

**AGENDA
CITY OF SELMA
PLANNING COMMISSION
SPECIAL MEETING**

**November 7, 2018
5:30 PM**

City of Selma Council Chambers
1710 Tucker Street
Selma, CA 93662

Call to order at **5:30 p.m.**

Flag salute led by Commissioner Serimian

Roll Call: Commissioners Gonzalez, Serimian, Coury, Singh, Trujillo, Garcia, Niswander

Potential Conflicts of Interest: Any Commissioner who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.

ORAL COMMUNICATIONS

NOTICE(S) TO THE PUBLIC: At this time, any member of the public may address the Commission regarding any item over which the Commission has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the Chairperson for review. Members of the public shall limit their remarks to three (3) minutes.

PUBLIC HEARINGS

- 1) **CONDITIONAL USE PERMIT NO. 2018-32** – Consideration of a resolution approving Conditional Use Permit No. 2018-32, for the establishment and operation of a recycling facility located at McCall Avenue (APN 358-380-41), Selma, California, and Notice of Exemption regarding the same.
- 2) **MUNICIPAL CODE AMENDMENT NO. 2018-01** – Consideration of a resolution recommending that the City Council adopt an ordinance adopting Chapter 35 to Title XI of the Selma Municipal Code (“SMC”) (Accessory Dwelling Units in Residential Zones) and Amending Chapter 11-1-1 (Zoning Definitions; Purpose) of Title XI (Zoning) of the SMC to add Definitions related to Accessory Dwelling Units and a Notice of Exemption regarding the same.

DIRECTOR’S REPORT

- 1) Introduction of Aaron Carpenter from Collins & Schoettler, 4Creeks Selma’s contracted Planner

ORAL COMMUNICATIONS

NOTICE(S) TO THE PUBLIC: At this time, any member of the public may address the Commission regarding any item over which the Commission has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the Chairperson for review. Members of the public shall limit their remarks to three (3) minutes.

**DRAFT
CITY OF SELMA
MINUTES OF PLANNING COMMISSION MEETING
November 07, 2018**

Chairman Niswander called the meeting of the Selma Planning Commission to order at 6:00 p.m. in the Council Chambers. Commission members answering roll call were Gonzales, Serimian, Singh, Coury, Garcia, Trujillo and Chairman Niswander Commissioner.

Also present were City Attorney James M. Casso, & Planner Aaron Carpenter.

The agenda for this meeting was duly posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

PUBLIC HEARINGS

Consideration and necessary action for a conditional use permit, for Salinas Recycling at McCall Avenue, Selma, Ca. (APN: 358-380-41) .Public hearing.

Chairman Niswander opened the public portion.

Santiago Salinas, 14592 E Shaw Ave, Sanger, Ca came to the podium in support of Salinas Recycling.

Chairman Niswander asks Salinas Recycling owner to stick to agenda for his CUP.

Commissioner Serimian asks Salinas Recycling owner about the time line for his site plan review.

Santiago Salinas responds in support to expand for his CUP.

Commissioner Serimian asked if property owner requested Salinas Recycling to relocate off existing asphalt location.

Santiago Salinas responded that they were asked to move from existing location not asphalt location.

Chairman Niswander asked if property owner asked Salinas Recycling to install new asphalt area.

Santiago Salinas agrees to question.

Chairman Niswander asks Salinas Recycling willing to install chain-link fence with slats.

Santiago Salinas explains the difference with or without slats for safety reasons.

Chairman Niswander asked Salinas Recycling if he is against chain-link fence with slats.

Santiago Salinas responds is willing to do fence with slats for CUP approval.

Commissioner Serimian asks Salinas Recycling owner if he going to be or providing security lighting for the area for security.

Santiago Salinas responds they provide electricity with solar panels for minor equipment.

Planner Aaron Carpenter responds to Chairman Niswander that Selma Police will have their comments and conditions.

Chairman Niswander asks if anyone wants to speak in favor for this application step forward. If anyone wants to speak against the application, come forward.

Chairman Niswander asks if anyone else wants to speak against to come forward.

Donald Krouskup, 1333 Chestnut St speaks against.

Chairman Niswander asks if anyone else, wants to speak come forward.

Betty Martinez, 3670 McCall Ave speaks against .

Commissioner Serimian asks what the locked location of the fence.

Chairman Niswander asks if applicant would like to rebut.

Santiago Salinas talks to Planning Commission to rebut for support for CUP.

There being no further public comments, Chairman Niswander closed the public hearing portion of the meeting.

Chairman Niswander moved to continue the consideration of conditional use permit, for Salinas Recycling at McCall Avenue, Selma, Ca. (APN: 358-380-41)

The Commission discussed the item and Commissioner Coury motioned for approval. Motion was seconded by Commissioner Trujillo and was carried by the following vote.

AYES:	Serimian, Gonzalez, Trujillo, Singh, Garcia, Coury & Niswander
NOES:	None
ABSTAIN:	None
ABSENT:	None

Consideration and necessary action for a conditional use permit, Municipal Code Amendment No 2018-01) .Public hearing.

Chairman Niswander opened the public portion.

Planner Aaron Carpenter describes Amendment Code NO. 2018-01 to Planning Commission. For adopting Chapter 35 to Title XI of Selma Municipal Code for accessory dwelling, Chapter 11-1-1.

Chairman Niswander talks towards description and not enough information in support. To set conditions for approval.

Planner Aaron describes the ADU clarifications to Chairman Niswander.

Chairman Niswander ask for more clear clarifications and conditions of installations for ADU's.

Planner Aaron describes to Planning Commission that conditions and installation procedures are part existing the General Plan and Zoning Ordinance.

City Attorney James M. Casso describes section requirements of ADU's to Planning Commission.

Commissioner Garcia asks if the Municipal Code Amendment meet the state laws sign by Governor.

City Attorney James M. Casso agrees it meets the requirements.

Commissioner Coury talks concerns about parking on a lot.

City Attorney James M. Casso talks about the parking requirements.

City Attorney James M. Casso describes that the ADU's for now did not have studies done for old neighborhoods.

Commissioner Coury talks about concerns about setbacks on a lot.

City Attorney James M. Casso describes that the ADU's for now challenge lot sizes for contractors maximize on newer lots now.

Commissioner Coury talks about concerns about over building on lots.

Commissioner Gonzales describes owner will have to meet setbacks.

City Attorney James M. Casso describes ADU's requirements by the state.

Commissioner Serimian states bigger lots would be in Fresno County.

Chairman Niswander states if lot is in Fresno County city not involved. And if lot is maxed no one can do an ADU on a lot maxed out.

Commissioner Gonzales asks Planner Aaron Carpenter a question on the requirements for a lot from the City of Selma.

The Planning Commissions talks about agenda.

There being no further public comments, Chairman Niswander closed the public hearing portion of the meeting.

Chairman Niswander moves to continue the consideration of resolution of Municipal Code Amendment No. 2018-01 to City Council.

The Planning Commissions talks about agenda.

The Commission discussed the item and Commissioner Serimian motioned for approval. Motion was seconded by Commissioner Coury and was carried by the following vote.


AYES:	Serimian, Coury, Sing, Gonzalez, Trujillo, Niswander
NOES:	None
ABSTAIN:	None
ABSENT:	None

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:26 p.m.

Respectfully submitted,


Sabino Cayetano
Building Planning Technician


Glenn Niswander, Chairman
of the Planning Commission


Kira Noguera
Secretary of the Planning Commission

ADJOURNMENT

- *Any writings or documents provided to a majority of the Selma Planning Commission regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 1710 Tucker Street during normal business hours.*
- *In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (559) 891-2200. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.*

**SELMA CITY PLANNING COMMISSION
STAFF REPORT**

Meeting Date: November 7, 2018

TO: Selma City Planning Commission

FROM: Community Development Department

SUBJECT: AGENDA ITEM NO. 1
Submittal No. 2018-32:
▪ **Conditional Use Permit**
▪ **CEQA Categorical Exemption**

Summary and Purpose

The purpose of agenda item No. 1 is to conduct a public hearing to consider the above requested entitlement. The applicant is requesting a Conditional Use Permit to relocate and improve an existing recycling facility on the same vacant site on McCall Avenue, Selma, CA 93662 (APN 358-380-41). The recycling facility will operate Monday through Sunday from 9:00am to 5:30pm with an estimated 25 to 50 customers per day. The facility will also require i) approval from the California Department of Resources Recycling and Recovery (CalRecycle), ii) Site Plan Review and Signage Permit from the City Planning Department, and iii) building permit from the City Building and Safety Department.

