

RESOLUTION NO. 22-__

A RESOLUTION OF THE CITY OF KERMAN CITY COUNCIL APPROVING TENTATIVE PARCEL MAP 2022-01, APN: 023-220-78S, AND ASSOCIATED FINDING OF EXEMPTION UNDER PUBLIC RESOURCES CODE SECTION 21083.3 AND CEQA GUIDELINES SECTION 15183

WHEREAS, a Tentative Parcel Map (TPM) application has been filed by Shakti Land Investments LLC for the division of an approximate 5.41-acre parcel of land into five (5) parcels, located at the southeast area of Whitesbridge Road (SR180), approximately 750 feet east of the S Vineland Ave.; and

WHEREAS, City staff has conducted necessary investigations to assure the proposed division of land would be consistent with the goals and policies of the City's General Plan, Subdivision Ordinance, and the State Subdivision Map Act; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval of this Tentative Parcel Map subject to conditions attached herein as Exhibit 'B'; and

WHEREAS, after a public hearing and consideration of all the evidence before it Monday, October 10, 2022, the Planning Commission recommended approval of TPM 2022-01 and the associated determination under the California Environmental Quality Act (CEQA) to the City Council; and

WHEREAS, a public notice was circulated to adjacent properties and published in the local newspaper on Wednesday October 26, 2022 as required by law, and a public hearing was duly held; and

WHEREAS, after a public hearing and consideration of all the evidence before it, the City Council now desires to approve Tentative Parcel Map 2022-01 and to approve the associated CEQA for the project.

NOW, THEREFORE, the City of Kerman City Council does resolve as follows:

1. CEQA: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the City Council finds in concurrence with the Planning Commission, that the parcel map is exempt from CEQA review as a project consistent with a community plan, general plan, or zoning policies for which an environmental impact report (EIR) was prepared, meeting the requirements of this exemption commonly referred to as the "community plan exemption" governed by the CEQA statute at Public Resources Code Section 21083.3 and by CEQA Guidelines Section 15183. Here, the City approved the 2024 City of Kerman General Plan, and prepared and certified an EIR for the same. As further discussed below, this project proposes the division of land into five parcels consistent with the General Plan, and there is no specific construction or subsequent use proposed for the same. The mere approval of the Parcel Map would not result in any new potentially significant on- or off-site impacts and cumulative impacts that were not discussed in the General Plan EIR and environmental reviews, and no aspects peculiar to the project or the parcels that would result in new effects. There is no new information of substantial importance that would result in significant effects not discussed in the previous document or substantially increase the severity of effects previously disclosed. Finally, the City Council finds that while typically any feasible mitigation measures in the EIR would normally be undertaken and apply to the project, in this particular case there are no such applicable mitigation measures required to be undertaken. Therefore, pursuant to CEQA Guidelines Section

15183, no further analysis is required, and the City Council adopts an exemption for this project pursuant to Public Resources Code Section 21083.3 and by CEQA Guidelines Section 15183.

2. Findings: The Planning Commission finds that all findings required for approval of Tentative Parcel Map 2022-01 can be made, including those required by the City of Kerman Municipal Code Section 16.16.030:

(a) The proposed map is consistent with the applicable General Plan, Subdivision Ordinance, Specific Plan, and the Subdivision Map Act.

The procedural requirements of the Map Act are being followed and all parcels comply with the Kerman applicable general plan and engineering and zoning standards pertaining to grading, drainage, utility connections, lot size, and density. There is no applicable specific plan governing the site. Additionally, the proposed project qualifies for a parcel map as i) the land is zoned for commercial development; ii) each of the parcels has approved access to a public street or highway with the required cross access easements, and iii) said public streets or highways are consistent with the street alignments and widths approved by the City Council. Finally, the project is consistent with the goals and policies of the General Plan, including Goal LU-1, Policy LU-1.4, Goal LU-2, Policy LU-2.6, Policy LU-2.9, Goal LU-3, and Policy LU-3.6,

(b) The design or improvement of the proposed land division is consistent with the applicable general plan and specific plans.

The parcel map is consistent with the Kerman General Plan – the proposed parcels comply with minimum lot size standards for commercial uses consistent with the General Plan and Zoning Ordinance. There is no applicable specific plan governing the site.

(c) That the site is physically suitable for the proposed type of development.

The parcel map will create five (5) parcels that have adequate land area to support various commercial land uses with standard setbacks and ample useable space. As depicted in Exhibit 'A', the parcels will range from .68 acres to 1.62 acres. Any subsequent development would be required to be consistent with the General Plan, zoning ordinance, and this parcel map. There are no unusual conditions that would render the site physically unsuitable for such subsequent commercial development.

(d) That the site is physically suitable for the proposed density of development.

The parcel map will create five (5) parcels, adequate land area to support various commercial uses with standard setbacks and ample useable space As depicted in Exhibit 'A', each parcel will range from .68 acres to 1.62 acres. Any subsequent commercial development would be required to be consistent with the General Plan's goals and policies, the zoning ordinance, and this parcel map. Such consistency would likewise require consistency with setbacks, height, floor area ratio (FAR) requirements, and other requirements that would ensure the suitable density of development,

(e) The design of the parcels or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat.

The project site is not located in a sensitive environment but rather in an area surrounded by developed residential land and other general commercial land uses. This division of land does not propose the development of structures and anticipated physical changes to the site would include minimal improvements to facilitate future commercial development. Further, any future physical improvements subject to discretionary approval on the project site would be subject to a separate environmental review on a project-and-site-specific basis, in accordance with the provisions of CEQA and applicable CEQA Guidelines. Therefore, the proposed creation of five (5) new parcels would not result in a substantial adverse effect on special status species, riparian or other natural habitats, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional, or state preservation or conservation plans as analyzed in the General Plan EIR.

(f) The design of the land division or the type of improvements being required is not likely to cause serious public health problems.

The parcels created will comply with all applicable sanitary sewer, water service, and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.

(g) The design of the parcels or the type of improvements will not conflict with easements acquired by the public-at-large for access through or use of property within the proposed subdivision.

There are no public easements that currently encumber the property to be parceled, and all modifications made to the existing public improvements fronting the parcels upon the development of the properties will be required to comply with current City standards.

(h) The proposed design provides, to the extent feasible, for future passive or natural heating or cooling opportunities for the subdivision pursuant to Government Code Section 66473.1.

This parcel map is not a subdivision that is contemplated by Government Code Section 66473.1. Additionally, current and future construction will be required to comply with regulations related to passive natural heating or cooling opportunities. The design of the proposed parcel map does not inhibit such use.

In conclusion, the City Council, after considering all evidence presented, finds that approval of Tentative Parcel Map 2022-01 will promote the orderly growth and development of the City.

3. Approval of Tentative Parcel Map: Given the foregoing, the City Council approves Tentative Parcel Map 2022-01 attached as Exhibit 'A' with conditions of approval attached hereto as Exhibit 'B'.

4. Effective Date of Resolution: This Resolution shall be effective immediately.

The foregoing resolution was introduced at a regular meeting of the City of Kerman City Council held on the 9th of November 2002, and passed at said meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is approved.

Attest:

Gary Yep
Mayor

Marci Reyes
City Clerk