved as a part of the CUP process. The applicant is requesting Commission approval of the existing sign, which would be refaced by the applicant with no increase in size or height. (See picture of current sign, below, for reference.)

Staff Recommendation – Staff recommends that the Commission approve the request to use the existing sign with no increase in size or height. See updated Condition No. 17.
APPLICANT AND SITE LOCATION

As noted in the prior hearings, the subject property is located on the southwest corner of Kearney Blvd. and First St., as shown on the location map in Attachment ‘A’.

APPLICANT/DEVELOPER: Reade & Sons Funeral Home
APPLICANT’S REPRESENTATIVE: Ryan Reade
For: Reade & Sons Funeral Home
3161 W. Kearney Blvd
Fresno, CA 93706
(559) 237-3233 (ph)

PLANNING COMMISSION ACTION

The Planning Commission may approve, conditional 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 decision.

OUTSTANDING ISSUES

It should be noted that this is the same funeral home that was granted a conditional use permit (no. 17-03) on December 11, 2017; however, the applicants have since decided to put that project on hold because of the expense. The conditional use permit has since expired. The new proposed site on Kearney Blvd and First Street has all required parking, etc. on site. The applicant is only proposing to make some minor repairs and painting. The applicant is not proposing any changes to the project as originally considered by the Planning Commission in May of 2019.

SITE INFORMATION:

Site Location: Southeast corner of Kearney Blvd and First St.
Assessor’s Parcel Nos.: 023-380-01s
Total Size: 3,600 Church sq. ft
Existing Uses: Existing Church Building (Church of Christ) General Plan: The lot is designated as Quasi Public on the Land Use Map.
Zoning: The parcel is zoned Quasi Public. 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>
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<td>Quasi Public/ Residential</td>
<td>R-1</td>
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<tr>
<td>South</td>
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<tr>
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</tr>
<tr>
<td>West</td>
<td>Schools/Church</td>
<td>Medium Density</td>
<td>R-1</td>
</tr>
</tbody>
</table>

**ANALYSIS:**

The request is for a Conditional Use Permit to occupy a vacant church site for a funeral home. The applicant is not proposing any modifications to the church site, only interior painting and minor repairs. Updates to exterior lighting, refreshing of landscaping, and parking lot care (potentially including restriping) are also anticipated.

General Plan and Zoning Consistency: “Private institutional uses, including but not limited to churches, cemeteries, hospitals, convalescent homes and charitable organizations” are allowed in parcels zoned Single Family Residential (R-1) per Municipal Code section 17.40.030. Funeral homes are a private institutional use allowed in the R-1 zoned district, which is consistent with the “Quasi-public” land use designation in the City's General Plan.

Site: The site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the R-1 district. There is also adequate parking for the proposed use. The seating capacity for the site is 144 seats. The parking requirements for funeral homes (Type A3) is a ratio of 1 parking stall per 4 fixed seating. The chapel is approximately 1,500 sq.ft, The ratio would be 144 divided by 4 = 36 parking stalls. The existing parking lot has 30 on-site parking stalls and 3 handicap parking stalls (only 1 is required) for a total of 33 onsite parking stalls. There is adequate public parking along First Street and Kearney Blvd for an additional 10 parking stalls that meet the City of Kerman Parking Standards. The applicant is also willing to restripe the parking lot to add additional space, and additional parking has been located on the west side of the lot. Even without this additional parking, there is adequate parking for the site.

Health, Safety and Welfare: The proposed establishment, maintenance, and operations of the funeral home would not be detrimental to the public health, safety, and welfare. Traffic, parking, environmental impacts, etc., would be similar in nature to the use as a church, and is consistent with the allowed uses on the parcel. Unlike many other institutional uses, the State of California regulates funeral homes, and has imposed regulations protect public health and safety. The use would also be similar to and compatible with the current use as a church property, and would not be injurious to the neighborhood or City.
Environmental: Staff have determined that a Class 1 Categorical Exemption (Existing Facilities) set forth in CEQA Guidelines Section 15301 applies to this project as it consists of the minor alteration of an existing private facility to provide for use as a funeral home. Expansion and alternations of the building, refreshing the existing landscaping, re-striping the parking lot, etc., would be negligible, and would not result in a significant, adverse impact to the environment. Additionally, the project would also be subject to a Class 32 Categorical Exemption (Infill) as set forth in CEQA Guidelines Section 15332 as the project is consistent with the applicable General Plan designations and policies, occurs within City limits on a site of no more than five acres surrounded substantially by urban use, the site has no value for endangered or similar species, the approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and the site can be adequately served by all required utilities and public services. Furthermore, none of the exceptions to set forth in CEQA Guidelines Section 15300.2 apply to this Project.

PUBLIC HEARING:

A public hearing notice was mailed to property owners and residents within 300 feet of the site on three separate occasions. The City also published notice of this public hearing in the Kerman News on May 1, 2019, again on August 6, 2019, and again on October 2, 2019.

SUMMARY/CONCLUSION:

The proposed Conditional Use Permit 19-01, is consistent with the Kerman General Plan and Zoning Ordinance, and meets all of the requirements of the Municipal Code. On that basis, Staff recommends that the Planning Commission adopt Resolution approving Conditional Use Permit 19-01, Reade and Sons Funeral Home, subject to the conditions of approval.

Attachments

A. Resolution with Exhibits
RESOLUTION NO. 2019-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN APPROVING A CONDITIONAL USE PERMIT (CUP NO. 2019-01) READE & SONS FUNERAL HOME, INC. LOCATED AT 15395 W. KEARNEY BLVD

WHEREAS, Reade & Sons Funeral Home, submitted an application for a conditional use permit to occupy a vacant church site and for use as a funeral home (Conditional Use Permit No. 2019-01); and

WHEREAS, after providing an opportunity for a public hearing, Conditional Use Permit No. 2019-01, was approved by the Planning Commission on May 13, 2019 by adopting Resolution No. 2019-05; and

WHEREAS, after the approval, a member of the public contacted the City and wanted to comment on the project. Staff reviewed the notice for the hearing, identified some inadvertent issues with it, and determined that re-noticing was necessary; and

WHEREAS, an updated notice was published and circulated on August 6, 2019, consistent with the requirements of the Municipal Code; and

WHEREAS, a new public hearing was held before the Planning Commission on September 16, 2019, and the Planning Commission received public testimony; and

WHEREAS, at the conclusion of the meeting the Planning Commission directed staff to send additional mailed notices for the item to all property owners within a 300-foot radius of the site, kept the public hearing open, and continued the meeting to October 14, 2019; and

WHEREAS, staff subsequently mailed another notice to property owners within 300 feet of the site and to other members of the public who requested notice, and then published the notice in the newspaper on October 2, 2019; and

WHEREAS, at the continued public hearing on October 14, 2019, the Planning Commission provide an opportunity for the public to provide additional testimony on this matter; and

WHEREAS, the Planning Commission of the City of Kerman has fully considered Conditional Use Permit No. 2019-01 to allow a Funeral Home to occupy a vacant 3,600 square-foot building located at 15395 W. Kearney Blvd; and

WHEREAS, this project has been environmentally assessed, and is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines §§15301 (Existing Facilities) and 15332 (Infill); and
WHEREAS, the Planning Commission of the City of Kerman has held public hearings on this matter, reviewed said conditional use permit request, 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; and

WHEREAS, the Planning Commission now desires to rescind Resolution No. 2019-05, and approve Conditional Use Permit No. 19-01 as conditioned.

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

1. The recitals listed above are true and correct and are incorporated by reference.

2. The Planning Commission finds and determines that a Class 1 Categorical Exemption (Existing Facilities) set forth in CEQA Guidelines Section 15301 applies to this Project as it consists of the minor alteration of an existing private facility to provide for use as a funeral home. Expansion and alterations of the building would be negligible, and would not result in a significant, adverse impact to the environment. Additionally, the Planning Commission also finds and determines that a Class 32 Categorical Exemption (Infill) as set forth in CEQA Guidelines Section 15332 also applies to this Project as it is consistent with the applicable General Plan designations and policies, occurs within City limits on a site of no more than five acres surrounded substantially by urban use, the site has no value for endangered or similar species, the approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality, and the site can be adequately served by all required utilities and public services. Furthermore, none of the exceptions to set forth in CEQA Guidelines Section 15300.2 apply to this Project.

3. The Planning Commission finds as follows:
   a. The proposed establishment, maintenance, and operations of the use applied for will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the City;
   b. That the proposed use is consistent with the Kerman General Plan and Zoning Ordinance.
   c. The proposed project has been assessed as per the California Environmental Quality Act (CEQA)
   d. That the site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the district for which the use is proposed.

4. The Planning Commission approves Conditional Use Permit No. 19-01, 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.
5. Resolution No. 2019-05, entitled “A Resolution Of The Planning Commission Of The City Of Kerman Approving A Conditional Use Permit (Cup No. 2019-01) Reade & Sons Funeral Home, Inc., Located At 15395 W. Kearney Blvd” is rescinded in its entirety, and is of no further force or effect.

6. This resolution is effective immediately upon adoption.

The above action is final unless an appeal by the applicant 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 14th day of October 2019.

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

__________________________
Kevin Nehring
Chairman

ATTEST:

__________________________
Olivia Pimentel
Planning Commission Secretary
CONDITIONS OF APPROVAL

FOR READE & SONS FUNERAL HOME, INC. (CUP NO. 19-01)

1. The approval of Conditional Use Permit No. 19-01 is valid for a period of one (1) year from the approval date (until October 14, 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 for the occupation of a 3,600 square foot existing building for a funeral home by Reade & Sons Funeral Home, Inc. The main assembly/seating area or sanctuary shall be limited to the chapel area (42' x 36') 1,512 square feet and hold a maximum of 144 occupancy load. If the applicant desires to increase the number of people permitted under this permit, 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 March 15, 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. See Condition No. 16.

5. The conditions of approval of Conditional Use Permit No. 19-01 shall run with the land and be applicable to any future owner or any person making use of the site under the Conditional Use Permit.

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. The existing landscape and irrigation plan shall be maintained by Applicant. Applicant shall restore the landscaping within 6 months from commencement of use under Conditional Use Permit No. 19-01.

