



STAFF REPORT

MEETING DATE: November 9, 2022

PRESENTER: Jesus R. Orozco, Community Development Director

SUBJECT: Tentative Parcel Map 2022-01, Shakti Land Investments (JRO)

RECOMMENDATION: Council Adopt a Resolution 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

EXECUTIVE SUMMARY:

The applicant, Uma Patel of Shakti Land Investments, submitted an application for a Tentative Parcel Map (TPM 2022-01) to subdivide 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, as shown in Attachment 3. The site is currently undeveloped commercial land, proposing parcels ranging from 0.68 acres to 1.62 acres. Approval of TPM 2022-01 will allow for the sale of and development of vacant parcels at a future date.

At the October 10, 2022 City of Kerman Planning Commission (Commission) meeting, the Commission considered a staff report prepared for TPM 2022-01. The Commission determined the proposed parcel map is consistent with the Kerman General Plan, Title 16 of the Zoning Ordinance, and section 66426(c) of the Subdivision Map Act. Based on an initial assessment, the Commission also determined that the project was exempt under the California Environmental Quality Act (CEQA) pursuant to The Commission then adopted Resolution 2022-07, included as Attachment 2, which recommends the City Council approve TPM 2022-01 and the associated determination of a CEQA exemption.

BACKGROUND:

Site Information

Location	Existing Land Uses	General Plan Land Use	Zone Districts
North	Dismantling Storage Yard / Undeveloped	Industrial / General Commercial	M-2 / CG
South	Single Family Residential	Medium Density	SD-R-5
East	Undeveloped	General Commercial	GC
West	Multi-Family *non-conforming	Service Commercial	CS

Analysis

Tentative Parcel Map 2022-01 entails the subdivision of an approximate 5.41-acre parcel into five (5) parcels in order to allow for future development with commercial uses consistent with the General Commercial (CG) zone district. The proposed lots are summarized in Table 1 below, and Tentative Parcel Map 2022-01 has been included as Exhibit 'A' with conditions of approval as Exhibit 'B' of the resolution.

Zoning

The site is zoned General Commercial (CC), allowing for a variety of commercial and office uses, which are diverse, visually pleasing, and convenient in terms of parking and access, attractive and used by citizens of Kerman as well as visitors to the area.

TPM 2022-01 does not include development on the site, however, permitted uses in the zone district include administrative, business, governmental and professional offices as well as service commercial and retail uses by right. Table 1 depicts the proposed parcels. Parcels are consistent with the minimum lot size requirement of the General Commercial (CC), which is 6,000 square feet or 0.14 acres for newly created parcels.

Proposed Parcel	Lot Size	Zoning
Parcel 1	0.87 ac	CG (General Commercial)
Parcel 2	1.49 ac	CG (General Commercial)
Parcel 3	0.75 ac	CG (General Commercial)
Parcel 4	0.68 ac	CG (General Commercial)
Parcel 5	1.62 ac	CG (General Commercial)

Access

The subject parcels are located in the southeast area of Whitesbridge (SR 180), approximately 750 feet east of S Vineland Avenue. Primary access to each of the parcels on the project site would be via a shared access drive that runs east-west from the adjoining property to the east. Access into the commercial complex will occur from Whitesbridge Road (Highway 180). Water, sewer, and storm drainage infrastructure have been completed per TPM 2019-01. The newly created parcels will have access to connect to the said infrastructure. Appropriate improvements would be installed at the time of construction for each parcel.

Subdivision Map Act

The proposed Tentative Parcel Map will create five (5) parcels consistent with Section 66426(c) of the Subdivision Map Act. The tentative parcel map shows the preliminary design of the proposed land division and allows various City departments to determine that the design is in conformity with the General Plan's goals and policies. A Final Parcel Map will be filed and recorded following approval of the Tentative Parcel Map.

Subdivision Ordinance

In order to approve the proposed Tentative Parcel Map, the Subdivisions Ordinance requires the proposed parcel map be consistent with the General Plan, Zoning Ordinance, and the Subdivision Map Act. Based on the following analysis and findings, staff recommends approval of the Tentative Parcel Map:

(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. 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, as further described below,

(b) The design or improvement of the proposed land division is consistent with 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 the 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 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 to special status species, riparian or other natural habitat, 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 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 development of the properties will be required to 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 of natural heating or cooling opportunities. The design of the proposed parcel map does not inhibit such use.

General Plan Consistency

Staff has evaluated the project for consistency with the goals and policies contained in the Land Use Element of the General Plan. The following goals and policies reflect Kerman's desire for a balanced community that is economically viable, provides for a variety of housing needs, and retains its small town character. Approval of TPM 2022-01 will directly or indirectly provide compliance with the following General Plan's goals and policies.

Goal LU-1: To guide the development of a mix of land uses that fulfill resident's daily needs and provide recreational and entertainment amenities.

Policy LU-1.4 Limit Residential Development Along Highways

Goal LU-2: To enhance the design, character, and vibrancy of Kerman as a family-friendly hometown community representative of the Central Valley

Policy LU-2.9: Utility Service Line Placement

Goal LU-3: To create a land use pattern that protects agricultural and open space lands by promoting compact and centralized urban growth around the historical Kerman townsite.

Policy LU-3.6: Infill and Renovation

Policy LU-2.6 Gateway Features

Environmental Review

The project 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 noted above, 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 review, 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. 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

FISCAL IMPACT:

None

ATTACHMENTS:

- A. Resolution w/Exhibits
- B. Environmental Analysis CEQA Guidelines § 15183
- C. Planning Commission Resolution 2022-07
- D. Aerial Map