



Kingsburg Planning Commission

1401 Draper Street, Kingsburg, CA 93631

Telephone: 559-897-5328 Fax: 559-897-6558

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Vice Chairperson
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CRAIG RUCH
JARED EKIZIAN

Community Development Director
HOLLY OWEN

KINGSBURG PLANNING COMMISSION AGENDA

OCTOBER 13, 2022

6:00 P.M.

**KINGSBURG CITY COUNCIL CHAMBER
1401 DRAPER STREET
KINGSBURG, CA 93631**

MEETING CONTINUED FROM ORIGINAL HEARING DATE OF SEPTEMBER 8, 2022

1. CALL TO ORDER

NEXT RESOLUTION 2022-02

2. APPROVAL of the January 13, 2022 and April 14, 2022 minutes as mailed or corrected.

3. PUBLIC COMMENTS - Any person may directly address the Planning Commission at this time on any item not on the agenda, or on any item that is within the subject matter jurisdiction of the Planning Commission. A maximum of five minutes is allowed for each speaker.

4. REQUEST FOR EXTENSION OF SITE PLAN REVIEW APPROVAL FOR PUD 2021-01, FOR A MULTI FAMILY PROJECT AND A GROWTH ALLOCATION ALLOTMENT FOR 35 MULTI-FAMILY UNITS. PROJECT LOCATED ON THE WEST SIDE OF 10TH/ACADEMY AVENUE, APPLICANT SOHAL, INC.

- A. Presentation by Community Development Director Holly Owen.
- B. Commission discussion
- C. Possible Actions
 - 1. Adopt/Deny/Modify Resolution

5. DISCUSSION ITEMS

- A. Housing Element Update
- B. Upcoming ADU Ordinance
- C. Update on Current Planning Activities

6. ADJOURN

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the office of the City Clerk (559) 897-6520. Notification 48 hours prior to a meeting will enable the City to make reasonable arrangements to ensure accessibility to that meeting [28 CFR 35.102.35.104 ADA Title II].

I hereby certify, under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the front entrance of City Hall not less than 72 hours prior to the meeting.
Dated this 7th day of October 2022.

Karyl Bartel, Community Development Admin Assistant

**KINGSBURG CITY COUNCIL AND PLANNING COMMISSION
WORKSHOP MINUTES
JANUARY 13, 2022**

THE COUNCIL CHAMBER IS OPEN TO THE PUBLIC AT 100% CAPACITY.

Call to Order: At 6:02 pm the Kingsburg City Council and Planning Commission Workshop was called to order by Mayor North.

City Council Members present: Hurtado, Pursell, Jr., Roman and Mayor North.

City Council Members absent: Palomar.

Planning Commissioners present: Ruch, Valdez, Blayney, and Chairperson Kruper.

Planning Commissioners absent: Brock, Gonzales and Ekizian.

Public Comments: None.

Kingsburg Growth Management Ordinance

Community Development Director Holly Owen explained about the allocation process and the Growth Management Ordinance, which is to limit the rate of residential growth. She explained what allocation means, the allocation process, the ranking and rating process and the requirements for application.

Staff recommendation is needed, such as drafting, language etc. Should we make it longer than 365 days? Council review? Timing of allocation process? Rolling allocation issue. Allocation can be phased into 2 parts.

City Manager Henderson addressed the need to hear from this group. When there is development, there is quality development. Staff is supposed to use ranking and rating. Without an allocation, how much money and time will they be using. Staff will not have anything to review. We need to tell the staff and applicant how to improve application. Explaining how for example, the process was from 2017 and how things do change over time. The ordinance we have now is good, but we have come to a point where we can tweak it a little bit.

Commissioner Blaney explained the historical perspective of the ordinance. When this was put together in 2003, there were 6 developers. There was 120 units towards SKF that never happened. This growth management plan was put in place. Then the economy lagged. It takes a long time to get the developer to get things annexed. What was planned once does not apply a few years later. There are a lot more constraints for developers now then back then. It takes 4-5 years just to move dirt, let alone building a house. With the call center going in, we will have more housing on demand. People are looking to move to quality. We need to be realistic to what is going on in this point in time.