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

11. Prior to occupancy, the applicant shall meet and comply with 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.

12. Operations under Conditional User Permit No. 19-01 shall comply with all state and local requirements for parking, noise, traffic, or other impacts associated with the use.

13. Failure to comply with any and all conditions attached to the granting of this Conditional Use Permit shall constitute grounds for revocation and/or other appropriate enforcement actions.

14. Adequate surveillance shall be installed to monitor the site. Prior to commencing use under the Conditional Use Permit, applicant shall meet with the Police Department to ensure an adequate video camera systems is installed to provide safety surveillance for the site (including the parking lot) prior to commencement of use under the Conditional Use Permit. A fully functional color digital video camera, full HD with a quality of at least 1080P, must be in operation at all times. Unless authorized by the Chief of Police for the City, the camera storage capacity should be for at least one week (seven calendar days), and the system must continuously record, store, be capable of playing back images and be fully functional at all times. Any recordings of criminal activity shall be provided to the Kerman Police Department within 24 hours of the initial request.

15. The parking lot and site shall be adequately illuminated at night. Prior to commencing use under the Conditional Use Permit, applicant shall meet with the Police Department to coordinate the exact location and type of additional lighting be installed in the parking lot area to provide proper illumination. Such lighting shall be installed by the applicant within 90 days of commencement of operations under this Conditional Use Permit.

16. The hours of operation as requested are 8:30 am – 5:00 pm, plus evening viewings as needed. Also occasional weekend viewing and services are permitted. Any modifications or changes to the hours of operation require prior approval of the Planning Director. Applicant shall endeavor to avoid scheduling events such that arriving or departing customers would substantially contribute to traffic during peak use times by the adjacent school (morning student drop offs and afternoon student pick ups) for those days when the school is in session.

17. The street sign may be updated, refaced, or replaced as long as it remains consistent with the same size and height as existing at the time of the approval of the Conditional Use Permit.

18. Applicant shall cause the parking lot to be restriped to create a total of 36 on-site parking spaces (including one disabled parking space) within one year of commencement of use of the property under the Conditional Use Permit.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project.
This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project may be subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through conditional use permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 10 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall include a statement of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this conditional use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit, the zoning ordinance, and all City standards and specifications. This use permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions.

These conditions are applicable to any person or entity making use of this use permit.

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

Ryan Reade
Applicant
Exhibit ‘A
Site Plan
Exhibit 'B'
Floor Plan

EXISTING FLOOR PLAN
SCALE: 1/8" = 1'-0"

Proposed Reade Funeral Home - 15395 W. Kearney Blvd.
PUBLIC NOTICE

A Public Hearing will be held by the Kerman Planning Commission at 850 S. Madera Ave., Kerman, CA on Monday, October 14, 2019, at 6:30 p.m. or as soon as the matter can be heard, to consider the following item: Adopt Resolutions Approving a Conditional Use Permit Application for a Funeral Home at 15395 W. Kearney Blvd; The public is invited to attend and give testimony. Documents are available at City Clerk’s Office, Planning Department or at www.cityofkerman.org at least 3 days prior to the hearing. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the hearing described in this notice, or in written correspondence delivered to the Assistant Planner prior to the public hearing.

/s/ Olivia Pimentel, Assistant Planner

Olivia Pimentel
Planning & Development Assistant Planner
City of Kerman
850 S. Madera Ave.
Kerman, CA 93630
Desk: (559) 846-9386
Fax: (559) 846-9348

Publish once on Wednesday October 2, 2019
To: Chairman and Commission Members  
From: Olivia Pimentel, Assistant Planner  
Subject: Public Hearing Conditional Use Permit (CUP 19-05) Massage Business, located at 736 S. Madera Avenue Kerman CA (APN 023-181-15s)

RECOMMENDATION

That the Planning Commission open the public hearing, receive public comments, close public hearing and by motion adopt resolution approving Conditional Use Permit (CUP 19-05) with Conditions for Massage Therapist Business located at 736 S. Madera Avenue in the General Commercial Zone District, subject to certain findings and conditions of approval.

EXECUTIVE SUMMARY

Staff received an application for a massage therapist business from Ms. Jessica Solis. Before 2015, massage therapist was not a listed use in the Zoning Ordinance. In 2015, the City adopted an ordinance requiring a conditional use permit for a massage therapist business in the General Commercial zone district. The ordinance also requires that a massage business obtain a Massage Establishment Permit from the Kerman Police Department. The CUP is subject to the Massage Establishment Permit and the Massage Establishment Permit is subject to approval of a CUP. The Police Chief reviewed and approved a Massage Establishment Permit on August 16, 2019.

The project site is an existing commercial building with parking, the massage therapist would occupy one room of the building with a hair and nail salon in the balance of the building. No building additions or site improvements are proposed with this action.

The proposed massage therapist use is located at 736 S. Madera Avenue in the General Commercial Zone District.

PROJECT LOCATION

The project site is located on Madera Avenue between D & E Streets on the northeast corner of Madera and D Street, as shown in Figure 1 below.
**Figure 1**
**Site Location**

![Location Diagram]

**GENERAL INFORMATION**

- **Site Location:** Northeast corner of ‘Madera’ and D Street
- **Address:** 736 S. Madera Avenue
- **APN(s):** 023-181-15s
- **Plan Land Use Designation:** General Commercial
- **Zoning District:** CG (General Commercial)

**Surrounding Uses & Zoning:**

<table>
<thead>
<tr>
<th>Location</th>
<th>General Plan Designation</th>
<th>Existing Uses</th>
<th>Zone District</th>
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<tr>
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<td>CG</td>
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</tbody>
</table>
Staff is recommending approval subject to the conditions of the conditional use permit and any requirements of the Massage Establishment Permit from the Kerman Police Department.

**DISCUSSION**

**Land Use Compatibility**

The subject property is designated general commercial on the land use map and zoned general commercial (CG). The CG zone district as recently adopted identifies several commercial types of uses as complimentary uses within the general commercial zone district and allows other uses including massage businesses by conditional use permit. The subject site is located within an existing commercial building approximately 991.57 square feet, that is developed and has been used as a commercial nail salon business. The site is owned by Jack Sidhu. The applicants have contacted owner for permission to allow another business to occupy one small room (14’11” by 11’3”) for the proposed massage therapist business. Thus, the proposed use as a massage business would be compatible and would not negatively impact the existing neighborhood with the conditions of approval as listed to mitigate any negative impacts.

**Site Plan**

The site is in an existing commercial building located on the northeast corner of Madera Avenue and D St. The proposed parking is located to the north and south ends of the property in front of the building. The primary entrance to the site is from “Madera Avenue. Additional parking exit off of the existing alley. The proposed site plans show parking stalls are stripped; however, the parking stalls have faded away and will require to be repainted according to city standard. The site plan shows 8 parking stalls on both the north and, south sides of the property and 12 rear yard along the alley.

**Parking**

The parking requirements for commercial uses shall be at least one parking space per §17.74.050 of the Kerman’s Municipal Code. The applicant is proposing to utilize the existing parking on-site. The applicant anticipated a maximum of up to one (1) massage station. The applicant is proposing to use existing on-site parking, no additional parking stalls are being proposed. Furthermore, there are at least 10 on-street parallel parking spaces fronting the property along D Street that could be used for the site.

Based on the applicant’s statement, the Massage Therapist Business’s heaviest use would be from 10 am to 6pm daily during the week. Thus, staff finds that the proposed use meets the parking requirements. However, if parking becomes a concern for the neighborhood staff included a condition that would allow the Planning Commission to review traffic and parking conditions and, if warranted, provide additional conditions and/or even consider revocation of the permit.

**Traffic/Circulation**

The main access to the parking lot is from Madera Avenue and at the rear of the building along the alley. Staff reviewed whether traffic could potentially cause congestion and determined that traffic patterns would not affect circulation or cause undue congestions. The subject site is accessed through a series of local roads that are adequate for safe traffic movements to and from the site.
Hours of Operation

The applicant has indicated that the hours of operation are to be daily from 10 am to 6 pm. Staff has included these hours as a condition of approval. Changing the hours would require an amendment to this use permit and Police Department approval.

Noise

The Massage Therapist Business is proposed to be located within a commercial zone district. The proposed use would primarily be conducted inside the building with little to no activity beyond arrival and departure of members. Therefore, staff does not anticipate any significant noise impacts upon the surrounding area. If there becomes a concern regarding noise, a condition has been added to allow for review of the permit by the Planning Division or, if needed, return to the Planning Commission for additional conditions or even possible revocation of the permit.

Tenant Building Improvements

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

Site Improvements

No applicant site improvements are proposed with this action. Staff is only recommending the addition of an Accessible parking stall to ADA standards near the main entrance. It should be noted that subsequent building alterations/additions or new uses may require site improvements, which would be determined at the time of the proposal.

Signage

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

Public Utilities and Services

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

PUBLIC HEARING

A public hearing notice was published in the Kerman News and mailed to property owners within 300 feet of the site on Thursday September 30, 2019. As of the date of this staff report, staff did not receive any written comments or telephone calls in connection with the proposed use.

ENVIRONMENTAL REVIEW

The project is categorically exempt under §15301(a) of the CEQA Guidelines (Existing Facilities); therefore, no additional environmental review documentation is necessary.
Based on its review and the conditions noted, Staff recommends the Planning Commission adopt a resolution approving Conditional Use Permit 19-05, Massage Therapist Business (Attachment ‘A’) Subject to Conditions.

**FISCAL IMPACTS**

There are no anticipated fiscal impacts to the City; the conditional use permit costs would be recovered through existing planning entitlement fees.

Attachments:

A. Site Plan  
B. Planning Commission Resolution 19-
RESOLUTION NO. 19-

BEFORE THE PLANNING COMMISSION
CITY OF KERMAN, STATE OF CALIFORNIA

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 19-05 WITH CONDITIONS FOR MASSAGE THERAPIST BUSINESS ESTABLISHMENT AT 736 S. MADERA AVENUE

WHEREAS, at a regular meeting of the Planning Commission of the City of Kerman (the “Planning Commission”) duly called and held on October 14, 2019, 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 has received an application for a conditional use permit for a Massage Therapist Business Establishment that pursuant to zoning ordinance amendments to Chapter 17.48 of Title 17 of the Kerman Municipal Code a conditional use permit for massage therapist business; and

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

WHEREAS, in addition to a conditional use permit, applicants are required to secure a Massage Establishment Permit pursuant to Chapter 9.27 of Title 9 of the Kerman Municipal Code; and.