Application Information

1. Applicant: Sonny Salinas (Salinas Recycling), 14592 E Shaw Ave, Sanger, CA 93657.
2. Project Location: The subject property is located within the Selma Plaza commercial and retail complex, and is situated on a vacant, unimproved lot, in the south-east corner of the complex, with access to and from E Dinuba Ave to the north, and McCall Ave to the west, (APN 358-380-41).
3. General Plan Land Use: Community Commercial
4. Zoning: C-2 Central Commercial Zone
5. Applicant's Request: The Conditional Use Permit is subject to Chapter 6 of the Municipal Code, and will permit the proposed recycling facility, subject to all conditions of approval.

Background

The Subject Property is accessed by E Dinuba Ave to the north, and McCall Ave to the west, and is located within the Selma Plaza commercial and retail complex, which includes existing retail stores (Westamerica Bank, Family Dollar, United Market, etc.) and a surface parking lot.

The existing Salinas Recycling facility is 42 ft x 20 ft (840 sq ft) and was conditionally approved on 4/1/09 by Minor Modification No. 2008-0088. The applicant is requesting a new 93 ft x 80 ft (7,440

sq ft) recycling facility on the same site. The applicant is proposing a relocation and expansion of the existing facility that will require review and approval by the City Departments of Planning, Building and Safety Department, Engineering, Fire, and Police.

Additional Review

As request by the Planning Commission at the August 27 public hearing, additional information has been provided by the applicant to address Commissioners' questions regarding dust, odor, noise and pest control.

Environmental (CEQA)

The project meets the criteria for a Class 2 Categorical Exemption, pursuant to CEQA Guidelines 15302. A Class 2 Categorical Exemption has been prepared for the project.

Notice of Hearing

On October 24, 2018, the notice of hearing was published in the Selma Enterprise, and mailed to property owners within a 300 feet radius of the project site.

Attachments

1. Location Map
2. Site Plan, Floor Plan, Elevation
3. Notice of CEQA Categorical Exemption
4. Resolution recommending approval of Conditional Use Permit
No. 2018-32

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SELMA, CALIFORNIA MAKING FINDINGS AND APPROVING CONDITIONAL USE PERMIT NO. _____ FOR THE ESTABLISHMENT AND OPERATION OF A RECYCLING CENTER AT MCCALL AVENUE, SELMA, CA 93662 (APN 358-380-41) AND NOTICE OF EXEMPTION REGARDING SAME

RECITALS

WHEREAS, on August 15, 2018, Sonny Salinas, (“Applicant”), filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 2018-32 described herein (“Application” or “Project”); and

WHEREAS, the Application applies to a 0.79 acre (34,350 sq ft) vacant lot within the Selma Plaza commercial/retail complex. The lot is improved with a 14-space surface parking lot located in the south-west portion of the lot, and is located at McCall Avenue, Selma, California, Assessor’s Parcel Number 358-380-41 (“Property”); and

WHEREAS, the Property fronts McCall Avenue and is fully improved with sidewalk, curb and gutter; and

WHEREAS, the Property has vehicular and pedestrian access to McCall Avenue; and

WHEREAS, the Property is currently vacant and was previously occupied by an 840 sq ft Salinas Recycling facility use; and

WHEREAS, the Land Use Element of the General Plan designates the Property for Community Commercial uses. The proposed CUP is consistent with the General Plan as it will provide essential services and does not conflict with the established goals and objectives of the Land Use Element. The corresponding zoning designation, C-2 Central Commercial Zone permits recycling facilities, subject to the approval of a CUP, pursuant to Section 11-16-1 of the City’s Municipal Code; and

WHEREAS, the Planning Commission, examined the whole record and found that Section 15302 of the California Environmental Quality Act provides that projects consisting of the replacement or reconstruction of existing structures and facilities located on the same site as the replaced structures and facilities qualify as a Class 2 Categorical Exemption. Reflecting independent judgment and analysis, the Planning Commission determined that the project will not have a significant effect on the environment; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. Based upon the information received and Staff’s review and assessment, CUP No. 2018-32, as proposed, qualifies as a Class 2 categorical exemption pursuant to Section 15302 of California Environmental Quality Act (“CEQA”) Guidelines, Title 14, Chapter 3 of the California Code of Regulations, because it is a project consisting of the

replacement or reconstruction of existing structures and facilities located on the same site as the replaced structures and facilities. Reflecting independent judgment and analysis, the Planning Commission determined that the project will not have a significant effect on the environment; and

WHEREAS, notice of the Planning Commission’s November 7, 2018 public hearing on CUP No. 2018-32 was published in *The Selma Enterprise* on October 24, 2018, in compliance with the City’s Code and Government Code Section 65091.

WHEREAS, notice of the Planning Commission’s November 7, 2018 public hearing on CUP No. 2018-32 was also mailed to property owners within 300 feet of the Property on August 17, 2018; and

WHEREAS, on November 7, 2018, the Planning Commission of the City of Selma conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

WHEREAS, based on substantial evidence provided in the whole record before the Planning Commission for CEQA compliance and public comments related to the project, it has been determined that there is no possibility that this project will have significant effects on the environment; and

WHEREAS, the Planning Commission deliberated and hereby makes the following Findings for Approval of Conditional Use Permit No. 2018-32, in compliance with Municipal Code section 11-16-4.

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Selma as follows:

SECTION 1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct, and are incorporated herein by reference.

SECTION 2. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Selma.

SECTION 3. That Conditional Use Permit No. 2018-32 is hereby approved subject to the following conditions which are in addition to all other statutes, regulations, ordinances or other applicable conditions.

SECTION 4. Upon independent review and consideration of all pertinent written information contained in the Staff Report, the Planning Commission hereby finds and determines that the proposed CUP No. 2018-32 is categorically exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15302 (b) of California Environmental Quality Act (“CEQA”) Guidelines, Title 14, Chapter 3 of the California Code of Regulations, because it is a project consisting of the replacement or reconstruction of existing structures and facilities located on the same site as the replaced structures

and facilities. Reflecting independent judgment and analysis, the Planning Commission determined that the project will not have a significant effect on the environment. Based on these findings, the Planning Commission adopts the Notice of Exemption and directs staff to file same as required by law.

SECTION 5. Based upon substantial evidence presented to the Planning Commission during the November 7, 2018 public hearing, including public testimony and written and oral staff reports, the Planning Commission finds as follows pursuant to Section 11-16-5 of the Selma Municipal Code:

- A. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this Section to adjust said use with land and uses in the neighborhood.
 - a. The site proposed is an existing unimproved vacant lot within the Selma Plaza commercial/retail complex. The applicant is proposing to improve the site, and will complete a Site Plan Review to ensure full compliance with all applicable development standards.
- B. That the site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
 - b. The site is accessed by E Dinuba Ave to the north, which is classified as an arterial street with a 100 ft ROW (approx.), and McCall Ave to the west, which is classified as an arterial street with a 100 ft ROW. These streets will also provide access to and from the site and are adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- C. That the proposed use will have no adverse effect on property within a 300-foot radius of the permitted use thereof. In making this determination, the Planning Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation, setbacks, height of buildings, walls and fences, landscaping, outdoor lighting, signs, such other characteristics as will affect surrounding property.
 - c. The site proposed is an existing unimproved vacant lot within the Selma Plaza commercial/retail complex. The applicant is proposing to improve the site, and will complete a Site Plan Review to ensure full compliance with all applicable development standards. Therefore, the Site Plan Review will ensure that the proposed use will have no adverse effect on property within a 300-foot radius of the permitted use thereof.
- D. That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.
 - d. The conditions stated in this resolution are deemed necessary to protect the public health, safety and general welfare.

- E. That the proposed use is consistent with the Selma General Plan and applicable land use component plans which may establish criteria for approval and/or standards for development.
 - e. The proposed use is consistent with the Selma General Plan. The site plan will be reviewed for compliance with all applicable development standards.

SECTION 5. The Planning Commission, having made its Findings for Approval, was of the opinion that Conditional Use Permit No. 2018-32 should be approved subject to the following certain conditions of approval to be listed and made a part of the Resolution.

Fire Department: All of the standard conditions of approval for a commercial development will apply. This shall include, but not be limited to the following.