There was a discussion about the competitive process where ideally is to do it once a year because it will be more competitive. If it is more than once a year, you might get less projects. The time lag the developer will go through to get the allocation takes 4 years just to start the construction. When there is a lot of houses being built at the same time, it shouldn't matter....it may take 4-5 years to phase all this.

City Manager Henderson explained how allocations expire. February, opening the 2nd round. 80 single family per year. 240 allocations available for 3 years. If you have a large enough project, you can phase it for an additional 2 years. Most flexible is 5 years window that applicants apply for.

Chairman Kruper said the ordinance applies to real world growth. We need to catch up to other cities. It is a philosophy argument. Commissioner Blayney said the state issues what is projecting how many is allowed in the city. 11 is the number of housing units allowed. In 2004, we did not have development standards, now we do. For example, rear facing garages. Echoing what Commissioner Kruper said, at that point in time, the citizens did not want to go ahead and have tract homes. We didn't have any guidance to show developers. We had no legal way to prohibit the undesirable growth/ Kingsburg's image.

Mayor North said we can't control the actual building, just the allocation. Looks like from allocation to moving in, it's taking 4-5 years. Some were allocated in 2005 but still not built. Our schools can handle more kids. With T-Mobile, we are going to need more houses. We will see more of a need. Young families cannot afford houses that are brand new. Schools can handle more students, but we will not see them.

Council Member Hurtado said she is a young family that can't afford housing. Can we change the percentage of single family and multi-family. 40/60? 50/50? We are still expensive, even if multifamily goes up, we will still have quality. Director Owen said the housing element is looming. We will have to look at rezoning multi-family, it's about money and interest. We will definitely need to rezone. Commissioner Kruper agreed we need more multifamily housing. If you leave it with the developers, you are not going to get it. Even with allocation enticement. It's up to the council. If you are not going to make it mandatory, you will not get it.

Council and Planning Commission direction:

1. Projects that need annexation. The final map would be the final entitlement. Give a time frame to get to this final map. It will prevent applicants from getting a tentative map and sitting on it.
2. The twice a year is good. Need to specify language. The council has the option to open that up again.
3. We have a 3-year rolling and 2 year phasing and will keep it as is for now. We can have another workshop in the future and the public is more than welcome to come to these workshops.
4. Language cleanup. Come back to the planning commission for the approval. Have staff draft something and come back.

Adjourn Kingsburg City Council and Planning Commission Workshop: At 7:39 P. M. Mayor North adjourned the meeting.

Submitted by:

Karyl Bartel, Community Development Administrative Assistant

**KINGSBURG CITY COUNCIL AND PLANNING COMMISSION
WORKSHOP MINUTES
APRIL 14, 2022**

THE COUNCIL CHAMBER IS OPEN TO THE PUBLIC AT 100% CAPACITY.

Call to Order: At 6:08 pm the Kingsburg Planning Commission Workshop was called to order by Commissioner Valdez

Planning Commissioners present: Valdez, Gonzales, Ruch (virtually) , Ekizian, Brock (virtually) and Chairperson Kruper (arrived at 6:21 pm).

Planning Commissioners absent: Blaney

Public Comments: Terry Horstman, contractor. He was telling the commissioners about his recent project and that the department does not have his prints.

Accessory Dwelling Unit Workshop

Community Development Director Holly Owen gave a presentation about Accessory Dwelling Unit, ADUs to the Commissioners. They are the second livable area in a property. She explained the type of ADUs and showed them examples of each type. There was a discussion on the application and permitting process and creating standards for it. It was pointed out what the advantage and the disadvantage is of having ADUs.

Adjourn Kingsburg City Council and Planning Commission Workshop: At 7:04 pm.

Submitted by:

Karyl Bartel, Community Development Administrative Assistant



Meeting Date: 10/13/2022
Agenda Item: 4

PLANNING COMMISSION MEETING STAFF REPORT

REPORT TO: Planning Commission
REPORT FROM: Holly Owen, Community Development Director
AGENDA ITEM: Time Extension for Project Approval of PUD 2020-01, a Multi-Family Residential Development and Associated Open Space Uses, Located on the West Side of 10th Avenue between Kamm and Stroud Avenues (Sohal, Inc.)