WHEREAS, the Planning Commission pursuant to Chapter 17.10, Public Hearings, section 17.10.020 notified property owners within 300 feet of the proposed site and published a duly public notice in the local newspaper 10 days prior to the public hearing on October 14, 2019, to consider the conditional use permit; and

WHEREAS, the Planning Department has determined that the proposed conditional use permit is categorically exempt from environmental review pursuant to Article 19, Section 15301 of the California Environmental Quality Act (CEQA).

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

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

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

   a. The proposed establishment, maintenance, and operations of the use applied for will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the City;

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

   c. The proposed project has been assessed as per the California Environmental Quality Act (CEQA)

   d. That the site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the district for which the use is proposed.
3. Based on the foregoing, the Planning Commission approves the Conditional Use Permit No. 19-05 With the following Conditions for the Massage Therapist Business at 736 S. Madera Avenue, Kerman, CA.

a. The CUP shall not become effective until a Massage Establishment Permit is obtained from the Police Department.

b. A copy of the Massage Establishment Permit issued by the Police Department shall be filed with the Planning Department.

c. The Massage Establishment Permit requirements shall be maintained at all times.

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

e. The CUP shall be deemed null and void if the Massage Establishment Permit expires or is revoked.

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

g. Parking: The CUP shall use the on-site parking provided by the existing commercial building. However, if parking becomes a concern for the neighborhood staff included a condition that would allow the Planning Commission to review traffic and parking conditions and if warranted, provide additional conditions and/or even consider revocation of the permit.

h. The property owner or applicant shall provide an Accessible Parking Stall for the business to current ADA standards near the main entrance.

i. Hours of Operation: The CUP shall adhere to the approved hours of operation reviewed and approved by the Police Department. Hours approved by police department are from 10am to 6pm. Any change in the hours will require an amendment to this use permit and Police Department approval.

j. Traffic/Circulation: The CUP shall adhere to existing traffic/circulation patterns for the subject site. The main access to the parking lot is from Madera Avenue with access to the existing alley to the east. Staff looked at whether traffic generated from this business could potentially cause congestion and determined that traffic patterns would not affect circulation or cause undue congestions. The subject site is accessed through a series of local roads that are adequate for safe traffic movements to and from the site.

k. Noise: The use shall comply with the City's noise ordinance and any other requirements of the municipal code, state, federal, or local law.

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

m. Public Utilities and Services: The existing building is currently connected to existing sewer and water services. Prior to occupancy, a fire inspection will be required, if required by the Fire Department.
n. Any conditions in the Massage Therapist Establishment Permit that are stricter than these conditions shall
supersede these conditions.

o. Parking; The existing parking spaces are fated and shall be restriped according to city standards.

p. All other City of Kerman Codes and Ordinance shall apply.

The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 14th day
of October 2019, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

__________________________ ___________________
Chairman, Kevin Nehring Date

Attested by:

__________________________ ___________________
Secretary, Olivia Pimentel Date
To: Chairman and Commissioners  
From: Olivia Pimentel, Assistant Planner  
Subject: Public Hearing to Consider actions relating to Tract Map No. 6236, Reorganization/Annexation 2018-01 (Whitesbridge/Siskiyou), located on the northeast corner of Whitesbridge and Siskiyou Avenue, Pre-Zone 2018-01, General Plan Amendment 2018-02, and Certification of EIR.

Recommendations:

The Planning Commission by motion, open public hearing, hear any public testimony, close public hearing and adopt the following resolutions which recommend approval of project entitlements:

a) A Resolution of the Planning Commission of the City of Kerman Recommending that the City Council of the City of Kerman Certify the Environmental Impact Report (Sch# 2019029077) and the Mitigation Monitoring and Reporting Program for General Plan Amendment No. 2018-02, Reorganization/Annexation No. 2018-01, Whitesbridge/Siskiyou Project, Prezone No. 2018-01, and Tentative Tract Map No. 6236 for the Project Located on the Northeast Corner of State Route 180/Whitesbridge Avenue and Siskiyou Avenue (APN 020-120-31s) in Kerman, California.

b) A Resolution of the Planning Commission of the City of Kerman Recommending Approval to the City Council of Tentative Subdivision Map 2018-01, Tract No. 6236, Located on the Northeast Corner of Whitesbridge and Siskiyou Avenues APN 020-120-31s.


d) A Resolution of the Planning Commission of the City of Kerman, California, Recommending that the City Council of the City of Kerman Amend the Kerman Municipal Official Zone Map to Prezone (No. 2018-01) Property from the Agriculture Ae-20 to Medium Density Residential (SD-R-5) Neighborhood Commercial (NC), High-Density Residential (R-3), and Open Space ("O" Zone) for Tentative Tract Map No. 6236, (Whitesbridge/Siskiyou) Project (APN 020-120-31s).
A Resolution of the Planning Commission of the City of Kerman, California, Recommending that the City Council Approve Street Names for Tentative Subdivision Map: Tract 6236 Located on the northeast corner of Whitesbridge and Siskiyou Avenues

**Owner:** Joseph Crown Construction  
**Applicant:** Mitch Covington  
**Engineer/Representative:** Land Design Consulting

**Planning Commission Action:**

The Kerman Municipal Code identifies the City Council as the decision-making body on several land use entitlements such as, but not limited to, annexations, amendments to ordinance, certification of environmental documents, and pre-zoning. The Kerman Planning Commission is an advisory body appointed by the Kerman City Council to make recommendations on all land use matters. The Planning Commission evaluates these applications and makes a recommendation to the City Council following a public hearing. The City Council will make a final decision on the proposed entitlements at a later date. The Planning Commission is holding a public hearing on this project to consider several recommendations for the Council review and approval.

**Executive Summary**

The City received an application for an annexation of approximately 39.35 acres from Mitch Covington on behalf of Owner Joseph Crown Construction. Mr. Crown has developed several residential projects in Kerman that include several subdivisions that had been left uncompleted for over ten years due to the economic crisis in 2007-2008, such as Tracts 5478 (previously Pacific Mountain Partners) and Tract 5636 (previously Bordeaux II). The proposed project will require several entitlements; general plan amendment, annexation, prezone, and Tentative Tract Map 6236, and certification of the Focused Environmental Impact Report.

The Project Site is within both the Sphere of Influence (SOI) and the Residential Growth Boundary Area Map of the 2007 Kerman General Plan Update, and as such, agricultural conversion as a result of the General Plan buildout has been analyzed in the 2007 General Plan Update EIR. The City has reached maximum growth buildout on the east and west ends of the city limits. In accordance with the 80% in-fill policy adopted in General Plan, the city may request a reorganization to annex a site to the City of Kerman and detach it from several agencies in order to expand past the 2017 Growth Boundary Line. The Residential Growth Boundary Area was divided into three (3) Planning Areas to be developed independently. Both Planning Areas 1 (west) and 3 (east) of the Growth Boundary Line have been fully built out within the current city limits. The proposed project site is in Planning Area 2 (north), it is the only area left inside the city sphere of influence as shown in (Attachment D) of the Residential Growth Boundary Area Map.

The Project Site is on the northeast corner of Whitesbridge and Siskiyou. The project will require the following entitlements, annexation of the property from the County of Fresno to the City of Kerman and detachment from the Kings River Conservation District, general plan amendment to re-designate the site from the “Medium Density Residential” to a combination of “Medium Density Residential”, “High Density...
Residential”, “Neighborhood Commercial”, and “Open Space”, rezone from the Fresno County AE- Exclusive Agriculture to a combination of the following City of Kerman’s zone districts including; SD-R-5 Residential (5,000 minimum lot size), R-3 (Multiple Family Residential), CN (Neighborhood Commercial, and O (Open Space), approval of Tract Map 6236 to subdivide the 39.35 acre site from one agriculture use to a combination of up to 144 single family residential lots, 4.42 acre site for up to 64 multiple family residential units, 3.12 acre lot for commercial development, 1.25 acre park, and certification of a Final Focused Environmental Impact Report in accordance with the California Environmental Quality Act (CEQA) State Clearing House (SCH No, 2019029077).

At full build-out the 39.35-acre Project Site will provide single family, multiple family, commercial, park site, and a storm drain basin. The proposed project will serve the City of Kerman, other local cities, commuters traveling from I-5 thru State Route 180 and unincorporated Fresno County within the western entrance to the City. The proposed general plan amendment will assure that the project is consistent with the 2027 adopted general plan.

**Williamson Act Contract**

The subject site was within a Williamson Act Agricultural Preserve contract which was protested by the City of Kerman through Resolution No. 789, and recorded in the Fresno County Recorders Office, Book 5868 Page 36.

**Annexation to City**

Under established LAFCo procedures, the City Council will need to adopt a resolution initiating annexation of the Project Site to the City of Kerman.

**Project Site**

Figure 1, Vicinity Map, shows the location of the site totaling 39.35± acres. The site is surrounded on the east, west, and south by agriculture land uses, and on the north by the City of Kerman city limits with single family and multiple family uses.
General Site Information:

Site Location: NEC of Whitesbridge and Siskiyou north of the City of Kerman’s city limits.
Assessor's Parcel No.: 020-120-31s
Acres: 39.35±
Existing Uses: Primarily agriculture land to the south, east, and west. On the north City of Kerman’s city limits with single family and multiple family uses.
General Plan: The site is designated Medium Density in the Kerman General Plan. The site is located outside the City limits but within the City's sphere of influence. The City is proposing to annex and prezone the site. A general plan amendment to re-designate approximately 8.79-acres of the site is included in the proposed project.
Zoning: The site is zoned AE-20 (Agricultural Exclusive) in the Fresno County General Plan. The City is proposing to annex the site and prezone the site with several City of Kerman zones including; (SD-R-5) 5,000 minimum lot size, (R3) Multiple Density Residential, (CN) Neighborhood Commercial, and (O) Open Space Zone Districts consistent with the land use designations. Approximately 30.56-acres of the project site is already designated Medium Density Residential and would remain the same.
Surrounding Uses and 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>Multiple Family Uses/Single Family Uses</td>
<td>High Density/ Medium Density</td>
<td>R-3/R-1</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural Land</td>
<td>Fresno County Agricultural</td>
<td>AE-20</td>
</tr>
<tr>
<td>East</td>
<td>Agricultural Land</td>
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<td>AE-20</td>
</tr>
<tr>
<td>West</td>
<td>Agricultural Land</td>
<td>Fresno County Agricultural</td>
<td>AE-20</td>
</tr>
</tbody>
</table>

**General Plan Consistency**

The Project Site is designated for medium density uses in the Kerman General Plan. The proposed commercial, high-density residential, and park uses require the concurrent processing of General Plan Amendment No. 2018-02 for consistency with the general plan. The proposed general plan amendments would be consistent with the proposed Tract No. 6236 Map in Attachment “E”.

