

Attachement 'A'

**RESOLUTION NO. 2024-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING TENTATIVE PARCEL MAP 2023-01, APN: 025-130-14S; FINDING THE PROJECT IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND APPROVING A NOTICE OF EXEMPTION**

WHEREAS, a tentative parcel map application has been filed by Central Valley Engineering and Surveying Inc. for the division of an approximately 8.9 parcel of land into three (3) parcels located on the northeast corner of Whitesbridge Road (SR 180) and Vineland Ave.; and

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

WHEREAS, City staff determined no further environmental review is required because the project is exempt from further CEQA review under Class 15 and has prepared a Notice of Exemption for TPM 2023-01 for consideration; and

WHEREAS, the Planning Commission heard this matter on January 8, 2024, reviewed a written and oral report from Staff, and adopted Planning Commission Resolution 2024-01 recommending approval of Tentative Parcel Map 2023-01 as presented in Exhibit 'B' 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 by the City Council on February 14, 2024.

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

1. Recitals: The above recitals are true and correct and are incorporated herein:

2. CEQA: The City of Kerman City Council finds that the project is exempt from further CEQA review. Staff has determined that this site is covered under Class 15, categorical exemption § 15315 (Minor Land Divisions). Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent. Based on this finding, the City Council approves the Notice of Exemption.

3. Findings: The City of Kerman City Council finds that all findings required for approval of Tentative Parcel Map 2023-01 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 applicable general plans and specific plans.

*The parcel map is consistent with the Kerman General Plan – the proposed parcels comply with minimum lot size standards for service 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 three (3) parcels that will have adequate land area to support various service commercial land uses with standard setbacks and ample developable space. As depicted in Exhibit 'B', the parcels will range from 1 acre to 4.3 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 three (3) parcels, that will have the adequate land area to support various commercial uses with required setbacks, and ample useable space As depicted in Exhibit 'B', each parcel will range from 1 acre to 4.3 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 similar agricultural uses with residential structures, industrial land uses, and service*

*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 three (3) 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 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.*

In conclusion, the City Council, after considering all evidence presented, finds that approval of Tentative Parcel Map 2023-01 will promote the orderly growth and development of the City.

4. Recommendation of Approval of Tentative Parcel Map: Based on the foregoing, the City Council approves Tentative Parcel Map 2023-01 as presented in Exhibit 'B', subject to the conditions of approval attached hereto as Exhibit 'A'.

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

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Kerman held on the 24<sup>th</sup> day of January 2024 and passed at said meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

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Maria Pacheco  
Mayor

ATTEST:

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Josie Camacho  
Deputy City Clerk

Exhibit 'A'

CONDITIONS OF APPROVAL

TENTATIVE PARCEL MAP 2023-01

General

1. Tentative Parcel Map 2023-01 shall comply with all applicable standards of the Municipal Code and Subdivision Map Act requirements as conditioned by the City Engineer.
2. Tentative Parcel Map 2023-01 is valid for two (2) years from the date of approval, unless otherwise extended by the City Council pursuant to Section 16.24.050 of the Kerman Municipal Code.
3. The filing of a Final Parcel Map must be in accordance with the checklist for the final map per Section 16.36.010 of the Kerman Municipal Ordinance and consistent with the applicable provisions of the Subdivision Map Act.
4. Prior to the commencement of any development within the newly created parcels, the applicant/developer shall be responsible for securing the appropriate entitlement(s) e.g. Site Plan Review and/or Conditional Use Permit.

Engineering Division

General

5. Submit an 18" x 26" final parcel map adhering to Subdivision Map Act requirements, inclusive of AutoCAD files, for review and approval. A current preliminary title report and closure calculations shall also be submitted. Any and all rights-of-way and easements identified in the preliminary title report shall be shown on the parcel map with recording data.
6. Submit a written notice of final setting of all monuments, within five days of completion of work inclusive of evidence of completion.
7. Submit a set of 24" x 36" construction plans prepared by a licensed Civil Engineer for review and approval of all required improvements prior to the release of any development permits. The plans shall include a site grading and drainage plan and on-site and off-site utilities plan, if applicable, showing locations and sizes of storm drain, sewer and water mains, laterals, manholes, meters, valves, hydrants, etc.
8. Pay all applicable development impact fees at the rate in effect at the time of payment prior to the issuance of Building Permit.

9. Obtain and comply with encroachment permits from the City of Kerman (City) for all work performed within its right-of-way or easements.
10. Obtain and comply with encroachment permits from Caltrans for all work performed within its right-of-way.
11. Install all off-site improvements in accordance with the City standard construction details, and requirements set forth by the City Engineer, for those portions within the City's right-of-way or easements.
12. Assume responsibility for all contractor's actions during the course of any work occurring on the site. Designate, in writing before starting work, an authorized representative who shall have complete authority to represent and to act for the applicant. Said authorized representative shall be present while work is in progress. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work which may be required. When the applicant or his authorized representative is not present for any part of the work where it may be desired to give directions, orders may be given by the City Engineer which shall be received and obeyed by the person(s) in charge of the particular work in reference to which the orders are given. Whenever orders are given to the applicant's representative or superintendent or foreman to do work required for the convenience and safety of the general public, such work shall be done at the applicant's expense.
13. Comply with the requirements of the Pacific, Gas and Electric Company (PG&E) and all communications providers. It shall be the responsibility of the applicant to coordinate with PG&E and communication providers for relocation or utilities where necessary. All existing and new utilities shall be undergrounded.
14. Maintain the construction site, and any public streets fronting the site, clear of any construction or landscaping debris. The site shall not be used as a storage area for equipment, materials, or other items.
15. Repair/replace any broken or buckled curb, gutter, and/or sidewalk along the site frontage in kind to the satisfaction of the Public Works Department.
16. Establish CC&Rs or other mechanisms applicable to all parcels that will ensure cross-access, cross-drainage, shared utilities and any other items that will impact the parcels.
17. Submit a PDF file on a USB flash drive and one black and white copy of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" prior to City acceptance of the improvements.