ACTION REQUESTED: Ordinance Resolution Motion Receive/File

RECOMMENDATION

In accordance with the provisions of Section 17.72.090 of the Kingsburg Municipal Code, take the following actions:

- 1) That the Kingsburg Planning Commission consider approving a one-year extension of time for Planned Unit Development 2020-01. Staff recommends that the project approval, allocations and conditions of approval heard by City Council on September 1, 2021 be granted an extension of time as permitted by Kingsburg Municipal Code Section 17.72.090 to September 1, 2023.
- 2) That the Kingsburg Planning Commission pass Resolution 2022-02, extending the approvals for one calendar year for Planned Unit Development 2020-01, granted approval by Council Resolution 2021-046 on September 1, 2021.

EXECUTIVE SUMMARY

This project was reviewed and public hearings held beginning in 2020, and received final approval from City Council on September 1, 2021. An annexation to the City was required and received LAFCo approval on November 10, 2021. During that time when the application was pending, the applicant retained a new engineering firm, Central Valley Engineering and Surveying. After several meetings with staff, it was determined that more time was needed to facilitate the transition from one firm to another and to incorporate some comments from Kingsburg Fire Department. Staff encouraged the applicant to request an extension of approvals in order to give the applicant time to prepare construction documents.

Environmental Review

This action, the extension of time for the entitlement, is not subject to the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15378(b(5)), as the extension of time for project approval is an organizational or administrative activity of government that will not result in direct or indirect physical changes to the environment and therefore is not considered a project.

Recommendation:

Staff recommends that the Kingsburg Planning Commission:

- 1) Approve the request for a one year extension of approvals for PUD 2020-01 until September 1, 2023 and
- 2) Pass Resolution 2022-02 extending the approvals for one calendar year for Planned Unit Development 2020-01, granted approval by Council Resolution 2021-046 on September 1, 2021.

ATTACHMENTS:

1. **Attachment A** Planning Commission Resolution 2022-02
2. **Attachment B** City Council Resolution 2021-046 and Conditions of Approval for Sohal, Inc, dated September 1, 2021
3. **Attachment C** Applicant Request Letter for Extension of Time
4. **Attachment D** Zoning Ordinance Section Extension of Time for Site Plan Review
5. **Exhibit 1** Location map of proposed project

RESOLUTION NO. 2022 -02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING A ONE-YEAR EXTENSION OF TIME FOR PUD 2020-01 (SOHAL, INC)

WHEREAS, the Kingsburg Planning Commission did consider during regular meetings in 2020 the application of Sohal, Inc., for a 35 unit Planned Unit Development located on the west side of 10th Avenue, located on 4.77 acres between Kamm and Stroud avenues in Kingsburg; and

WHEREAS, the Kingsburg City Council conducted a duly-noticed public hearing on the project on August 18, 2021 and September 1, 2021, upholding the Planning Commission recommendation of approval for the project, subject to conditions; and

WHEREAS, the approval of Planned Unit Development 2020-01 expired on September 1, 2022, and

WHEREAS, the applicant, Sohal, Inc. , has requested by letter dated August 17, 2022 a one-year extension for the allocations and the approval of the Planned Unit Development, and

WHEREAS, the Commission held a noticed public hearing on September 8, 2022, which was continued to October 13, 2022 on Planned Unit Development 2020-01.

NOW, THEREFORE BE IT RESOLVED that the Kingsburg Planning Commission hereby grants a one-year time extension for the approval of the Planned Unit Development 2020-01, which will terminate on September 1, 2023.