The general plan change requested for the proposed project would be consistent with several General Plan land use goals and policies including, but not limited to:

**Land Use Goal 3:**
“Protect the environment against negative impact to water, air and energy by promoting economic and industrial development of a business and industry-friendly community that creates local jobs, thus reducing negative impacts caused by commutes to other areas for employment.”

**Consistency Determination:** The proposed project would expand much needed housing, commercial development, provide more open space and storm drain basin on the 39.35± acres. The project will be required to implement several mitigation measures to reduce any potential impacts on the environment.

**Land Use Goal 12:**
“Enhance Kerman’s ability to attract long-term revenues to the City through the expansion of local and attraction of new businesses to Kerman.”

**Consistency Determination:** The proposed project would provide new multiple family housing that would meet the city’s housing element deficit. This development will add significant value to the site with the addition of single family, multiple family, commercial development opportunities providing added shopping and fueling stations, park site and storm drain. The associated improvements that will generate additional property tax revenues to the City of Kerman. Furthermore, the expansion will result in more business-to-business activity in Kerman and throughout the area.

**Policy C.1 (Growth Management):**
“Land uses in Kerman shall be arranged in a manner that avoids conflicts between uses.”

**Consistency Determination:** The proposed project will be developed on a 39.35± acre site adjacent to agricultural uses and across from existing single family, and multiple family uses. The existing and proposed sites are compatible uses and designated for medium density consistent with the Kerman General Plan Land Use Map and in planning area 2 of the Residential Growth Boundary Area Map. The site is located just north of the City of Kerman’s city limits.
Policy C.3 (Growth Consistency Determination):

“The Land Use Element should include two growth boundary lines – 2017 and 2027.”

Policy C.6 (Growth Management):

“New development should be contiguous to existing or approved development.”

Consistency Determination:

The proposed project will develop a 39.35± acre site contiguous to the city limits and consistent with the general plan in that it is within 1/8 mile of existing or approved development to the south of the site.

Policy I.1 (Jobs/Housing Balance):

“Improve the jobs/housing balance in Kerman by promoting employment opportunities that allow persons to both live and work in town.”

Consistency Determination:

The proposed project will create 144 single family lots, provide up to 64 multiple family units, commercial development with potential opportunity for 25 to 30 more local jobs. These jobs will provide opportunities for Kerman residents to apply for good paying, year-round employment, which would improve the jobs/housing balance in Kerman.

Policy I.6 (Jobs/Housing Balance):

“Increase the number of businesses operating in Kerman in order to generate more sales, property, business and transient occupancy taxes.”

Consistency Determination:

The proposed project will invest millions of dollars in land, improvements, buildings, vehicles and equipment that will result in increased property tax revenues to the City of Kerman and business-to-business activity within the community that will indirectly generate additional sales tax.

Zoning

The site is zoned Agricultural Exclusive (AE-20) in the County of Fresno General Plan. The site will be annexed into the City of Kerman and pre-zoned with a combination of (SD-R-5) 5,000 minimum lot size, (R-3) Multiple Family, (CN) Neighborhood Commercial, and (O) Open Space consistent with the General Plan Land Use Element. The proposed project will be required to comply with all the development standards of the zone districts. The proposed prezoning would be consistent with the proposed Tract No. 6236 Map in Attachment “E”.

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Project:

The proposed project would expand the City of Kerman’s city limits and provide added housing opportunities with single family and multiple housing, park space, and commercial opportunities that would create more job opportunities for residents.

Site Plan: Tract No. 6236

The Site Plan, Figure 2, shows the layout of the proposed project including single family, multiple family, neighborhood commercial lot, park space, and storm drain pond.

Figure 2
Tract Map Site Plan
The tract is designed to handle a wide variety of uses. A brief description of the potential types of uses is provided below. All uses and development are subject to the site plan review process and any required subsequent discretionary actions.

- **Neighborhood Commercial**
  The 3.12-acre commercial site located on the northeast corner of Whitesbridge and Siskiyou Avenue may be developed with a variety of uses including, but not limited to, general shopping, gas station, and pad(s) for restaurants.

- **Single Family**
  The single family will create up to 144 single family lots. Lot zoning Smart Development SD R-5 which allows a minimum lot size of 5,000 square feet.

- **Multiple Family**
  The 4.42-acre multiple family lots will provide for up to 64 units. The multiple family units will not only address a huge need for affordable housing but will also bring the City into compliance with the Housing Element.

- **Park**
  The 1.25-acre lot will be developed for a park site.

- **Storm Drain**
  A storm drainage basin is located on the high-density multiple family lot. The basin may be dedicated for a permanent storm drainage facility. The basin will be fenced and include frontage improvements along its public street frontage.

**Access**

Ingress and egress to the Project Site will be primarily from Siskiyou Avenue via Whitesbridge Avenue (SR 180). This is the preferred route to the site since the Whitesbridge is a major state route that access is very limited and as approved by Caltrans. The map includes two local street connections to the east to accommodate vehicle and pedestrian linkage to future growth.

- Whitesbridge Avenue will be developed to full buildout with four lanes, medians and sidewalks.
- Siskiyou Avenue will be developed with two northbound lanes, medians, and one southbound lane per the Engineering conditions.
- All of the internal local streets will be provided including curbs, gutters and sidewalks, including the two connections to Siskiyou Avenue.
Parking

On-site parking is provided for all employees, visitors, and residents.

Commercial: Retail Shopping Centers - parking requirements 4 1/2 parking spaces per 1,000 square feet of gross floor area. Restaurants – parking requirements one parking space for every four seats based upon the capacity of the fixed and movable seating area as determined under the Uniform Building Code.

Single Family: Two covered parking spaces required for each dwelling unit within the buildable portion of the lot.

Multiple Family: At least two parking spaces shall be provided for each dwelling unit, except one-bedroom units which shall provide one and one-half parking space.

The details for parking and access points for the commercial and multiple family areas will be reviewed through future site plan review actions, which may include additional discretionary actions.

Architecture

The standards for the SD R-5 zone requires the architectural elevations to be approved by the Planning Commission. The proposed elevations are contained in Attachment “F”. The units are designed with tile roofs and detailing on the front elevations. Similar to many homebuilders, there are variations and options for all the models. Staff has included a condition that the elevations for the building permits be substantially consistent with the attachments, with tile roofs and detailing on the front elevations.

The proposed commercial and multiple family elevations of any new structures will be required to be consistent with the architecture similar to the eastern entrance of the city such as the Walmart, and CVS buildings and the more recent multiple family projects (Hacienda Heights) located just south of the project.

A site plan review will be required for any proposed multiple family or commercial project in this tract and may be subject to subsequent discretionary entitlements.

Landscaping and Visual Screening

The proposed project will provide landscaping along the perimeters of the commercial and multiple family projects and single-family residential areas. Landscaping will include turf, shrubs, and trees, spaced at 25 feet, as well as a future 7 ft. wrought iron fence along Siskiyou to enclose the multiple family project. A Landscaping and Lighting Act District will be required for the long-term maintenance of the common landscape areas.
Walls and Fences

Block walls will be used along the single-family residential areas which are adjacent to Whitesbridge and Siskiyou Avenues.

Block walls will be required between the single-family residences and the park space to provide a noise and activity barrier to the adjacent residential units. The walls will also provide a long-term (semi-permanent) separation which does not need replacement or routine maintenance resulting in a uniform appearance for the park.

Park

The 1.25-acre park will be developed by the City of Kerman, the public street improvements including curb, gutters and sidewalks will be installed as part of the street improvements for the subdivision.

Lighting

The proposed project will include indoor and outdoor lighting sufficient to conduct operations during non-daylight hours. Outdoor lighting will consist of building-mounted light fixtures directed to the interior of the site to reduce glare onto any residential structures.

Noise

The proposed project will be located in between agriculture uses to the south, east and west of the project. To the north across State Route 180 there is residential and multiple family residential uses. There are no concentrations of sensitive populations in the immediate vicinity. Thus, any noise from the commercial operations would be negligible. The proposed single-family units along Whitesbridge and Siskiyou would have a landscape setback and block wall to reduce noise impacts.

Public Utilities

The proposed project will be served by tying into existing municipal water, sewer and storm drain systems through the extension of existing services. The Public Works Department has determined that adequate sanitary sewer capacity is available to serve the project. As illustrated in the Tract Map, there will be a ponding basin to accommodate storm drainage requirements as calculated for the proposed project. Associated electric, water, natural gas, and related infrastructure is available and will be brought onto the project site as needed.

Fire Safety

The proposed project would be served by the North Central Fire Protection District Kerman Office. An automatic fire sprinkler system will be installed in all new buildings, fire hydrants will be installed in accordance with local fire requirements in proposed subdivision. The Fire Department reviewed the site plan and determined that there would be sufficient access to the site for fire safety. The Fire Department's requirements are included in the conditions of approval for any proposed project.
Environmental Review

An Initial Study was prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines. An Initial Study is prepared by a lead agency to determine if a project may have a significant effect on the environment. This Initial Study relies on expert opinion based on facts, technical studies, or other substantial evidence to document its findings.

Based on the findings in the Initial Study, it was determined that a Focused Environmental Impact Report (FEIR) would be prepared if there is substantial evidence that a project may have a significant effect on the environment. There is no substantial evidence that the proposed project, as revised by mitigation measures, would have a significant effect on the environment based on the available project information and the environmental analysis presented in this document.