1. A fire sprinkler system is required for structures to be built, have a change of occupancy, having an addition to an existing non-conforming structure or moved into the city limits. Fire sprinkler systems shall be installed and maintained in accordance with the California Fire Code, Selma Fire Prevention Bureau amendments, policies, and NFPA Standards 13, 13D and 13R. Fire sprinkler systems shall be monitored by an approved fire alarm system that reports to a monitoring company. Alternative fire suppression systems (Clean Agent, etc.) may be installed and monitored with the approval of Selma Fire Prevention Bureau. (CFC 903).
2. Where required, an approved manual, automatic or manual and automatic fire alarm system shall be installed in accordance with the provisions of the California Fire Code, Selma Fire Prevention Bureau amendments and policies and the National Fire Protection Association, Standard 72. (CFC 907).
3. Portable fire extinguishers shall be selected, installed and maintained in accordance with the California Fire Code, NFPA Standard 10 and Chapter 3, Title 19 California Code of Regulations. All fire extinguishers, including new extinguishers, shall have a current California State Fire Marshal service tag attached to the extinguisher. Fire extinguishers shall be mounted on the wall at no more than 5 feet above the floor. (Gross weight not to exceed 40 pounds.) Fire extinguisher type and placement locations shall be shown on the plans and coordinated with Selma Fire Prevention Bureau. (CFC 906).
4. New and existing buildings shall have approved address numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Numbers shall contrast with their background and be posted a minimum of 10 feet above the ground. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 8 inches high with a minimum stroke width of three-quarter inch.(Commercial Occupancies) (CFC 505)(Selma FD).
5. Provide, for review and approval, a fire safety and evacuation plan in compliance with Chapter 4 of the California Fire Code. (Group A, other than group A buildings used exclusively for religious worship that have an occupant load less than 2,000, B with an occupant load of 500 or more, E, H, I, R-1, R-2, college and university buildings, R-4 , M with an occupant load of 500

or more, high-rise buildings, covered mall buildings exceeding 50,000 sq. feet and underground buildings). (CFC 404)

6. The applicant is required to provide the occupancy calculations to the fire department prior to issuance of the certificate of occupancy.

Planning Department

1. The project site is adjacent to residences located in an R-3 Multiple-Family Residential Zone, and therefore there shall be no loading to or unloading from vehicles or conveyances between the hours of nine o'clock (9:00) P.M. and six o'clock (6:00) A.M.
2. The approved operation hours are Monday through Sunday from 9:00 A.M. until 5:30 P.M.
3. The recycling facility and parking lot are to be used during the approved operation hours only.
4. All permanent signs will require a signage permit from the Planning Department.
5. Site Plan Review and approval is required.
6. Provide a copy of the approval from the California Department of Resources Recycling and Recovery (CalRecycle).

Building and Safety

1. Obtain permits for all required construction.

General Conditions

1. All requirements of the Selma Municipal Code, as they pertain to this application, shall be complied with and such requirements shall be made a condition of permit approval.
2. The Applicant and Property Owner shall within thirty (30) days after approval of CUP No. 2018-32 by the Planning Commission, submit to the Planning Department his/her written consent to all of the conditions referenced herein. The Applicant understands that approval of this Resolution and CUP No. 2018-32 will be of no force or effect unless such written consent is submitted to the City within the stated 30-day period.
3. The rights granted under Conditional Use Permit No. 2018-32 shall expire within one (1) year from the date of approval by the Planning Commission unless exercised within that period or unless the Applicant applies for and is granted an extension of time. No extension of time shall be considered unless the application for an extension is filed at least thirty (30) days prior to its expiration. The extension will not be granted if conditions have changed such that the requisite findings for approval can no longer be made.

4. Any violation or failure to comply with any of the conditions of the approval of this permit shall be grounds for modification or revocation of Conditional Use Permit No. 2018-32. The Applicant may be required to reimburse the City fully for its costs and expenses, including but not limited to, attorney's fees, in undertaking any required corrective action. Reimbursement of enforcement costs may constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City may refrain from issuing permits, licenses, or other approvals until such violation has been fully remedied.
5. Upon discontinuance of the activity authorized herein for a period of one hundred and eighty (180) days or more, the Conditional Use Permit No. 2018-32 shall automatically expire, pursuant to the provisions of the Selma Municipal Code, and subject to all necessary due process requirements.
6. The Conditional Use Permit No. 2018-32 may be referred to the Planning Commission for modification or revocation at any time if the use is operated contrary to the conditions of approval, or if the use is being operated in violation of applicable state or federal laws, the Selma Municipal Code and/or ordinances.
7. The Applicant and Property Owner shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the applicant and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.

The foregoing Resolution was duly approved by the Selma Planning Commission at a regular meeting held on the 7th day of November 2018 by the following vote, to wit:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSTAIN: COMMISSIONER:

ABSENT: COMMISSIONER:

GLENN NISWANDER CHAIRMAN OF
THE SELMA PLANNING COMMISSION

ATTEST:

Aaron Carpenter, Secretary, Selma Planning Commission



Project Location

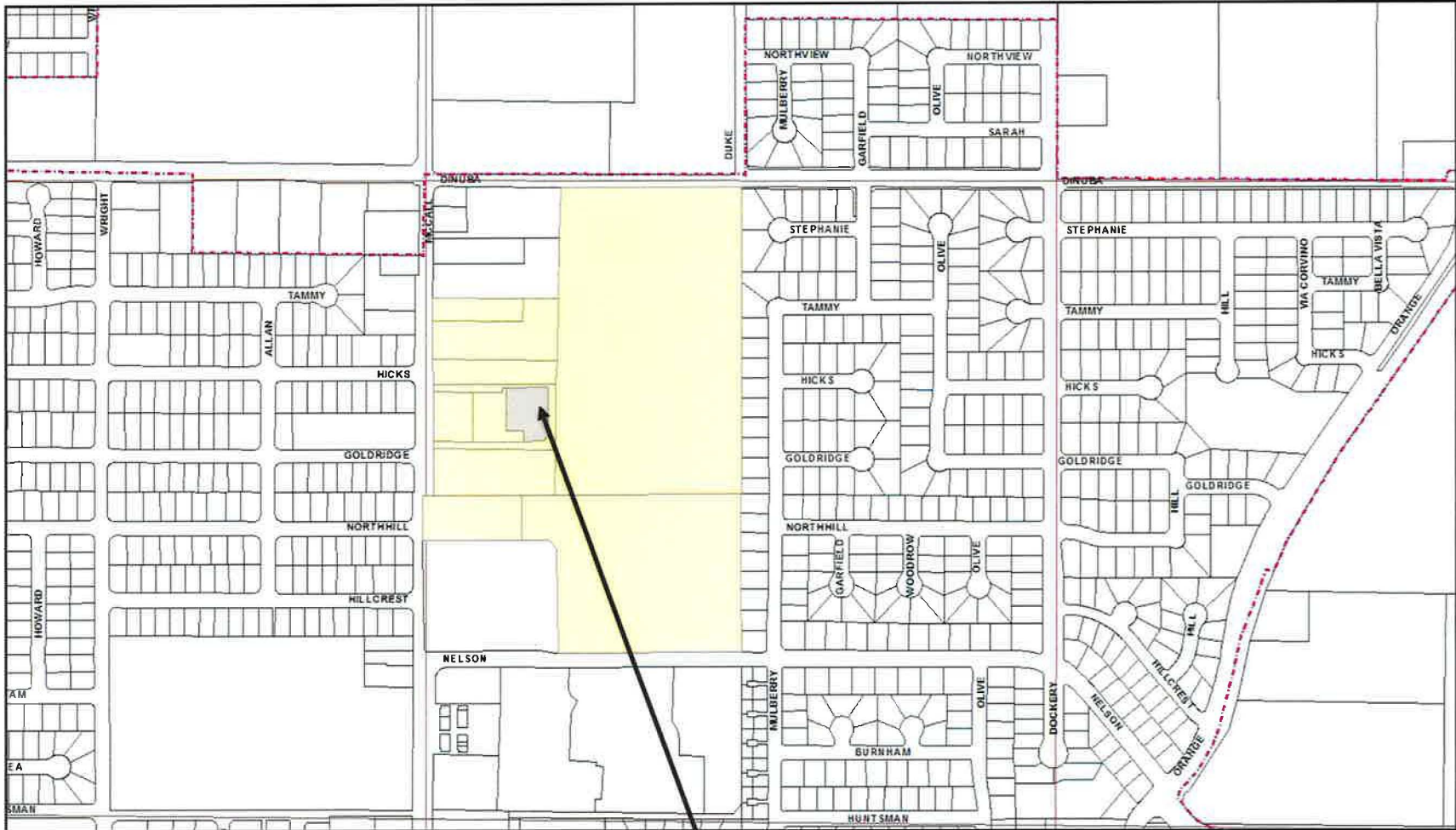


Project Location Map

CUP #2018-0241

Address/APN - 358-380-41

Applicant/Project - Sonny Salinas/Salinas Recycling Relocation

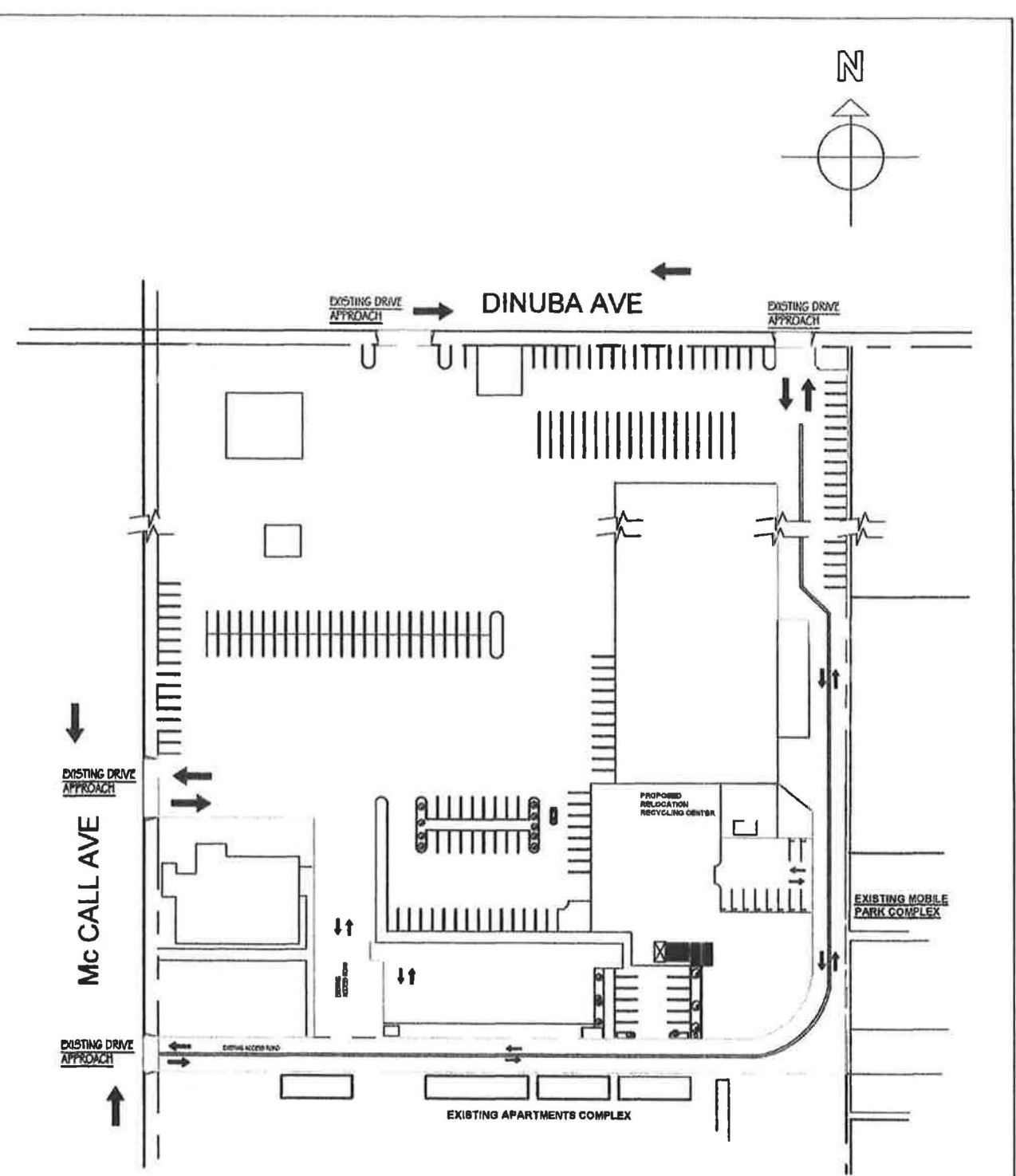
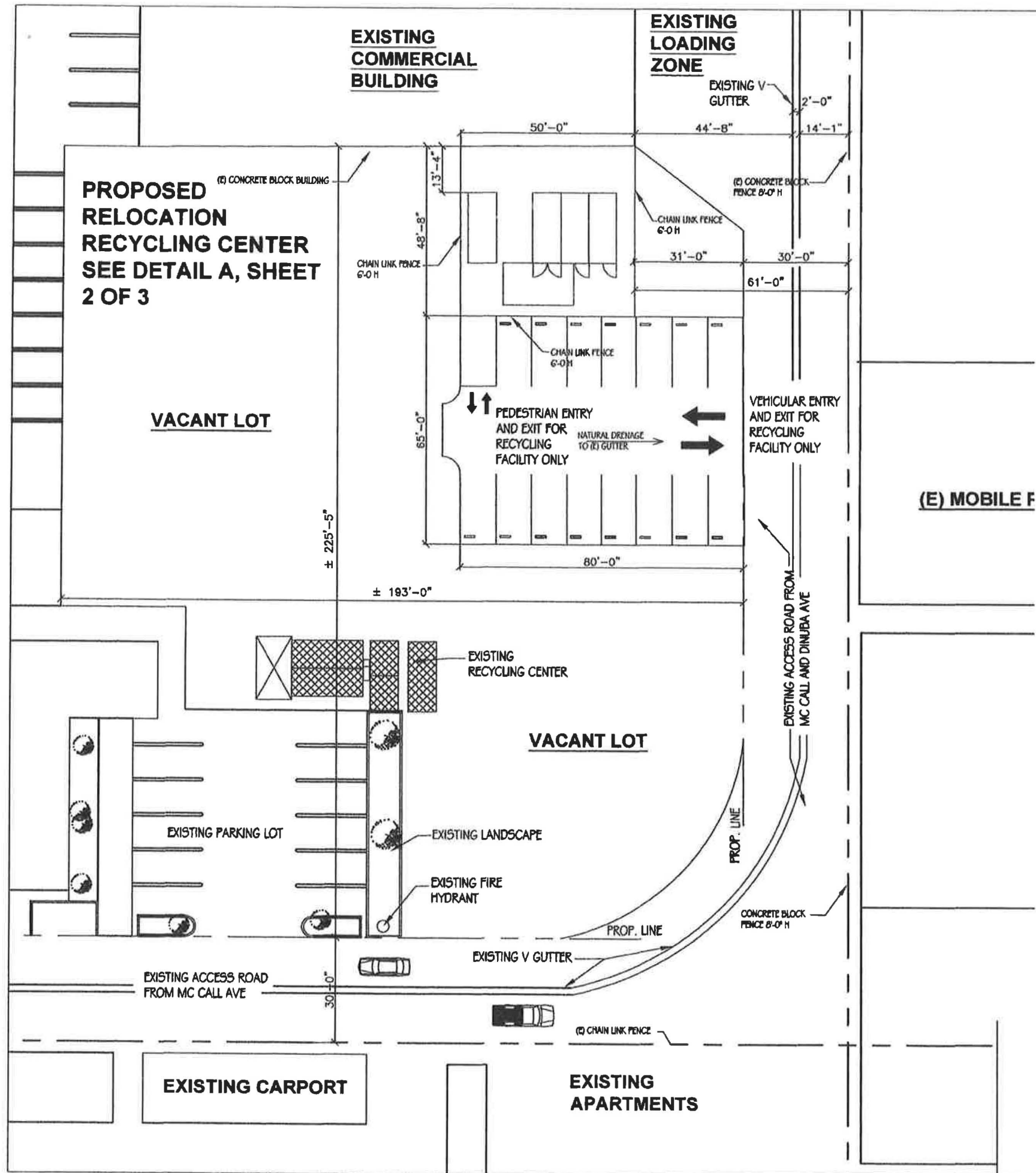