The foregoing resolution was adopted at a regular meeting of the City of Kingsburg Planning Commission on October 13, 2022 by the following voice vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Karyl Bartel
Planning Commission Secretary
City of Kingsburg

RESOLUTION NO. 2021 – 046

A RESOLUTION OF THE KINGSBURG CITY COUNCIL UPHOLDING THE PLANNING COMMISSION'S DECISION ON APPROVING PLANNED UNIT DEVELOPMENT 2020-01, A MULTI-FAMILY RESIDENTIAL DEVELOPMENT AND ASSOCIATED OPEN SPACE USES, LOCATED ON THE WEST SIDE OF 10TH AVENUE BETWEEN KAMM AND STROUD AVENUES

WHEREAS, Sohal Inc., 135 South Alta Avenue, Dinuba, CA 93618, is requesting a planned unit development (PUD), consistent with the North Kingsburg Specific Plan, on property located west of 10th Street between Kamm Avenue and Harold Street, containing 4.77 acres; and

WHEREAS, the Assessor's Parcel Number (APN) for the subject property is APN 394-021-015 (4.77 acres), and

WHEREAS, Sohal Inc. is requesting a PUD for 35 apartment units that will front onto interior private roadways, and

WHEREAS, all apartments are 2-story except the 8 units located on the west side of the property that are single-story units, and

WHEREAS, the subject property will require annexation approval by LAFCO, and

WHEREAS, existing multi-family residential development borders the subject site on the south and a planned single-family residential development on the north (Erickson subdivision), and

WHEREAS, property owners within 300 feet of the subject territory were notified of the meeting and a public hearing notice was published in the Kingsburg Recorder twenty (20) days prior to the City Council's meeting of August 18, 2021, and

WHEREAS, the Planning Department has prepared a staff report and categorical exemption (CE) on the proposed PUD, and

WHEREAS, the Planning Commission held a public hearing on the PUD, reviewed the staff report and CE, accepted public testimony both for and against, and recommended approval to the City Council subject to amendments to the Conditions of Approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council, after considering all the evidence presented, determined the following findings were relevant in evaluating this PUD request:

1. The subject territory is inside Kingsburg's sphere of influence (SW) and within the planning area of the North Kingsburg Specific Plan.
2. The proposed PUD is consistent with the RM-3 zoning district and the development standards associated with this district, and

3. The proposed PUD is consistent with the North Kingsburg Specific Plan design guidelines as it pertains to streetscape, front elevation building designs, off-street parking, and common open space, and
4. A CE has been prepared on said PUD indicating that the PUD will not have a significant impact on the environment.
5. The project will not have an adverse impact on the public's health, safety or welfare.

BE IT FURTHER RESOLVED that the City Council hereby upholds the Planning Commission's recommendation on PUD 2021-01 subject to the following conditions:

1. Residential dwellings constructed within the project area shall comply with the North Kingsburg Specific Plan's Design Guidelines.
2. Landscaping within the project area and on individual lots shall conform to the North Kingsburg Specific Plan's Design Guidelines.
3. Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences, building elevations and off-street pedestrian corridors, shall conform to the North Kingsburg Specific Plan's Design Guidelines.
4. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
5. All conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.
6. The applicant shall pay all fees as required by existing ordinances and schedules.
7. All water wells(s) and septic systems that served the agricultural property shall be abandoned pursuant to City, County, and State standards.
8. Applicant shall provide street dedication to develop the 84' right-of-way section along 10th Avenue.
9. Applicant shall construct frontage improvements along 10¹¹' Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards. The new structural section shall be a section approved by the City Engineer.
10. Applicant shall furnish and install street name signage within the project site conforming to City of Kingsburg standards.
11. Applicant shall install minimum 8-inch water mains throughout the project site to provide domestic and fire water service.

12. The Applicant shall provide sewer mains and service facilities as directed by Selma-Kingsburg-Fowler Sanitation District staff and pay all applicable fees.

13. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.

14. Project is located in Drainage Zone W. Drainage shall be directed to the existing drainage basin west of the 10th Avenue / Winter Street intersection. Applicant shall install all storm drainage facilities necessary to properly convey water to the drainage basin as determined by the City Engineer.

15. The Applicant shall obtain a NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.

16. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Kingsburg ordinances.

17. All existing overhead utilities adjacent to the project site shall be undergrounded, including transformers.

18. All electric, cable TV, telephone, internet, etc. services shall be provided to the project site and shall be undergrounded (including conveyance facilities).

19. The Applicant shall provide a streetlight plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be LED and be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.