Focused Environmental Impact Report

A Final Focused Environmental Impact Report (FFEIR) and a Draft Focused Environmental Impact Report (DFEIR), have been prepared for the proposed reorganization and related actions (Tract 6236, Annexation 2018-01). The DFEIR and FFEIR are combined to constitute the environmental document. The documents were circulated for review and comment by responsible agencies pursuant to the California Environmental Quality Act (CEQA) Guidelines.

The purpose of the FEIR is to evaluate the anticipated physical environmental impacts of the project, and to provide mitigation measures necessary to decrease those impacts to a less than significant level. Potentially significant direct and indirect impacts were clearly identified and described, giving due consideration to both short-term and long-term (cumulative) effects. The process allows public review of the expected environmental effects by agencies and the public and provides a method for identifying unavoidable significant impacts and adopting overriding considerations, if deemed necessary.

The Final Focused Environmental Impact Report evaluated topical areas in depth. These include: (1) Aesthetics, Light, and Glare; (2) Agricultural Resources; (3) Air Quality (and Climate Change); (4) Biological Resources; (5) Cultural Resources; (6) Geology, Soils, and Seismicity; (7) Hazards and Hazardous Materials; (8) Hydrology and Water Quality; (9) Noise (10) Transportation; (11) Mandatory Findings of Significance.

Final Focused Environmental Impact Report

The Final Focused Environmental Impact Report (FFEIR) was released on September 24, 2019 and is provided under a separate cover, with the comment period ending on October 10, 2019. The Final FEIR contains written responses to comments received from state and local agencies as well as other organizations and individuals. The Final Focused Environmental Impact Report includes a Mitigation Monitoring and Reporting Program to ensure compliance with all measures identified.

At this hearing, the Planning Commission is requested to consider recommending that the City Council certify the EIR which includes:

- The Final EIR including all Technical Appendices attached;
- The Draft EIR including all Technical Appendices attached;
• The Notice of Preparation and comments received in response to the Notice of Preparation;
• The Mitigation Monitoring and Reporting Program (MMRP);
• Additions and corrections to the remaining portions of the Draft EIR that have been made pursuant to public comments and Draft EIR review including any appendices attached thereto;
• Comments received on the Draft EIR with Responses to each of the Comments made;
• The Notice of Completion and Availability of the Draft EIR for public review; and
• Any other information added by the Lead Agency and Draft EIR documents, public testimony and related correspondence, and make a recommendation to the City Council.

NOTE: the EIR comprised of the aforementioned documents is published separately and posted on the City’s website at __http://cityofkerman.net/development-projects/__, available at City Hall in the Building Department, and will be available at the Hearing on this Project.

Public Notice

A public hearing notice for the proposed project was published in the Kerman News on October 2, 2019. Notices were also mailed to adjacent property owners within 700 feet of the project boundary, persons who requested to be noticed, and persons who provided written or oral comments on the proposed Project. The public hearing notice was also posted on the City's website.

Conclusion

The proposed project would result in the expansion of the city limits and provide much needed housing for single family and multiple family residents, provide added commercial uses, provide park space and storm drain. The project could create approximately 25-30 additional local jobs and provide a park space for residents and help the City of Kerman meet state mandated housing element requirements. The proposed project has been evaluated by staff and found to be consistent with the goals contained in the City’s General Plan. The Final Focused Environmental Impact Report prepared for the project includes mitigation measures to help ensure that any potential harmful effects to the environment are mitigated.

Attachments:
   A. Project Site Location
   B. Site Photographs
   C. Land Use Map
   D. Growth Boundary Map
   E. Tract Map 6236
   F. Single Family Residential Elevations

Exhibits:
   Resolutions
Attachment ‘A’
Project Site Location

Figure 1 - Vicinity Map
Attachment ‘B’
Site Photographs

View from Whitesbridge (SR180) facing north

View from Siskiyou facing west

View from Whitesbridge (SR180) facing south

View from Whitesbridge (SR180) facing east
Attachment ‘C’

Land Use Map
Attachment ‘D’
Growth Boundary Map
Attachment ‘E’
Tract Map
Attachment ‘F’
Single Family Elevations

The Camilla 2267 Plan Exterior Elevations 'B'

The Laurel 1897 Plan Exterior Elevations 'B'
Attachment ‘F’
Single Family Elevations

The Abbey 1576 Plan Exterior Elevations 'A'

The Bello 1677 Plan Exterior Elevations 'A'
RESOLUTION NO. 2019-XX


WHEREAS, the project applicant, Mitch Covington, submitted various applications on behalf of owner Joseph Crown Construction to City including the following: Reorganization/Annexation 2018-01 (Whitesbridge/Siskiyou) to add approximately 39.35+ acres into the City of Kerman city limits to develop the site for a 144 lot subdivision, neighborhood commercial, high density residential, and a park; General Plan Amendment No. 2018-02; Pre-zone No. 2018-01; and Tentative Tract Map No. 6236, for property located on the northeast corner of Whitesbridge Avenue and Siskiyou Avenue APN 020-120-31s (hereafter the “Project”); and

WHEREAS, an Initial Environmental Study was prepared by City. The study indicated that the project may have significant impact in the area of greenhouse gas/climate change and as such, the study recommended the City prepare a Focused Environmental Impact Report (FEIR). The FEIR has been prepared, in accordance with the California Environmental Quality Act of 1970, as amended; and,

WHEREAS, on October 14, 2019, the Planning Commission held a duly noticed public hearing to consider the Project and the associated Environmental Impact Report (EIR) prepared for the proposed project; and

WHEREAS, the Planning Commission has considered the entire record, public testimony and evidence and recommends that the City Council certify the EIR.

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

1. Recitals. The Planning Commission finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. Planning Commission Record. The proceedings and all evidence introduced before the Planning Commission at the public hearing on the EIR are hereby incorporated into the record of this proceeding. These documents, along with any documents submitted to the decision-makers, including all documents
specified under applicable State law, shall comprise the entire record of proceedings for any claims under CEQA.

3. EIR Contents. The EIR (SCH# 2019029077) consists of the following:

   a. The Final EIR including all Technical Appendices attached;
   b. The Draft EIR including all Technical Appendices attached;
   c. The Notice of Preparation and comments received in response to the Notice of Preparation;
   d. The Mitigation Monitoring and Reporting Program (MMRP);
   e. Additions and corrections to the remaining portions of the Draft EIR that have been made pursuant to public comments and Draft EIR review including any appendices attached thereto;
   f. Comments received on the Draft EIR with Responses to each of the Comments made;
   g. The Notice of Completion and Availability of the Draft EIR for public review; and
   h. Any other information added by the Lead Agency.

   (All hereafter collectively referred to as the “EIR”)

4. Accompanying Documents to EIR. The Mitigation Monitoring and Reporting Program Documents shall accompany and be part of the EIR.

5. Certification of Compliance with California Environmental Quality Act. The Planning Commission does hereby find that the EIR and the Mitigation Monitoring and Reporting Program have been prepared in accordance with requirements of the California Environmental Quality Act and the CEQA Guidelines.

6. Certifications; Mitigation Monitoring and Reporting Program.

   a. Recommendation to Certify Environmental Impact Report. The Planning Commission hereby recommends to the City Council that it certify that (1) the EIR (SCH# 2019029077) has been completed in compliance with CEQA; (2) that it has reviewed and considered the information contained in the EIR prior to approving the project; and (3) that the EIR reflects the City Council’s independent judgment and analysis.

   b. Recommendation Mitigation Monitoring and Reporting Program. As more fully identified and set forth in EIR, the Planning Commission hereby recommends to the City Council that it find that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the Project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.

   c. Recommendation to Adopt Mitigation Monitoring and Reporting Program. As required by applicable State law, the Planning Commission hereby
recommends to the City Council that it adopt the Mitigation Monitoring and Reporting Program. The Planning Commission finds that the Program is designed to ensure that, during project implementation, the City and any other responsible parties implement the Project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.

7. Impacts Mitigated. The Planning Commission finds in accordance with its own independent judgement that there is no substantial evidence in the record that with the mitigation measures imposed by the EIR that the Project will have a significant, adverse, effect on the environment.

8. Effective Date of Resolution. This Resolution shall become effective immediately.

The foregoing resolution was adopted at a regular meeting of the City of Kerman Planning Commission held on the 14th day of October, 2019 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

The foregoing resolution is hereby approved.

__________________________  ____________________
Kevin Nehring
Chairman

ATTEST:

__________________________
Olivia Pimentel
City of Kerman, Assistant Planner
RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF TENTATIVE
SUBDIVISION MAP 2018-01, TRACT NO. 6236, LOCATED ON THE NORTHEAST
CORNER OF WHITESBRIDGE AND SISKIYOU AVENUES APN 020-120-31s

WHEREAS, the project applicant, Mitch Covington, on behalf of owner Joseph
Crown Construction filed a tentative subdivision map application on 39.35 acres
(Tentative Subdivision Map No. 2018-01); and

WHEREAS, the 39.35 acres ("Subject Property") is located on the northeast
corner of Whitesbridge and Siskiyou Avenues within the Kerman Sphere of Influence
(APN No. 020-120-31s); and

WHEREAS, the proposed subdivision would create 144 single family residential
lots; and

WHEREAS, the project applicant has also requested an annexation; a general
plan amendment from Medium Density Residential to 4.42 acres of Neighborhood
Commercial, 3.12 acres of High Density Residential, and 1.5 acres of Open Space, and
related prezoning; and

WHEREAS, a public hearing notice was published ten (10) days prior to the
Planning Commission's meeting of October 14, 2019; and

WHEREAS, persons within 700 feet of the subject site were notified of the
hearing and a public hearing notice was published ten (10) days prior to the Planning
Commission's meeting of October 14, 2019; and

WHEREAS, the Planning Department has prepared a staff report for this tentative
subdivision map, and

WHEREAS, on October 14, 2019, the Planning Commission held the duly noticed
public hearing to consider approval of the tentative map; and

WHEREAS, the Planning Commission has considered the entire record, public
testimony, and evidence.

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

1. Recitals. The Planning Commission finds that all of the facts set forth in the
recitals above this Resolution are true and correct and incorporated herein.
2. An Environmental Impact Report has been prepared on the project consistent with the CEQA Guidelines and is being recommended to the City Council by separate action of the Planning Commission.

