

**Resolution No. 2022-07**

**A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING APPROVAL OF TENTATIVE PARCEL MAP 2022-01, APN: 023-220-78S, AND A NOTICE OF EXEMPTION TO THE CITY OF KERMAN CITY COUNCIL**

WHEREAS, a tentative parcel map 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, City staff determined no further environmental review is required because the project is exempt from CEQA review as a project consistent with a community plan, general plan, or zoning policies for which an 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.; and

WHEREAS, City staff has prepared a Notice of Exemption for TPM 2022-01 for consideration and adoption; 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 'A'; and

WHEREAS, a public notice was circulated to adjacent properties and published in the local newspaper as required by law, and a public hearing was duly held on Monday, October 10, 2022; and

WHEREAS, after a public hearing and consideration of all the evidence before it, the Planning Commission now desires to recommend approval of Tentative Parcel Map 2022-01 to the City of Kerman City Council.

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

1. CEQA: The Planning Commission finds that the project is exempt from CEQA review as a project consistent with a community plan, general plan, or zoning policies for which an 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.

(a) The Planning Commission recommends the adoption of the Notice of Exemption for TPM 2022-01.

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.*

(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 'B', 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 'B', 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 stormwater 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 Planning Commission, 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. Recommendation of Approval of Tentative Parcel Map: Given the foregoing, the Planning Commission recommends the City Council approve Tentative Parcel Map 2022-01, subject to the conditions of approval attached hereto as Exhibit 'A'.

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


The foregoing resolution was introduced, passed, and adopted upon a motion of Commissioner Molloy, second by Commissioner Bishop, at a meeting of the Planning Commission held on the 10<sup>th</sup> day of October 2022, by the following roll call vote:

AYES: Jones, Brandy, Bishop, Felker, Nunez, Villar, Molloy

NOES: None

ABSTAIN: None

ABSENT: None

  
Charles H. Jones, Chairperson  
Planning Commission

Attest:



Jesus R Orozco  
Planning Commission Secretary