20. The Applicant shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

21. All the land within the subdivision shall be annexed into and become part of a Community Facilities District ("CFD") to be enacted by the City of Kingsburg pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California. In conjunction with the creation of the CFD, the applicant and its successors and assigns shall consent to the annexation of all the land within the project site into the CFD and consent to any tax imposed upon the land within the project site used to fund and finance authorized services eligible to be funded and financed by the CFD.

22. Applicant shall defend, indemnify, and hold harmless the City, its officials, officers, employees, representatives, agents and attorneys, from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney's fees, arising out of

resulting from, or in connection with, the City's act or acts leading up to and including approval of any environmental document and/or granting of any approvals relating to the project. Applicant's obligation to defend, indemnify and hold the City harmless specifically includes, but is not limited to, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document approved by the City or any approval related to the project.

23. Applicant's obligations to defend, indemnify and hold the City, its officials, officers and employees, representatives, agents and attorneys harmless under the provisions of this paragraph shall include, but not be limited to, the cost of preparation of any administrative record by City, staff time, copying costs, court costs, the costs of any judgments or awards against the City for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any approval of the environmental document, or any approval related to the project, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of the approval of the environmental document or any other approval related to the project, if the settlement so provides.

24. City may, at any time, require Applicant to reimburse City for costs that have been, or which the City reasonably anticipates will be, incurred by City during the course of any action. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the project.

25. The open space that fronts onto 10th Street shall be fenced with a wrought iron fence that shall not exceed four feet in height. Said fence shall be placed three feet from the back of sidewalk and the intervening land shall be landscaped and provided with irrigation

26. The area that contains the proposed solar panels shall be reduced in size to an area that measures 58 feet by 45 feet; the balance of the area shall remain as active open space.

27. The active recreation area, including the basketball court, shall be provided with lights that are on a timer system.

28. The design of the active open space area, including the playground, shall be reviewed and approved by the Community Services Commission.

29. Approval by the City of Kingsburg and Fresno LAFCo of the annexation of the subject property into the City of Kingsburg.

30. At least one (1) on site manager available to the Tenants twenty-four (24) hours a day, seven (7) days per week.

31. Installation of security cameras, the number, camera type and locations approved by the Kingsburg Police Department.

32. Recordation against title to the subject territory of a Covenant that will run with the land in a form acceptable to the City of Kingsburg which will provide that all current and future owners of the subject territory maintain all rents for the apartments located on the subject property at market rental rates.

The foregoing Resolution 2021-046 was adopted upon a motion of Council member Pursell, Jr., second by Council member Roman at a regular meeting of the Kingsburg City Council on the 1st day of September, 2021, by the following voice vote:

AYES: Council Member(s): Hurtado, Pursell, Jr., Roman and Mayor Pro Tem Palomar.

NOES: Council Member(s): None.

ABSTAIN: Council Member(s): None.

ABSENT: Council Member(s): Mayor North.



Abigail Palsgaard, City Clerk
City of Kingsburg

August 17, 2022

City of Kingsburg
1401 Draper Street
Kingsburg, CA 93631

RE: Planned Unit Development (PUD) 2021 -01 and Growth Allocation for 35 Multi-Family Dwellings, Sohal

To whom it may concern:

This letter is to request a 1 year extension for the above mentioned project. In making this request, I hereby certify that the above permit is soon to be expired.

There were some issues with the previous engineer working on plans, so I had to seek help from a different company. CVEAS is now taking over and has been working closely with city staff to comply with the approved conditions, requirements, and city standards as applicable.

If fees are included for this extension permit, please feel free to contact me at any time. Can reach me at (559) 356-4639 or by email kwikkornergas@gmail.com.

Sincerely,



Parminder Singh

17.72.090 - Expiration of site plan approval. A site plan approval shall automatically expire and be of no further force or effect one year following after the date of approval by the site plan review committee, or if appealed, the approval by planning commission or city council, unless, prior to the expiration of one year, a building permit is issued by the city and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Site plan approval may be extended only once for an additional period of up to one year upon written application to the planning commission before expiration of the initial one year approval.



Exhibit 1