3. The property is within Kerman's sewer, water and storm drainage service areas.

4. The proposed tentative map is consistent with Kerman’s General Plan, as concurrently amended.

5. The subject property is within the City of Kerman’s Sphere of Influence.

6. The proposed tentative map is consistent with the Kerman Zoning Ordinance as amended by Prezone Application No. 2018-01.

7. The Planning Commission recommends approval of Tentative Subdivision 2018-01 (Tract No. 6236) to the City Council subject to the following conditions:

   a. The applicant shall enter into a Subdivision Agreement with the City of Kerman prior to the recordation of the final subdivision map.

   b. The applicant shall pay all fees and charges associated with the subdivision process prior to the recordation of the final subdivision map.

   c. The tentative subdivision map shall be constructed consistent with attached subdivision Map outlined in Exhibit A.

   d. The tentative subdivision map shall be constructed consistent with the City Engineer's recommendations outlined in Exhibit B.

   e. The tentative subdivision map shall be constructed consistent with North Central Fire District recommendations.

   f. Street names for the tentative subdivision map shall be reviewed and approved by the Kerman Planning Commission.

   g. Prior to recordation of the Final Subdivision Map, the property owner will agree to annex to the Kerman Landscaping and Lighting District.

   h. The following improvements shall be shown on the improvement drawing submitted on this map.

      (i) The developer shall install a block wall on the side yards of lots 90, 102, 103, and 122 as shown on the tentative map adjacent to the park area.
(ii) The driveway access for Lot 140 on the tentative map shall be located as far to the east side of the lot as possible.

(iii) The driveway access for Lot 141 on the tentative map shall be located on Lum Avenue.

(iv) The single-family residential elevations shall be substantially consistent with those provided in Attachment “F”, to include tile roofs and front elevation detailing for an enhanced architectural appearance. Minor deviations in elevations may be approved by the Planning Manager.

(v) All of the Mitigation and Monitoring requirements identified in the Focused EIR shall apply.

(vi) The standards of the SD-R-5 (Smart Development Residential (5,000 SF Min. Lot) shall be met.

(vii) The subdivision shall be developed in one phase unless otherwise approved by the Planning Commission.

(viii) The subdivision shall be annexed to the Lighting and Landscaping District as required by the Kerman Municipal Code.

The foregoing resolution was adopted upon a motion of Commission Member ________________, seconded by Commission Member _______________ at a regular meeting of the Planning Commission of the City of Kerman on the 14th day of October, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

______________________________
Chairman, Planning Commission

______________________________
Secretary
Attachment ‘A’

Tentative Subdivision Map 2018-01

Tract Map No. 6236
October 7, 2019

Tentative Map No. 6236: Anderson
Conditions of Approval
Engineering Department

A. Maps and Plans

1. The developer shall have a final tract map prepared, in the form prescribed by the Subdivision Map Act and City of Kerman Municipal Code, by a registered civil engineer or licensed land surveyor. The final tract map shall be submitted to the City of Kerman, and shall include, but not be limited to, final tract map, drawn at a scale of 1"=100', the current filing fee, closure calculations, current preliminary title report, and legal descriptions and drawings of required dedications. Upon approval of the final tract map, developer shall submit one (1) reproducible/electronic copy (PDF) to the City Engineer.

2. The developer shall submit to the City of Kerman Engineering Department, a set of construction plans on 24" x 36" sheets for all required improvements. These plans shall be prepared by a registered civil engineer, and shall include a site grading and drainage plan and an overall site utility plan showing locations and sizes of sewer, water, irrigation, and storm drain mains, laterals, manholes, meters, valves, hydrants, inlets, etc. The plan set shall include all plans required by the City Engineer. All applicable plan check and inspection fees shall be paid with the first submittal of plans. All plans shall be approved by the City and all other involved agencies prior to the release of any development permits.

3. Prior to the initial submittal of the improvement plans, the developer shall contact the City Engineer to setup a Pre-Submittal Meeting. Developer’s engineer is required to attend.

4. Prior to beginning any construction, or within twenty (20) calendar days after the approved plans are released by the City, the developer shall submit to the City of Kerman Engineering Department one (1) reproducible/electronic copy (PDF) and two (2) black line copies of the approved set of construction plans, and two (2) bound sets of the approved construction specifications, if any.

5. Within twenty (20) calendar days after all improvements have been constructed and accepted by the City, the developer shall submit to the City of Kerman Engineering Department one (1) reproducible/electronic copy (PDF) and (2) black line copies of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" for review and approval. Plan Certification(s) will be required prior to construction of any structure on a lot.

B. General

1. The developer shall comply with all conditions set forth in Title 16 of the Kerman Municipal Code (Subdivisions).

“COMMUNITY COMES FIRST”
2. The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Section 66020(d) of the Government Code, these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exactions contained in this notice, complying with all the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

3. The developer shall pay all applicable development impact fees at the rate in effect at the time of payment. The developer may be eligible for fee credits or fee reimbursements for over-sizing of facilities or construction of other eligible facilities included in the City of Kerman’s Impact Fee Study. The City Engineer will determine the type and extent of improvements that are eligible for fee credits or reimbursements. For any improvements deemed eligible for fee credits or reimbursements by the City Engineer, the developer shall submit itemized quantity and unit costs for each item prior to acceptance of the improvements by the City.

4. The developer shall furnish security in a sum to be determined by the City Engineer, prior to final acceptance of the off-site improvements by the City, for the guarantee and warranty of the improvements for a period of one (1) year following the completion and acceptance thereof by the City Council.

5. The developer shall submit a soils report or a waiver of soils report for approval by the City Engineer with the first submittal of the improvement plans.

6. The developer shall comply with all the requirements of the local utility (gas and electric), telephone, cable, and other communication companies. It shall be the responsibility of the developer to notify the local utility, telephone, cable, and other communication companies to remove or relocate utility poles where necessary. The City will not accept first submittal of improvement plans without proof that the developer has provided the improvement plans and documents showing all proposed work to the utility, telephone, cable, and other communication companies.

7. All existing overhead and any new utility facilities located on-site, within alleys, and within the street right-of-way or easements along the streets adjacent to this tract shall be undergrounded unless otherwise approved by the City Engineer.

8. The developer shall contact and address all requirements of the United States Postal Service for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction. Developer shall submit a copy of the Method of Delivery Agreement (MODA) to the City.

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

10. The developer shall install all improvements within public right-of-way and easements in accordance with the City of Kerman standards, specifications, master plans, and record drawings.

11. The developer shall comply with all Caltrans requirements. The developer will be required to mitigate impacts to State Highways as determined by Caltrans and the City Engineer. Developer shall be responsible for obtaining encroachment permits from Caltrans for all work within the State right-of-way.
12. The developer shall provide and pay for all compaction testing required by the City Engineer. Compaction test locations and depths shall be established by the City Engineer. Compaction test results shall be submitted to the City Engineer, in a format acceptable to the City Engineer, for review and approval.

13. If the overall development is to be built in phases, then each phase shall have adequate access as required by the City of Kerman Police Department, North Central Fire Protection District, and the City Engineer. The developer shall submit a schedule showing the sequence of development within the area covered by the tentative map.

14. During the site construction, any public streets fronting the project shall be kept clear of any construction or landscaping debris and shall not be used as a storage area for equipment, materials, or other items.

15. In order to provide for reasonable municipal protection during all phases of construction, the developer shall maintain pedestrian and vehicular access to all surrounding properties and buildings to the satisfaction of the City of Kerman Police Department, North Central Fire Protection District, and City Engineer.

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

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

C. Dedications and Street Improvements

1. The developer shall provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets to City standards:

   a) Siskiyou Avenue
      i) Dedicate a total of 42' (30' existing) east of center/section line for public street and utility purposes along development frontage.
      ii) Construct improvements east of center/section line in accordance with City Standard P-1 for a Collector Street and approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, landscaped median island, street lights, landscaping and irrigation, and permanent paving.
iii) The 40’ FID Easement along the frontage of the development shall be landscaped and the sidewalk shall be meandered within the City right-of-way and 40’ FID Easement, as allowed by FID. The developer shall coordinate with FID and the City for approval.

iv) Construct improvements west of center/section line in accordance with City Standard P-2 for a Collector Street. Improvements shall include landscaped median island, permanent paving, and shoulder grading.

v) Access for the multi-family residential parcel (Outlot “C”) and commercial parcel (Outlot “D”) from Siskiyou Avenue shall be right-in, right-out only.

vi) The developer shall relinquish all vehicular access to Siskiyou Avenue for all single-family residential lots backing or siding onto this street (Lots 140 thru 144).

vii) Construct transitional paving as required.

b) 50’ Interior Residential Street

   i) Dedicate 50’ for public street and utility purposes.

   ii) Dedicate 3’ pedestrian easement.

   iii) Construct improvements in accordance with City Standard P-1 for a 50-Foot Street. Improvements shall include curb and gutter, sidewalk, drive approaches, curb ramps, street lights, landscaping and irrigation, and permanent paving.

c) 56’ Interior Residential Street

   i) Dedicate 56’ for public street and utility purposes.

   ii) Dedicate 2’ pedestrian easement.

   iii) Construct improvements in accordance with City Standard P-1 for a 56-Foot Street. Improvements shall include curb and gutter, sidewalk, drive approaches, curb ramps, street lights, landscaping and irrigation, and permanent paving.

2. Whitesbridge Road (SR 180)

   a) The developer shall comply with all conditions of approval, mitigation measures, requirements, etc. set forth by Caltrans for Whitesbridge Road. At a minimum, this shall include the following:

      i) Dedicate a total of 65’ (49’ existing) north of center/section line for public highway purposes along development frontage.

      ii) Construct ultimate improvements on westbound Whitesbridge Road including an additional through lane, bike lane, right turn lane at Siskiyou Avenue, and landscaped median Island. Center/section line to face of curb shall be minimum of 45’. Improvements shall include curb and gutter, sidewalk (may be deferred), curb ramps, landscaped median island, street lights, landscaping and irrigation, and permanent paving.

   b) The developer shall relinquish direct access rights to Whitesbridge Road along the residential frontage of the development. Any access approved by Caltrans for the commercial parcel (Outlot “D”) shall be right-in, right-out only.