Project Location & Radius



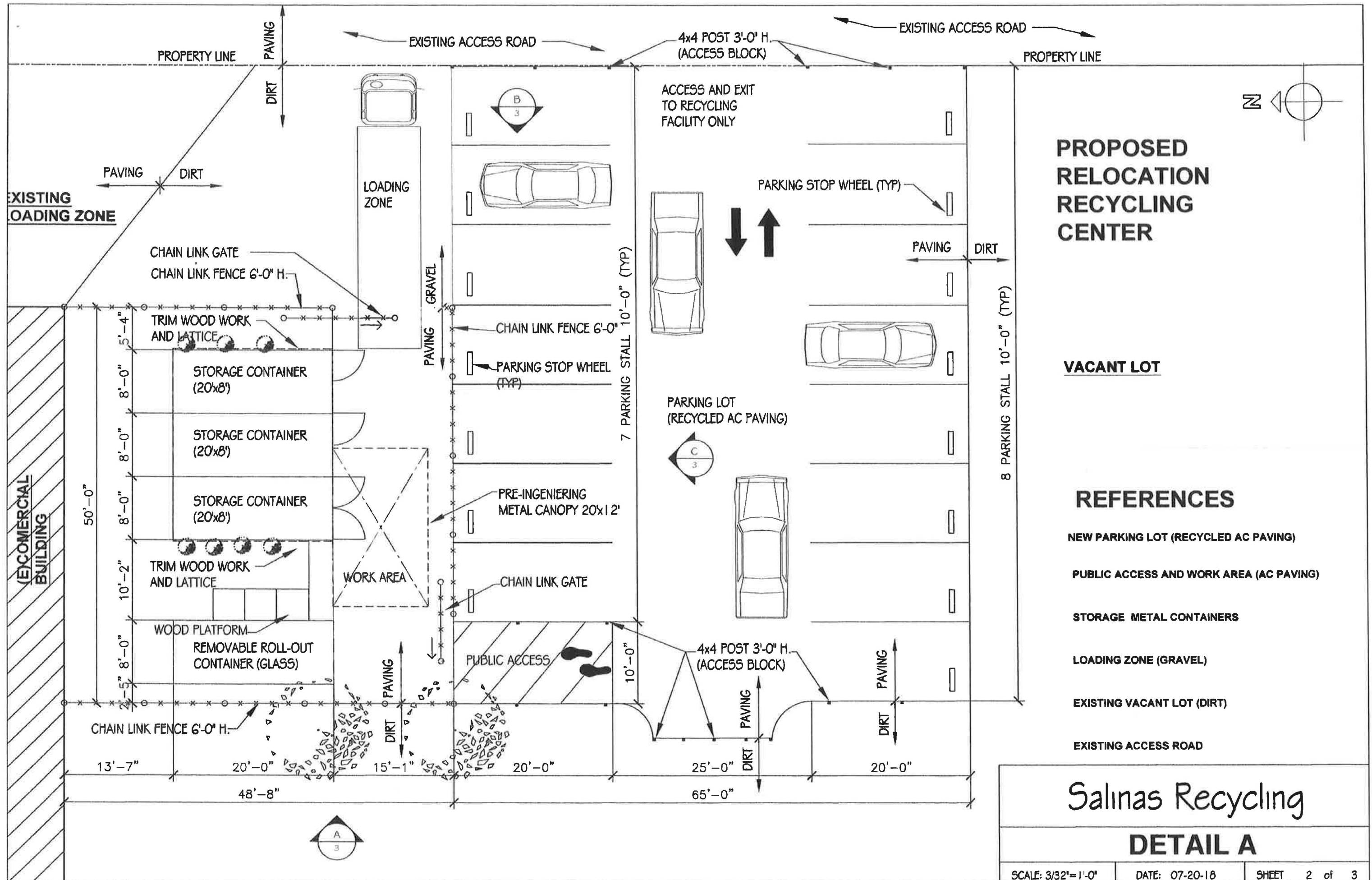
Radius Map

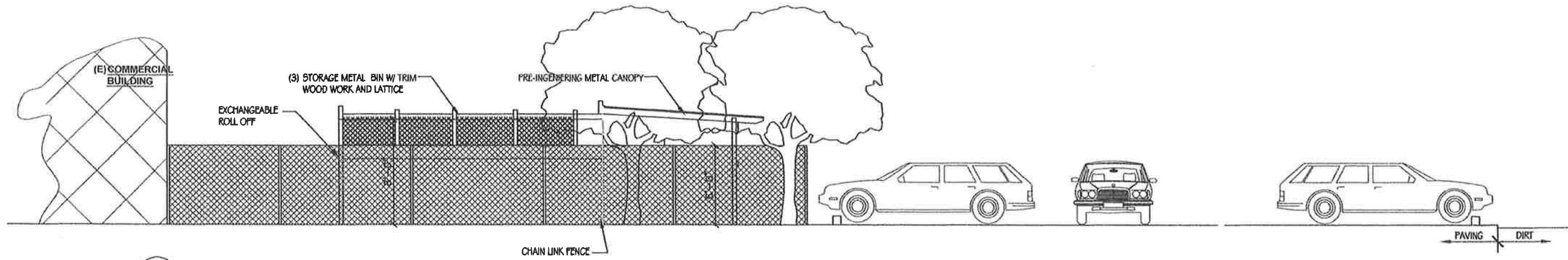
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Address/APN - 358-380-41
Salinas Recycling Relocation



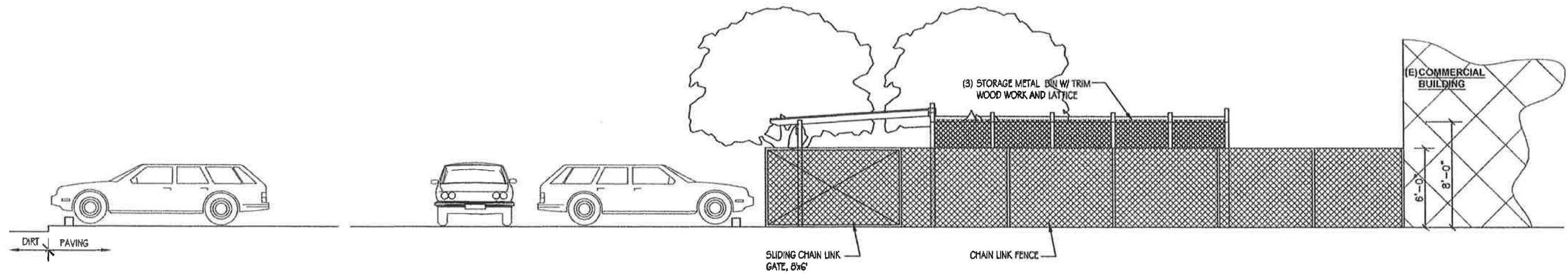
COMPOSITE SITE PLAN AND PATH OF VEHICULAR TRAVEL
SCALE: NTS

<h1>Salinas Recycling</h1>		
<h2>SITE PLAN</h2>		
SCALE: 1/32" = 1'-0"	DATE: 07-20-18	SHEET 2 of 3