## Streets

18. Relinquish vehicular access:

- i. Vineland Avenue
  - 1. From Whitesbridge Road/State Route 180 (SR 180) to 240 feet to the north.
- ii. Whitesbridge Road/SR 180
  - 1. Accepting any Caltrans approved access at east end of the subject property.

19. Provide right-of-way acquisition or dedicate free and clear of all encumbrances and/or improve the following streets:

- i. Vineland Avenue
  - 1. Dedicate a total of 42' (20' existing) east of center/section line for public street and utility purposes along development frontage.
  - 2. Construct improvements east of center/section line, along the limits of the development, in accordance with City standard construction detail P-1 for a collector street. Improvements shall include drive approaches, curb and gutter, sidewalk, curb ramps, landscaped median island, street lights, landscaping and irrigation, and permanent paving in accordance with their respective City standard construction details.
  - 3. Construct improvements west of center/section line, along the limits of the development, in accordance with City standard construction detail P-2 for a collector street. Improvements shall include landscaped median island, permanent paving, and shoulder grading in accordance with their respective City standard construction details.
  - 4. Construct transitional paving as required.
- ii. Whitesbridge Road/SR 180
  - 1. Dedicate the required street right-of-way for future widening and proposed right turn lane in accordance with Caltrans requirements dated October 7, 2022.
  - 2. Construct improvements in accordance with Caltrans requirements dated October 7, 2022.

Grading and Storm Drainage

- 20. Design the site layout for storm drainage routing to the point of connection on Vineland Avenue, north of Whitesbridge Road/SR 180.
- 21. Submit a copy of Storm Water Pollution Prevention Plan with Notice of Intent, or Construction Rainfall Erosivity Waiver, if applicable, prior to issuance of Grading Permit. The City is not a designated MS4 area. Comply with all requirements of the NPDES General Permit, if applicable.

22. Submit a copy of the San Joaquin Valley Air Pollution Control District (SJVAPCD) Dust Control Plan or Construction Notification Form, if applicable, prior to issuance of grading permit.

#### Sanitary Sewer

23. Identify and abandon all existing septic systems in accordance with City standard construction details and any other governing regulations.

24. The property is master-planned to connect to a trunk sewer main to the north on Vineland Avenue which has not been constructed. The nearest sanitary sewer main available to serve the development is an 8" sewer main in Vineland Avenue, south of Whitesbridge Road/SR 180. The applicant shall connect to this existing sewer for proposed flows of less than 300 gallons per day, at applicant's expense. Any greater flows must be approved by the City Engineer and may require downstream improvements by the applicant. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of sewer service must be approved by the City Engineer and supported by appropriate calculations.

25. Install sanitary sewer mains of the sizes and in the locations indicated below, in accordance with City standard construction details. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

- i. Vineland Avenue: Install 8" sewer main from the point of connection to the northerly limit of the development.

26. Obtain City Engineer approval of sewer service locations to multi-family and commercial parcels.

#### Water

27. Identify and abandon all existing water wells per City standard construction details and any other governing regulations.

28. Install 12" water main in Vineland Avenue from the point of connection in Whitesbridge Road/SR 180 to the northerly limit of the development, in accordance with City standard construction details. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

29. Install a domestic water service and meter, size as necessary, to each lot within the development, in accordance with City standard construction details. Water services shall be grouped at property lines. Water service to multi-family and commercial parcels shall be approved by the City Engineer.

30. Install a landscape water service, meter and RP backflow preventer, size as necessary, to each public landscape area within the development in accordance with City standard construction details.



31. Do not perform water service connection to the City of Kerman water system until a bacteriological report has been accepted by the City Engineer.
32. Install fire services in accordance with North Central Fire Protection District requirements and City standard construction details. Fire services shall include a detector check.
33. Install fire hydrants in accordance with North Central Fire Protection District requirements and City standard construction details.
34. The applicant may request a deferment agreement for off-site improvements.

#### Planning Division

35. The applicant shall record a reciprocal cross-access and parking agreement between the newly created parcels prior to Final Map recordation to the City's specifications. Said agreements shall be maintained in perpetuity unless otherwise dissolved with the permission(s) of the City of Kerman.
36. The applicant shall prepare a Shopping Center Master Plan showing locations of shared access drives, easements, site utility, and landscaping prior to development on the newly created parcels to the satisfaction of the City Engineer.
37. The applicant shall record a shared maintenance agreement for the common maintenance of access drives, shared landscaping, common amenities, and any other applicable private and/or public improvements on the newly created parcels to the satisfaction of the City, as permissible by law, prior to development on the site. Said agreement shall be maintained in perpetuity unless otherwise dissolved with the permission(s) of the City of Kerman.
38. A Master Sign Program shall be prepared for the newly created parcels to be reviewed and approved consistent with the Sign Ordinance of the Municipal Code. The newly created parcels shall be limited to one freestanding monumental sign along Whitesbridge Road.
39. The applicant shall meet all other applicable codes and requirements as deemed necessary prior to recordation of a Final Map.

END OF CONDITIONS