3. The developer shall provide a means of traffic calming along “B” Avenue. Traffic calming feature may consist of, but is not limited to, cross-gutter, curb extensions/bulbouts, raised crosswalk, etc. Developer shall submit proposed traffic calming measure, location, and configuration to City Engineer for approval.

4. Developer shall dedicate a 10’ public utility easement along all streets and all other locations requested by utility companies. Alternate widths must be approved in writing by all utility companies and a copy of said written approval shall be submitted to the City Engineer.

5. Developer shall provide a preliminary title report, legal description, and drawings for all dedications required which are not on the site.
6. Developer shall provide for all striping, stenciling, pavement markers, delineators and signage required of all street improvements within the development. All traffic signs and street name signs shall be installed in accordance with City Standards and the CA MUTCD (latest edition). A striping and signage plan shall be included with the construction plans and submitted for review and approval by the City Engineer.

7. As part of street dedications, developer shall provide corner cut-offs at all street intersections. Corner cut-offs shall be sufficient to provide for sight distances and accommodate curb ramps.

8. The developer shall, at his expense, obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests. These designs shall be compared to the minimum section given below and approved by the City Engineer.

<table>
<thead>
<tr>
<th>Street Designation</th>
<th>Minimum Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Street</td>
<td>2” HMA/4” CLII AB/6” CNS</td>
</tr>
<tr>
<td>Collector Street</td>
<td>3” HMA/6” CLII AB/6” CNS</td>
</tr>
</tbody>
</table>

9. Standard barricades with reflectors shall be installed at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

10. The developer shall, at the end of any permanent pavement abutting undeveloped property, install 2”x6” redwood header boards placed prior to street paving.

11. All knuckles and cul-de-sacs shall be designed in accordance with City Standards.

12. Temporary paved cul-de-sacs shall be provided at the end of any dead-end streets, planned for future extension, longer than 150’. Minimum radius shall be provided to allow turnaround of emergency equipment.

D. Sanitary Sewer

1. The developer shall identify and abandon all existing septic systems per City Standards and any other governing regulations.

2. The nearest sanitary sewer main available to serve the development is a 12” sewer main in Siskiyou Avenue, stubbed north of Whitesbridge Road. The developer shall connect to this existing sewer. The developer’s engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of sewer service must be approved by the City Engineer and supported by appropriate calculations.

3. The developer shall install sanitary sewer mains of the size and in the locations indicated below. The developer’s engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

   a) Siskiyou Avenue: Install 12” sewer main from the point of connection to the northerly limit of the development.
   b) Interior Streets: Install 8” sewer mains throughout development.

4. The development will be served by a downstream lift station (Siskiyou Lift Station) located at Siskiyou Avenue and Kearney Boulevard. Developer shall conduct flow monitoring immediately upstream of the lift station to determine pre-development average and peak flows. The results of flow monitoring shall be submitted to the City Engineer for review. If average and/or peak flows generated by existing
conditions plus the development necessitate improvements to the lift station, as determined by the City
Engineer, the developer shall improve the lift station to provide adequate capacity. Required
improvements will be at the discretion of the City Engineer.

5. The developer shall dedicate a 15' wide easement for all onsite sewer mains not located in otherwise
dedicated rights-of-way.

6. The developer shall install one (1) 4” sewer service house branch to each lot within the development
in accordance with City Standards. Sewer service to multi-family and commercial parcels shall be
approved by the City Engineer.

E. Water

1. The developer shall identify and abandon all existing water wells per City Standards and any other
governing regulations.

2. The developer shall install water mains of the sizes and in the locations indicated below and provide
an adequately looped water system. The developer’s engineer shall be responsible for verifying the
size, location, and elevations of existing improvements.
   a) Sisklyou Avenue: Install 12” water main from the point of connection north of Whitesbridge Road
to the northerly limit of the development.
   b) “D” Avenue: Install 12” water main from Sisklyou Avenue to Koleen Avenue.
   c) Koleen Avenue: Install 12” water main from “D” Avenue to “E” Avenue.
   d) “E” Avenue: Install 12” water main from Koleen Avenue to easterly limit of the development.
   e) Interior Streets: Install 8” water mains throughout development.

3. The developer shall dedicate a 10’ wide easement for all onsite water mains, hydrants, blow-offs, and
water meters not located in otherwise dedicated rights-of-way.

4. The developer shall install a City Standard water service, size as necessary, to each lot within the
development in accordance with City Standards. Water services shall be grouped at property lines.
Water service to multi-family and commercial parcels shall be approved by the City Engineer.

5. The developer shall install a City Standard landscape water service, size as necessary, to each public
landscape area within the development in accordance with City Standards.

6. The developer shall install one (1) water sampling station in accordance with City Standards. The
location shall be determined by the City Engineer.

7. No water service connection shall be made to the City of Kerman Water System until a bacteriological
report has been accepted by the City Engineer.

8. Fire hydrants shall be installed at locations approved by the North Central Fire Protection District. Fire
hydrants and curbs shall be painted as directed by the North Central Fire Protection District.

F. Grading and Drainage

1. The developer shall, for construction activity prior to clearing, grading or excavation on one (1) acre
or more of land area or as part of a larger common plan of development or sale, obtain a NPDES
permit and implement Best Available Technology Economically Achievable and Best Conventional
Pollutant Control Technology to reduce or eliminate storm water pollution. Plans for these
requirements shall be included in the construction plan set and shall be submitted to and approved by the City Engineer.

2. The City of Kerman is not an MS4 and is regulated under the Construction General Permit Order 2009-0009-DWQ (CGP). Developer is required to comply with all requirements of the CGP, including Post-Construction Standards. Developer’s engineer shall submit calculations confirming that development will meet Post-Construction Standards with the grading plan for review by the City Engineer.

3. Permanent storm drainage facilities are not available at this time. The developer shall provide a temporary on-site retention basin for storm water disposal. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. Sizing calculations shall be provided on the grading plan. The owner of the property on which the temporary basin is to be constructed shall be responsible for maintenance. The temporary basin is solely for the convenience of the development.

4. The owner of the property on which the temporary basin is located shall backfill said basin within ninety (90) days after notice is given by the City that the permanent facility is available, and the temporary basin is no longer needed. In the event the owner fails to backfill said basin within 90 days, the City may cause the basin to be backfilled. A lien to cover the cost of work will be placed on the property on which the basin is located. A covenant stating these requirements shall be prepared and recorded on the lot on which the basin is to be located.

5. The developer shall install the following master-planned storm drain improvements. The developer’s engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
   a) "D" Avenue: Install 30" RGRCP storm drain pipe from the west right-of-way line of Siskilyou Avenue to Koleen Avenue. Construct brick and mortar plug and stub at west right-of-way line of Siskilyou Avenue for future continuation.
   b) Koleen Avenue: Install 30" RGRCP storm drain pipe from "D" Avenue to "E" Avenue.
   c) "E" Avenue: Install 30" RGRCP storm drain pipe from Koleen Avenue to easterly limit of the development. Construct brick and mortar plug at stub at easterly limit of the development for future continuation.

6. Site shall drain to the proposed 30" master-planned storm drain pipe within the streets listed above. Any proposed storm drain system within the development shall connect to said 30" pipe. Minimum storm drain pipe size within public right-of-way shall be 15".

7. Developer’s engineer shall prepare hydrologic and hydraulic calculations (H&H) for any proposed storm drain system, including 30" master-planned storm drain pipe, and submit with the grading plan for review and approval by the City Engineer. Form of H&H calculations shall be approved by the City Engineer prior to submittal.

8. Grade differentials between lots and adjacent properties shall be adequately shown on the grading plan and shall be treated in a manner in conformance with City Standards. Any retaining walls required shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.

9. Prior to the approval of grading plan, approvals and permits from the San Joaquin Valley Air Pollution Control District shall be obtained. The Project shall comply with all rules, regulations and conditions of approval imposed by the District. The developer shall maintain a program of dust control to prevent air pollution as well as discomfort or damage to adjacent and surrounding properties. The developer shall follow all requirements and recommendations made by the San Joaquin Valley Air Pollution Control District for dust and emission reduction.
G. Landscaping and Irrigation

1. The developer, as a portion of the required tract improvements, shall provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and all other areas reserved for landscaping. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately qualified professional and conform to the City of Kerman Standard Drawings and Specifications and the California Model Water Efficiency Ordinance. Public landscaping and irrigation shall be installed in the following locations:
   a) East side of Siskiyou Avenue from back of curb to block wall, including 40’ FID Easement; landscaped median island.
   b) North side of Whitesbridge Road (SR 180) from back of curb to block wall/right-of-way; landscaped median island.
   c) Neighborhood Park (Outlot “B”).
   d) Outlot “A”. The developer shall install typical public street landscaping within the park strip along “A” Avenue. The remainder of Outlot “A” shall have a wood mulch applied and trees shall be planted of the type and in the location specified by the City Engineer, as allowed by FID. The developer shall coordinate with FID and the City for approval.

2. All landscape and park improvements shall be installed and accepted for maintenance by the City prior to issuance of 50% of the development’s building permits. If the park improvements are not constructed on the park outlot for any reason within two (2) years of the recording of the final map, City shall have the right to request from surety and receive upon City’s demand sufficient funding to complete construction of the improvements for the park. The two-year period may be extended at City’s sole discretion and upon such conditions as City shall determine.

3. The property owner shall request annexation to the City’s Landscaping and Lighting Maintenance District (LLMD). The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recording of the final map. The property owner shall consent to the first-year assessment and annual increases per the provisions of the LLMD. The property owner/developer shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a LLMD. Said notification shall be in a manner approved by the City. The property owner/developer shall supply all necessary assessment diagrams and other pertinent materials for the LLMD.

4. The developer shall contact and comply with all requirements of the Fresno Irrigation District (FID). This may include, but not be limited to, dedicating easements, piping or relocating any existing FID canals or ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included in the previously required set of construction plans and submitted to and approved by FID prior to the release of any development permits or recording of the final map. If an FID or private irrigation line is to be abandoned, the developer shall provide waivers from all downstream users.

5. The developer shall indicate on construction drawings the depth, location and type of material of any existing FID irrigation line along the proposed or existing street rights-of-way or onsite. Any existing canals or ditches shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.