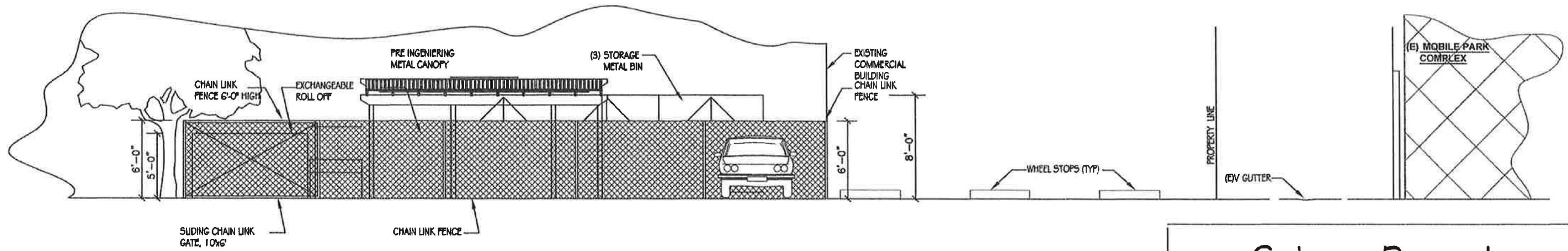




A ELEVATION



B ELEVATION



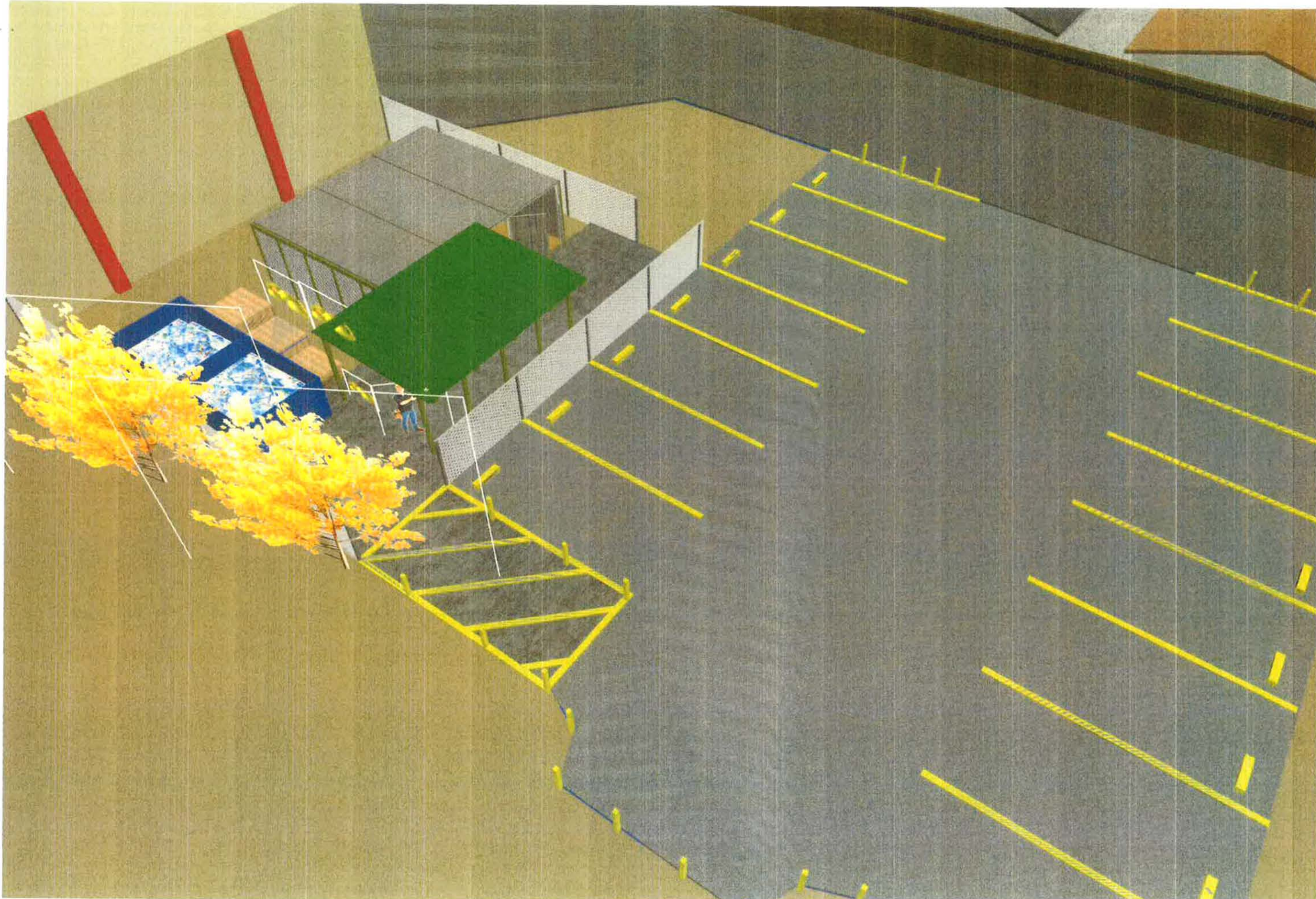
C ELEVATION

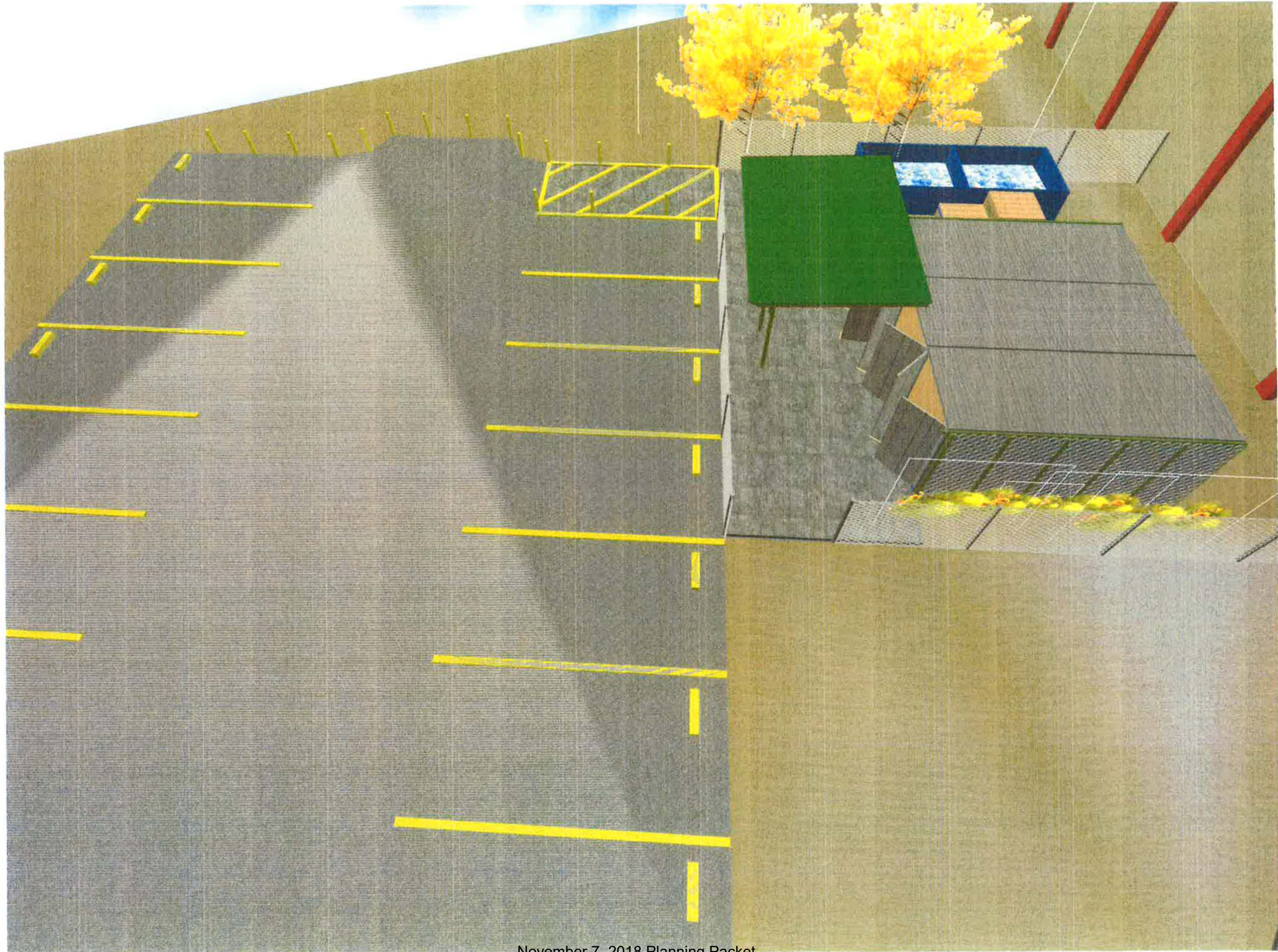
Salinas Recycling ELEVATIONS

SCALE: 1/8" = 1'-0" DATE: 07-20-18 SHEET 2 of 3









**SELMA CITY PLANNING COMMISSION
STAFF REPORT**

Meeting Date: November 7, 2018

TO: Selma City Planning Commission

FROM: Community Development Department

SUBJECT: CONSIDERATION OF A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SELMA, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE ADOPTING CHAPTER 35 TO TITLE XI OF THE SELMA MUNICIPAL CODE (ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES AND AMENDING CHAPTER 11-1-1 (ZONING DEFINITIONS; PURPOSE OF TITLE XI (ZONING) OF THE SELMA MUNICIPAL CODE) TO ADD DEFINITIONS RELATED TO ACCESSORY DWELLING UNITS AND A NOTICE OF EXEMPTION FOR SAME

BACKGROUND

The Selma Municipal Code (“SMC”) currently does not have any standards for Accessory Dwelling Units (“ADU” or “ADUs”) in Title 11 (Zoning).

On September 27, 2016, Governor Brown signed AB 2299 and SB 1069 regarding ADUs (Government Code Section 65852.2). These bills amended sections of the State law regarding ADUs. The new laws require that local jurisdictions allow ADUs by right under certain mandatory development standards, and require that local jurisdictions, if seeking to establish additional regulations, do so via an ordinance facilitating the ministerial creations of ADUs.

The proposed ordinance brings the City into compliance with Government Code Section 65852.2 and establishes standards pursuant to the various restrictions as set forth in State law.

DISCUSSION

Since the passage of the AB 2299 and SB 1069, the City has received occasional inquiries about ADU additions, including garage conversions. In an effort to better assist the residents of the City, Staff has prepared the attached ordinance to SMC Title 11 by adding Chapter 35 and setting forth various standards for ADUs that are compliant with the ADU requirements under AB 2299 and SB 1069.

For example, State law allows for a garage to be converted to an ADU, and on-site parking may now be provided in a driveway. Garage or carport parking can no longer be required for ADUs. Further, if the Property is located within one-half mile of a transit or bus stop, then on-site parking for the ADU is not required. Finally, replacement parking for the primary dwelling can now be located in a driveway and in tandem configuration.

The potential effect that added dwellings, with no on-site garage parking may have on street parking in the City is a major concern. In an effort to be sensitive to street parking needs in the City, while complying with State laws for ADUs, the proposed Ordinance now allows for tandem parking on site and within driveways. If parking is provided as such, it must be designated on the site plan submitted to the City and new concrete must be provided. These standards will help to ensure that adequate on-site parking is maintained.