6. All existing onsite agricultural irrigation systems either onsite or within public rights-of-way, whether FID or privately owned shall be identified prior to any construction activity on the site. Service to all
downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of the development. Therefore, the developer shall bear all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development. The developer shall identify on the construction plans all existing irrigation systems and their disposition (abandonment, repair, relocation, and or piping) for approval by the City Engineer. The developer shall consult with the FID for any additional requirements for lines to be abandoned, relocated, or piped. The developer shall provide waivers from all users in order to abandon or modify any irrigation systems or for any service interruptions resulting from development activities.

H. Miscellaneous

1. The developer shall install concrete masonry block walls in accordance with City Standards, with a minimum height of 6 feet, and of a design and color approved by the City of Kerman Planning Department at the following locations:
   a) East side of Siskiyou Avenue along the single-family residential lots.
   b) North side of Whitesbridge Road (SR 180) along the single-family residential lots.
   c) North and east side of the multi-family residential parcel (Outlot “C”).
   d) East side of commercial parcel (Outlot “D”) abutting single-family residential lots.
   e) North and east side of neighborhood park (Outlot “B”) abutting single-family residential lots.

Masonry block walls that retain more than 12’ shall be designed by a registered civil engineer. Masonry block walls taller than 6 feet shall be designed by a registered civil engineer.

2. It shall be the responsibility of the developer to remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.

3. The developer shall provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of $5,000.00 shall be submitted to the City to guarantee compliance. At any time, developer is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.

4. The developer shall install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the developer shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

5. A deferment, modification, or waiver of any engineering conditions will require the express written approval of the City Engineer.

6. The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.
Exhibit “C”
Tract Map No. 6236
SMART DEVELOPMENT – RESIDENTIAL ELEVATIONS
(Larger Elevations not included)

PLAN 1677

PLAN 1777

PLAN 1578
RESOLUTION NO. 2019-XX


WHEREAS, the Planning Commission has received an application from applicant Mitch Covington on behalf of Joseph Crown Construction for General Plan Amendment No. 2018-02 to change approximately 8.79-acres of Medium Density Residential to 4.42-acres of Neighborhood Commercial, 3.12-acres of High Density Residential, and 1.25-acres of Open Space as shown in Exhibit A, for property located on the northeast corner of Whitesbridge and Siskiyou Avenues. (APN 020-120-31s), and

WHEREAS, the Planning Commission has received concurrent requests with this general plan amendment for Reorganization/Annexation No. 2018-01 (Whitesbridge/Siskiyou), Pre-zone No. 2018-01, and Tentative Tract Map No. 6236, to allow the development of 144 single family residential units, a neighborhood commercial center, high density residential units, and a park as shown in Tentative Tract Map No. 6236; and

WHEREAS, a public hearing notice was published as required by law; and

WHEREAS, the Planning Commission held the duly noticed public hearing on October 14, 2019, at 6:30 p.m.; and

WHEREAS, at the Public Hearing the Planning Commission considered testimony and information received and oral and written reports from City staff as well as other documents contained in the record of proceedings; regarding the proposed General Plan Amendment; and

WHEREAS, an Environmental Impact Report (SCH# 2019029077) was prepared for the project, which describes the potential environmental impacts associated with the development of the project area and provides a Mitigation and Monitoring program for the project which EIR has being approved by separate action of the Planning Commission

NOW, THEREFORE, the Planning Commission, resolves as follows:

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

2. The following findings are hereby made:

   a. The proposed General Plan and Zoning Change Amendments are consistent and compatible with other goals, policies and implementation programs set forth in the General Plan.
b. The proposed General Plan and Zoning Change Amendments will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the community.

c. Final Environmental Impact Report (SCH# 2019029077) has been prepared pursuant to the California Environmental Quality Act Guidelines.

3. Based on the foregoing, the Planning Commission recommends that the City Council approve General Plan Amendment No. 2081-02, amending the General Plan Map as shown in exhibit A which is incorporated by reference.

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the City of Kerman held on this 14th day of October, 2019, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

__________________________ _______________
Chairman, Date

_________________________         ____
Secretary, Olivia Pimentel Date
Exhibit “A”

Proposed General Plan Designations

General Plan Amendment No. 2018-02

Existing GP Designations

Proposed GP Designations
Exhibit

RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF KERMAN AMEND THE KERMAN MUNICIPAL OFFICIAL ZONE MAP TO PREZONE (NO. 2018-01) PROPERTY FROM THE AGRICULTURE AE-20 TO MEDIUM DENSITY RESIDENTIAL (SD-R-5) NEIGHBORHOOD COMMERCIAL (NC), HIGH-DENSITY RESIDENTIAL (R-3), AND OPEN SPACE (“O” ZONE) FOR TRACT MAP NO. 6236, (WHITESBRIDGE/SISKIYOU) PROJECT (APN 020-120-31s)

WHEREAS, an application was received from applicant Mitch Covington on behalf of owner Joseph Crown Construction to prezone approximately 30.56-acres for Medium Density Residential SD-R-5, 4.42-acres of Neighborhood Commercial NC, 3.12-acres of High-Density Residential R-3, and 1.25-acres of Open Space O, was requested by applicant Mitch Covington as part of an annexation application process. The site is located in the northwest quadrant of Kerman on the northeast corner of Whitesbridge and Siskiyou Avenues APN 020-120-31s (hereafter “Subject Site”); and

WHEREAS, Prezoning Ordinance Amendment 2018-01 proposes to rezone the subject property from Fresno County's AL-20 (limited agriculture, 20-acre minimum) zone district to the zoning districts in Exhibit “A” for the purpose of Tract Map No. 6236 for 144 residential lots, 4.42-acres of Neighborhood Commercial, 3.12-acres of High Density Residential, and 1.25 acres of public park; and

WHEREAS, the proposed zoning districts that will be applied to the Subject Site correspond to the existing Medium Density Residential General Plan designation and the corresponding proposed General Plan Amendment No. 2018-02 designations as depicted in Exhibit “A”; and

WHEREAS, a public hearing notice was published ten (10) days prior to the Planning Commission's hearing of October 14, 2019; and

WHEREAS, persons within 700 feet of the subject site were notified of the hearing; and

WHEREAS, an Environmental Impact Report (SCH# 2019029077) was prepared for the project, which describes the potential environmental impacts associated with the development of the project area, and provides a Mitigation and Monitoring program for the project; and

WHEREAS, on October 14, 2019, the Planning Commission held the duly noticed public hearing to consider approval of the tentative map; and

WHEREAS, the Planning Commission has considered the entire record, public testimony, and evidence presented at the public hearing.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The Planning Commission finds that all of the facts set forth in the recitals above this Resolution are true and correct and incorporated herein.
2. After considering all the information and evidence presented at the hearing, the Planning Commission determines that the following findings were relevant in evaluating this application:

A. The property is within Kerman's sewer, water and storm drainage service areas.

B. The proposed prezonin ordinance amendment is consistent with the Kerman General Plan and proposed General Plan Amendment No. 2018-02.

C. General Plan Amendment No. 2018-02 is being processed to provide Neighborhood Commercial, High Density Residential, and Open Space on the Subject Site.

D. The Subject Site is within the City of Kerman's current Sphere of Influence.

E. The proposed prezone is consistent with the General Plan as amended by General Plan Amendment 2018-02.

F. An Environmental Impact Report (SCH# 2019029077) and associated Mitigation and Monitoring Program have been prepared on the project consistent with the CEQA Guidelines and are being recommended to the City Council by separate action of the Planning Commission.

G. The prezone ordinance will be effective on the date annexation is effective.

3. The Planning Commission hereby recommends that the City Council of the City of Kerman adopt the Zoning Map Ordinance attached hereto as Exhibit B.

The foregoing resolution was adopted at a regular meeting of the Planning Commission of the City of Kerman on October 14, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

______________________________  ______________________________
Chairman, Planning Commission  Date

______________________________  ______________________________
Secretary, Olivia Pimentel  Date
Exhibit ‘A’
Proposed Zone Designations

- Neighborhood Commercial - NC
- High Density Residential – R-3
- Medium Density Residential – SD-R-5
- Open Space - O
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, 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 October 14, 2019, to consider Prezone
Application No. 2018-01 during which the Commission solicited testimony, considered the environmental
assessment, and recommended to the Council of the City of Kerman approval of the pre-zone application to
amend the City's Zoning Ordinance on real property described herein below from AE (Exclusive Agriculture)
to the SD-R-5 Smart Development (5,000 s.f. minimum lot size), R-3 (Multi-family Residential), CN
(Neighborhood Commercial) and O (Open space) zone districts; and

WHEREAS, the City 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 pre-zoning is
in the best interest of the City of Kerman. The Council has certified an EIR which assessed Pre-Zone
Application 2018-01 together with other related entitlements.

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 AE (Exclusive Agriculture) to SD-R-5 Smart Development (5,000 s.f. minimum lot size), R-3
(Multi-family Residential), CN (Neighborhood Commercial) and O (Open Space) zone districts.
SECTION 3. The Council finds that the reclassified zone districts are 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

Date: ___________________________
Exhibit

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN APPROVING STREET NAMES FOR TENTATIVE SUBDIVISION MAP: TRACT 6236 LOCATED ON THE NORTHEAST CORNER OF WHITESBRIDGE AND SISKIYOU AVENUES

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

WHEREAS, the subject street names for Tract 6236 have been reviewed by the Planning Commission.

NOW, THEREFORE, the Planning Commission resolves as follows:

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

2. After considering all the evidence presented and reviewing Planning Department’s staff report the Planning Commission recommends street names to the City Council as follows for Tract 6236:

   a. Street name(s) running east/west: Isabella, Regal, Crimson, Melody, and Sapphire shall be applied to streets within Tract 6236 prior to the Final Subdivision Map approval by City Council, as shown in Exhibit A.

   b. Street name(s) running north/south: Lum, Koleen, Walnut, and Almond shall be applied to streets within Tract 6236 prior to the Final Subdivision Map approval by City Council, as shown in Exhibit A.

The foregoing resolution was adopted at a regular meeting of the Kerman Planning Commission held on this 14th day of October 2019, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED BY:

__________________________ _____________________
Chairman, Kevin Nehring Date

__________________________ .    __________________
Secretary, Olivia Pimentel                                                                                  Date