The proposed Ordinance still does not allow ADUs on a second story or above a garage, in an effort to protect the privacy of the neighbors. The ordinance also limits newly constructed ADUs to 1200 square feet in size. With these added clarifications, Staff will be better able to assist the residents with their inquiries.

Environmental Assessment

The proposed ordinance is exempt from the California Environmental Quality Act (“CEQA”), Public Resources Code Sections 21000 *et seq.*, pursuant to Section 15282(h) of the CEQA Guidelines which exempts adoption of ordinances regarding second dwelling units, including accessory dwelling units. It is therefore recommended that the Planning Commission recommend that the City Council adopt a notice of exemption, and direct staff to file same as required by law. (Attachment C).

FISCAL IMPACT

None.

CONCLUSION

In summary, the proposed Ordinance provides clear standards for ADUs that are compliant with State law. As such, Staff will be better able to assist residents with inquiries about ADUs within the single family dwellings zones. These rules provide minimum requirements and the maximum potential limits for ADUS that are designed to protect of the public health, safety, comfort, and general welfare of the City and its residents.

RECOMMENDATION

It is recommended that the Planning Commission adopt the resolution recommending that the City Council adopt the ordinance adding Chapter 35 (Accessory Dwelling Units) of Title 11 (Zoning) of the SMC and adding definitions related to ADUs in Chapter 11-1-1 (Definitions) of Title 11 (Zoning) of the SMC, to address changes in State Law and Notice of Exemption regarding same.

ATTACHMENTS

- A – Resolution recommending approval of adoption of Ordinance to the City Council
- B – Draft Ordinance
- C – Notice of Exemption

RESOLUTION NO. 18- _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SELMA, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF AN ORDINANCE ADOPTING CHAPTER 35 TO TITLE XI OF THE SELMA MUNICIPAL CODE (ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES AND AMENDING CHAPTER 11-1-1 (ZONING DEFINITIONS; PURPOSE OF TITLE XI (ZONING) OF THE SELMA MUNICIPAL CODE TO ADD DEFINITIONS RELATED TO ACCESSORY DWELLING UNITS AND A NOTICE OF EXEMPTION FOR SAME

WHEREAS, the City of Selma Municipal Code (“SMC”) does not have standards for Accessory Dwelling Units (ADUs”); and

WHEREAS, on September 27, 2016, Governor Brown signed AB 2299 and SB 1069 (Government Code Section 65852.2) into law, amending sections of State law regulating ADUs, which require that local jurisdictions allow ADUs by-right under certain mandatory development standards, and require that local jurisdictions, if seeking to establish additional regulations, do so via an ordinance facilitating the ministerial creations of ADUs, consistent with State law; and

WHEREAS, City Staff is recommending that the City amend the Zoning Code to comply with the State’s ADU laws; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), the proposed amendment is considered to be exempt pursuant to Section 15282(h) of the CEQA Guidelines which exempts adoption of ordinances regarding second dwelling units, including accessory dwelling units; and

WHEREAS, notice of the Planning Commission’s November 7, 2018 public hearing concerning the proposed Zoning Code amendments was published in *The Selma Enterprise* on October 24, 2018, in compliance with the CEQA Guidelines, the City’s Code, and Government Code Section 65091, was posted at three public places on October 24, 2018; and

WHEREAS, on November 7, 2018, the Planning Commission of the City of Selma conducted a duly noticed public hearing on the proposed amendments and considered all testimony written and oral; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Selma as follows:

SECTION 1. The Planning Commission finds that based upon substantial evidence presented to the Planning Commission during the November 7, 2018 public hearing, that all of the facts set forth in the Recitals, are true and correct, and are incorporated herein by reference.

SECTION 2. The proposed amendment is exempt from CEQA pursuant to Section 15282(h) of the CEQA Guidelines, which exempts adoption of ordinances regarding second dwelling units, including accessory dwelling units. Based on the foregoing, the Planning Commission recommends that the City Council adopt the Notice of Exemption, attached hereto as Exhibit C and incorporated herein by reference, and direct Staff to file same as required by law.

SECTION 3. Based upon substantial evidence presented to the Planning Commission during the November 7, 2018 public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA and the CEQA Guidelines, and the City's Code, this Commission finds as follows pursuant to SMC Title XI:

1. The proposed amendment is consistent with the General Plan and any applicable specific plan(s): The proposed amendment is consistent with the General Plan in that it provides "a guide for orderly physical growth and development of the city and to promote and protect the public health, safety comfort and general welfare, and to implement the general plan." Chapter 11-1-3.
2. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code: The proposed amendment is internally consistent with other applicable provisions of the Zoning Code in that it is a stand-alone amendment creating a new Chapter of the Zoning Code and that the proposed amendment is meant define and regulate ADUs in the City only.

SECTION 4. Based upon substantial evidence presented to the Planning Commission during the above referenced November 7, 2018 public hearing, including public testimony, the written and oral staff report and attachments, as well as the findings and conclusions set forth herein, the Planning Commission does hereby recommend that the City Council adopt the proposed Municipal Code Amendment an amendment to the Zoning Code adding ADU requirements and adding definitions to Chapter 1-1-1 related to ADUs, attached hereto as Exhibit A, and incorporated herein by reference.

SECTION 5. The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

SECTION 6. That the Planning Commission Secretary shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 7th day of November, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairman, Planning Commission

Secretary, Planning Commission

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE SELMA CITY COUNCIL

ADOPTING CHAPTER 35 TO TITLE XI OF THE SELMA MUNICIPAL CODE (ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES) AND AMENDING CHAPTER 11-1-1 (ZONING DEFINITIONS; PURPOSE) OF TITLE XI (ZONING) OF THE SELMA MUNICIPAL CODE TO ADD DEFINITIONS RELATED TO ACCESSORY DWELLING UNITS AND A NOTICE OF EXEMPTION REGARDING SAME

WHEREAS, the City of Selma Municipal Code (“SMC”) does not have standards for Accessory Dwelling Units (ADUs”); and

WHEREAS, on September 27, 2016, Governor Brown signed AB 2299 and SB 1069 (Government Code Section 65852.2) into law, amending sections of State law regulating Accessory Dwelling Units (“ADUs”), which require that local jurisdictions allow ADUs by-right under certain mandatory development standards, and require that local jurisdictions, if seeking to establish additional ADU regulations, do so via adoption of an ordinance facilitating the ministerial creations of ADUs, consistent with State law; and

WHEREAS, City Staff is recommending that the City amend the Zoning Code to comply with the State’s ADU laws; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), the proposed amendment is considered to be exempt pursuant to Section 15282(h) of the CEQA Guidelines which exempts adoption of ordinances regarding second dwelling units, including accessory dwelling units; and

WHEREAS, notice of the Planning Commission’s November 7, 2018 public hearing on the proposed Municipal Code Amendment was published in *The Selma Enterprise* on October 24, 2018 in compliance with the City’s Code, and Government Code Section 65091; and

WHEREAS, on November 7, 2018, the Planning Commission of the City of Selma conducted a duly noticed public hearing on the proposed Zoning Code amendment, and considered all testimony written and oral; and

WHEREAS, the Planning Commission reviewed and carefully considered the information, including all comment letters submitted, and made the findings set forth herein, and based upon substantial evidence presented to the Planning Commission during the public hearing on November 7, 2018, including public testimony and oral staff reports, the Planning Commission recommended that the City Council adopt an ordinance adding and Chapter 35 (Accessory Dwelling Units) of Title 11 (Zoning) of the Selma Municipal Code, and 11-1-1 (Definitions) of the Selma Municipal Code to add definitions related to ADUs, and adopting a notice of exemption regarding same; and

WHEREAS, notice of the City Council’s November 7, 2018 public hearing on the proposed Zoning Code amendment was published in *The Selma Enterprise* on October 24, 2018, in compliance with the City’s Code, and Government Code Section 65091; and

WHEREAS, on November 7, 2018, the City Council of the City of Selma conducted a duly noticed public hearing on the proposed Zoning Code amendment, and considered all testimony written and oral; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

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

SECTION 1. Findings.

The City Council finds that based upon substantial evidence presented to the City Council during the (DATE) public hearing, that all of the facts set forth in the Recitals, are true and correct, and are incorporated herein by reference.

SECTION 2. Environmental Findings.

- A. This ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15282(h) of the CEQA Guidelines which exempts adoption of ordinances regarding second dwelling units, including accessory dwelling units.
- B. Based upon these findings, the City Council adopts the Notice of Exemption, and directs staff to file same as required by law.

SECTION 3: Selma Municipal Code Amendment.

Chapter 35 is hereby added to Title XI (Accessory Dwelling Units) of the Selma Municipal Code and shall read in its entirety as follows:

11-35-1: PURPOSE AND INTENT.

Accessory Dwelling Units

- A. Purpose.

The purpose of this section is to allow for accessory dwelling units on lots developed with single family dwellings. Facilitating the development of accessory dwelling units will increase the housing options and housing stock in the city. This section addresses the specific needs of the city by providing limitations consistent with State Law in order maximize neighborhood compatibility.

- B. Applicability

The provisions of this section apply to all lots that are developed with a single-family dwelling

unit and zoned residential.

C. Not Part of Density Calculation

An accessory dwelling unit that conforms to all applicable requirements of this Section shall not be considered in the calculation of allowable density for the lot upon which it is located, and is deemed to be a residential use that is consistent with the existing General Plan and zoning designations for the lot.

D. Requirements Applicable to All Accessory Dwelling Units.

1. Permitted by Right. An accessory dwelling unit may be constructed on a lot by right, provided that such accessory dwelling unit complies with all requirements set forth in this section.
2. Relationship to Primary Dwelling. The accessory second unit may be either attached to the primary dwelling or be a detached structure.
3. Maximum of One per Parcel. There shall be no more than one accessory dwelling unit allowed on each single-family residential lot.
4. Entrances. Entrances shall be incidental to the primary dwelling and minimally visible from the front of the primary dwelling. No passageway to the primary dwelling shall be required with the construction of the accessory dwelling unit.
5. Fire Sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers unless required for the primary residence.
6. Utility Hookups. Separate utility hookups are permitted, but are not mandatory.
7. Occupancy Requirements. The applicant for a building permit for an accessory dwelling unit shall be the owner and occupant of the property. The owner shall be required to permanently occupy either the primary unit or the accessory dwelling unit.
8. Deed Restriction Required. Before obtaining a building permit for an allowed accessory dwelling unit, the property owner shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content. The declaration or agreement of restrictions shall contain a reference to the deed under which the property was acquired by the owner and shall state that:
 - a. The accessory dwelling unit shall not be sold separately.
 - b. The accessory dwelling unit is restricted to the maximum size allowed as identified by the development standards in this Section.
 - c. The accessory dwelling unit shall be considered legal only so long as either the primary residence, or the second dwelling unit, is occupied by the owner of record of the property.

- d. The restrictions shall be binding upon any successor or assigned in ownership of the property, and lack of compliance shall result in legal action against the property owner.

E. Requirements Applicable to Newly Constructed or Expanded Structures.

1. Maximum Gross Floor Area. No accessory dwelling unit, either attached or detached shall exceed 50 percent of the size of the living area of the primary dwelling, and in no case shall the accessory dwelling unit exceed 1200 square feet in gross floor area.
2. Development Standards. The accessory dwelling unit shall comply with the minimum property development standards of the residential zones in compliance with Title XI (Zoning), including but not limited to minimum lot size, lot width, lot depth, setbacks, distance between buildings, and lot coverage, unless modified by this Chapter.
3. Second Story Prohibited. Accessory dwelling units shall not be permitted on any story above the first story.
4. Maximum Height. All detached accessory dwelling units shall be limited in height to one story and 15 feet.
5. Roof Pitch and Roof Materials. All accessory dwelling units shall have a roof pitch equal to the primary residence and shall have roofing material compatible with the roof material of the primary residence.
6. Bedrooms. The maximum number of bedrooms in any accessory dwelling unit is one.
7. Location. No detached unit may be placed in front of the primary dwelling.
8. Architectural Design, Form, and Materials. The accessory dwelling unit shall be constructed to be compatible with the existing primary residence located on the site in terms of architectural design, form, and materials.
9. Parking.
 - a. In addition to the parking spaces required for the primary residence, at least one off-street parking space shall be provided for each accessory dwelling unit, which may be provided as tandem parking in an existing driveway.
 - b. If a garage, carport, or covered parking structure is converted or demolished in conjunction with the construction of an accessory dwelling unit, those off-street parking spaces shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on paved driveways leading to a required parking space.
 - c. Additional parking is not required in the following instances:

- i. Where a property is located within one-half mile from a public transit stop. Public transit stop is defined to be a stop at which service is provided at no greater than 15-minute intervals during peak hours. Public transit means scheduled services provided by a public agency.
- ii. For properties located within an architecturally and historically significant historic district, as adopted by the city.
- iii. For properties in an area where on-street parking permits are required but not offered to the occupant of the ADU. [SEP]
- iv. For properties located within one block of a car share area approved by the city.

F. Requirements to Convert Existing Space in a Single-Family Structure to an Accessory Dwelling Unit.

- 1. Building Permit. An application for a building permit to create one accessory dwelling unit per single-family lot within the existing space of a legally permitted accessory structure or single-family dwelling shall be ministerially approved.
- 2. Setbacks. Side and rear setbacks must be sufficient for fire safety. Conversion of detached structures that meet applicable zone district standards for side and rear setbacks and distance between buildings may be denied if a finding is made that the setbacks are insufficient for fire safety. [SEP]
- 3. Access. The unit shall have an exterior access independent from the primary residence. No passageway between the primary residence and the accessory dwelling unit shall be required.
- 4. Size. No conversions of existing space shall exceed 800 square feet in size and shall not exceed 50 percent of the living area of the primary dwelling unit.
- 5. Parking. An off-street parking space for the accessory dwelling unit shall not be required. However, the applicant shall be required to replace any parking spaces lost as a result of the conversion of the existing space to an accessory dwelling unit. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to covered spaces, uncovered spaces, or tandem spaces. Replacement parking may only occur on driveways leading to a required parking space.
- 6. Setbacks for Conversions of Existing Space. No setback is required for an existing structure that is converted to an accessory dwelling unit. For conversion of existing and legally permitted space above a garage, a minimum five-foot rear and side yard setback shall be required.
- 7. Conversions of or Within Nonconforming Structures. Existing space within existing structures that are nonconforming with respect to setbacks, building height, or lot coverage may be converted to an Accessory Dwelling Unit, provided the nonconformity is not increased in any manner and the Accessory Dwelling Unit meets the size limitations

established in this Chapter.

SECTION 4. Selma Municipal Code Amendment.

Chapter 11-1-1 (ZONING DEFINITIONS; PURPOSE) of the Selma Municipal Code is hereby amended to include the following:

Accessory Dwelling Unit. A residential dwelling unit - either attached to the primary unit or a detached structure -that provides complete independent living facilities for one or more persons on the same parcel as a legal detached single unit. An accessory dwelling unit shall include permanent provisions that include, but are not limited to, living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit includes an efficiency unit as defined in California Health and Safety Code Section 17958.1 and a manufactured home as defined in California Health and Safety Code Section 18007.

SECTION 5. Selma Municipal Code Amendment.

Chapter 11-1-1 (ZONING DEFINITIONS; PURPOSE) of the Selma Municipal Code is hereby amended to include the following:

Living area. Living area means the interior habitable area of a dwelling unit as defined by the Uniform Building Code, including basements and attics but does not include a garage or any accessory structure.

SECTION 6. Selma Municipal Code Amendment.

Chapter 11-1-1 (ZONING DEFINITIONS; PURPOSE) of the Selma Municipal Code is hereby amended to include the following:

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

SECTION 7. Severability: If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional.

SECTION 8. Effective date and posting ordinance: this ordinance shall take effect and be in force 30-days from and after the date of final passage. The Selma City clerk shall cause this ordinance to be published at least once within 15-days after its passage in the Selma Enterprise with the names of those City Council members voting for or against the ordinance.

I Reyna Rivera, Selma City Clerk, do hereby certify that the foregoing ordinance was introduced at the _____, 2018, regular City Council meeting and duly adopted at a regular Selma City meeting and duly adopted at a regular Selma City meeting on the ____ day of MONTH, 2018 by the following vote, to wit:

AYES: COUNCIL MEMEBERS

NOES: COUNCIL MEMEBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

=

Jim Avalos, Selma City Mayor

ATTEST:

Reyna Rivera,
City Clerk of Selma City

APPROVED AS TO FORM:

Bianca Sparks Rojas,
Selma City Attorney

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Fresno County
2220 Tulare Street
Fresno, CA 93721

From: (Public Agency): City of Selma
1710 Tucker Street
Selma, CA 93662

(Address)

Project Title: Accessory Dwelling Unit Municipal Code Update

Project Applicant: City of Selma

Project Location - Specific:

City of Selma Municipal Code: Title 11 Chapter 35

Project Location - City: Project Location - County:

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: City of Selma

Name of Person or Agency Carrying Out Project: City of Selma

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption. State type and section number:
Statutory Exemptions. State code number: 15282(h)

Reasons why project is exempt:

Adoption of ordinances regarding second dwelling units, including accessory dwelling units, is covered under this section.

Lead Agency
Contact Person: City of Selma Area Code/Telephone/Extension: 559-891-2200

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title:

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: