



## STAFF REPORT

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**MEETING DATE:** August 28, 2024

**PRESENTER:** Bonique Emerson, Contract Planner

**SUBJECT:** Public Hearing Regarding General Plan Amendment 2023-01, Mitigated Negative Declaration 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, and Annexation 2023-01 pertaining to the Whispering Falls Residential Development Located on the East Side of South Modoc Avenue Between West California Avenue (Proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U) (BC)

**RECOMMENDATION:** The Kerman City Council conduct a public hearing, deliberate, and by motion:

1. Adopt a resolution of the City Council of the City of Kerman approving General Plan Amendment 2023-01 to amend the 2040 Kerman General Plan to add the SD-R-2.5 Zoning District as a compatible zoning district within the Medium Density residential land use designation and set a minimum residential density of five (5) dwelling units per acre (GPA 2023-01) and adopt Mitigated Negative Declaration (ENV 2023-01) and Mitigated Monitoring and Reporting Program; and
2. Introduce by title only and ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone approximately 44.75 acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District – Residential – Minimum 2,500 square feet (SD-R-2.5) Zoning District and approximately 20 acres (020-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 square feet (SD-R-5) Zoning District (REZ 2023-01).

### EXECUTIVE SUMMARY:

Whispering Falls, LLC. (Applicant) proposes Annexation (ANX) 2023-01, Rezone (REZ) 2023-01, General Plan Amendment (GPA) 2023-01, Conditional Use Permit (CUP) 2023-02, Tentative Subdivision Map (TSM) 2023-01, Development Plan Permits (DPL) 2023-01 and 02, and Variance (VAR) 2023-01 pertaining to six (6) parcels (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U) that total approximately 64.76 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad.

The project would result in the annexation of approximately 64.76 acres from the County of Fresno to the City of Kerman, in addition to the adjacent right-of-way on South Modoc Avenue

and the West California Avenue Alignment and detach the subject area from the Kings River Conservation District into the Fresno Irrigation District.

The project would result in the pre-zone of approximately 41.49 acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District – Residential – Minimum 2,500 Square Feet (SD-R-2.5) zoning district and rezone approximately 20 acres (APN 020-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (SD-R-5) Zoning District.

The project would amend the Kerman 2040 General Plan to add the SD-R-2.5 zone district as a compatible zone district within the Medium Density Residential land use designation and set a minimum residential density of five (5) dwelling units per acre.

The project would also subdivide an approximately 21.89 acres (APNs 020-160-36S, 020-041-45S, and 020-041-47S) into 119 lots to account for 118 single-family lots and one (1) lot reserved for 54 multi-family residential units and community center.

Although not before the City Council, note that DPLs 2023-01 and 2023-02, CUP 2023-02, VAR 2023-01, and TSM 2023-01 were contingently approved by the Planning Commission at a special meeting on July 15, 2024. Contingency is based upon Council initiation of ANX 2023-01 and approval of GPA 2023-01, REZ 2023-01, and TSM 2023-01.

The proposed development plans would facilitate the 174-unit residential development in accordance with development standards contained within KMC Chapter 17.18.030. Smart Development (SD) Combining District, together with standards specified in Chapter 17.28. Parking, Loading, and Access and Chapter 17.20. General Site Planning and Development Standards.

The conditional use permit would allow for the development of multi-family units and a drainage basin, both allowed in the smart development zone district with a conditional use permit. The variance would allow for an additional 10 feet, or one (1) story, for the multi-family residential buildings.

As noted in the recommendations above, at this meeting the Council is asked to approve the resolution regarding the General Plan Amendment and Mitigated Negative Declaration (CEQA) and to introduce the ordinance amending the Zoning Map. At the next meeting, Council will be asked to approve the following:

1. Adopt a resolution approving Tentative Subdivision Map 2023-01 for a property located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-041-45S, 020-041-47S); and
2. Adopt a resolution initiating annexation for the Whispering Falls residential project consisting of six (6) parcels identified as APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S and 020-041-09U containing approximately 64.76 acres located on the

east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad (Annexation 2023-01).

**APPLICABLE CODES AND PROCEDURES:**

- KMC 16.28 – Subdivision Maps
- KMC 16.32 – Tentative Maps
- KMC 17.116 – Public Notices and Hearings
- KMC 17.112 –Amendments
- KMC 17.18.030 – Smart Development (SD) Combining District
- KMC 17.20 – General Site Planning and Development Standards
- Public Resource Code – 21000 et seq.

**BACKGROUND:**

Site Location

The Project site is currently in the jurisdiction of the County of Fresno, California. The site is located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad, consisting of six (6) parcels that total approximately 64.76 acres. The site is identified by the Fresno County Assessor as Assessor’s Parcel Numbers (APNs) 020-160-36S (20.01 acres), 020-160-18S (20 acres), 020-160-19S (20 acres), 020-041-45S (1.12 acres), 020-041-47S (0.76 acres), and 020-041-09U (2.87 acres). The Vicinity Map is shown in **Attachment ‘A’**.

Setting and Surrounding Uses

As referenced in **Table 1**, the Project site is surrounded by agricultural land to the north, west, and south, and residential uses to the east. The properties to the north and east are planned for residential uses within the City of Kerman Sphere of Influence. The properties to the south and west are planned for agricultural uses within the County of Fresno. The Aerial Photograph and Physical Setting of the Project site is shown in **Attachment ‘B’**.

**Table 1. Existing Land Use, General Plan Designation, and Zone District of Surrounding Properties**

Direction from site	Existing Land Use	General Plan Designation	Zone District
North	Agriculture	Medium Density Residential	AE-20 (County)
East	Single-Family	Medium Density Residential	R-1
South	Agriculture	Agriculture (County)	AE-20 (County)
West	Agriculture	Agriculture (County)	AE-20 (County)

General Plan Land Use Designation

The Project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (56.89 acres) and HDR – High Density Residential (5 acres). The General Plan Land Use Map for the Project site is shown in **Attachment ‘C’**.

The MDR land use designation “allows for residential development at a density of up to 12 units per gross acre. Development in this category could include a mix of single-family and multifamily residences, including duplexes, triplexes, fourplexes, and mobile homes.” The MDR land use designation is compatible with the R-1-7, R-1-12, R-2, SD-R-5, SD-R-4.5, SD-R-3.5, PD-R-7, and PD-R-12 zoning districts. Typical uses of this land use designation include single-family detached dwellings, small-lot multifamily dwellings including duplexes, triplexes, fourplexes, and mobile homes, accessory dwelling units, and compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools).

The HDR land use designation “allows for residential development at a density of up to 24 units per gross acre. Development in this category could encompass apartment complexes, senior housing, and condominiums.” The HDR land use designation is compatible with the R-3, SD-R-2.5, and PD-R-2.5 zoning districts. Typical uses of this land use designation include large-lot multifamily dwellings, including apartment complexes, senior housing, and condominiums, accessory dwelling units, and compatible public and quasi-public uses (e.g., churches, day-care centers, community centers), parks, and schools). The minimum density permitted in the HDR land use designation is 20 dwelling units per acre. The maximum density permitted is 24 dwelling units per acre.

#### Zone District

The Project site is outside City limits and located within the County of Fresno Agricultural Exclusive – 20 Acres (AE-20) zone district. The Zoning Map (Existing) for the Project site is shown in **Attachment ‘D’**. Because the site is outside City limits, proposed development would require annexation and a pre-zone/rezone of the site to a zoning district consistent with the City of Kerman 2040 General Plan planned land use designation for the site. Consistent zoning districts for the MDR land use designation are R-1-7, R-1-12, R-2, SD-R-5, SD-R-4.5, SD-R-3.5, PD-R-7, and PD-R-12. Consistent zoning districts for the HDR land use designation are R-3, SD-R-2.5, and PD-R-2.5.

#### **ANALYSIS:**

##### Annexation 2023-01

Annexation (ANX) 2023-01 would annex approximately 64.76 acres (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-19U) from the County of Fresno to the City of Kerman, in addition to adjacent right-of-way on South Modoc Avenue and the West California Avenue Alignment and detach the subject area from the Kings River Conservation District and into the Fresno Irrigation District.

The annexation boundary is shown in **Attachment ‘J’**. There are six (6) parcels within the boundary, four (4) of which are related to Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01. There is no development proposed at this time for APN 020-160-19S and APN 020-041-19U is the railroad right of way.

Four (4) parcels would be pre-zoned to the Smart Development Combining District – Residential – minimum 2,500 square feet (SD-R-2.5) zoning district, consistent with the underlying General

Plan land use designation, Medium Density Residential and High Density Residential, pending approval of General Plan Amendment 2023-01. One (1) parcel would be pre-zoned to the Smart Development Combining District – Residential – minimum 5,000 square feet (SD-R-5), consistent with the underlying planned land use designation, Medium Density Residential.

The annexation application has been considered by the Fresno Area Local Formation Commission (LAFCO) for review and comments. Per LAFCO, the annexation would comply with LAFCO policies and objectives. Additionally, City staff has issued notice of intent to annex and requested a finding of consistency pursuant to the Second Amendment and Restated Memorandum of Understanding (MOU) between the County of Fresno and City of Kerman. The County of Fresno has responded that they will hold the City's request for finding of consistency with the City/County MOU until after City Council approves the land use and subdivision entitlements. According to the County, this is necessary for the County to find that entitlements have been approved on the lands proposed for annexation.

#### Rezone 2023-01

Rezone (REZ) 2023-01 would pre-zone approximately 41.49 acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District – Residential – minimum 2,500 square feet (SD-R-2.5) zoning district and approximately 20 acres (020-160-19S) to the Smart Development Combining District – Residential – minimum 5,000 square feet (SD-R-5) zoning district, pending approval of Annexation 2023-01. The SD-R-2.5 zoning district would be consistent with the underlying planned land use, Medium Density Residential and High Density Residential, pending approval of General Plan Amendment 2023-01. The SD-R-5 zoning district would be consistent with the underlying planned land use designation, Medium Density Residential.

According to the Kerman Municipal Code (KMC), the purpose of the Smart Development (SD) Combining District is to promote development designs that respond to significant planning-related issues facing the San Joaquin Valley, including urbanization of agricultural land, air pollution, housing affordability, traffic, aesthetics and neighborhood deterioration. This new approach to development design has been popularized by the term "smart growth" and its purpose is to achieve the average density goals set forth by each district.

The SD district is structured to encourage a comprehensive development that is superior to traditional development of the recent past by increasing walkability and connectivity while achieving the higher net density and preservation of open space goals set forth by the general plan. To the greatest extent possible, attention shall be given to greater design details and the average density set forth by each individual zone district shall be achieved through a mix of residential housing types and sizes. As described in the Development Standards section below, the proposed development, as conditioned, will comply with the purpose and intent of the zone district.

#### General Plan Amendment 2023-01

The Project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (56.89 acres) and HDR – High Density Residential (5 acres). General Plan Amendment (GPA) 2023-01 would amend the Kerman 2040 General Plan to add the SD-R-2.5

zoning district as a compatible zoning district within the Medium Density Residential land use designation and set a minimum residential density of five (5) dwelling units per acre. No change is proposed to the maximum density currently permitted. The analysis is described in further detail as follows.

As shown on **Table 2** below, and per the Kerman General Plan, there is no minimum density required in the MDR land use, however, this land use would need to be developed consistent with a zone district that is compatible. Pursuant to Table 3-2 of the General Plan, the lowest density compatible zone district is the R-1-7 zone district, which requires a minimum 7,000 square foot lot. Given that streets typically take up about 30% of land in a residential subdivision, a 7,000 minimum lot size requirement would yield about 4.4 units to the acre.

There is no maximum lot size in the R-1-7 zone district, meaning a proposed lot in this district could be an acre or more in size if desired. However, for the purpose of this minimum density calculation, 4.4 units per acre is utilized as the minimum density required (conservative estimate). The minimum density allowed in the HDR land use is 20 units to the acre. The minimum density required across the 20 acres is as follows (also depicted in **Table 2**):

$$\begin{aligned} \text{MDR: } & 15 \text{ acres} * 4.4 \text{ du/ac} = 66 \text{ units} \\ \text{HDR: } & 5 \text{ acres} * 20 \text{ du/ac} = 100 \text{ units} \end{aligned}$$

Thus, to be consistent with the General Plan, at least 166 units would need to be developed across the entire site. The proposed project will exceed this requirement.

**Table 2. Minimum Required Density Calculations**

Land Use Designation	Min. Density Per General Plan	Max. Density Per General Plan	Proposed Units	Min. Required Units
HDR (±5 Acres)	20 du/ac	24 du/ac	54	100
MDR (±15 Acres)	None, however, 4.4 units used, as described above.	12 du/ac	118	66
<b>Total</b>	-	-	<b>172</b>	<b>166</b>

Based on the underlying land use designations and the proposed combining of single-family and multi-family residential uses, the Smart Development (SD) Combining District is the most appropriate/applicable zone district. Specifically, the SD-R-2.5 would be the most compatible zone district for the proposed project. The density range permitted in the SD-R-2.5 zone district is consistent with the density ranges in both the MDR and HDR land uses (although SD-R-2.5 is not explicitly called out as a compatible zone district for MDR in the General Plan). The SD-R-2.5 district requires a density range of 8-20 units to the acre. The other benefit of this zone district is it guarantees that the City will get a minimum of eight (8) units to the acre.

The project proposes 118 single-family units and 54 multi-family units, totaling 172 residential units, which would equate to a residential density of 8.6 units per acre. In addition, the single-family units would consist of three (3) types – alley loaded, cluster, and wide shallow single-family homes – and the multi-family units would consist of either a townhome or apartment

unit-flat. The proposed uses are consistent with the MDR and HDR underlying land use designations, and as analyzed, the project would meet the minimum density which would be achieved through a variety of housing types of sizes, consistent with the intent of the smart development zoning district.

In conclusion, based on an analysis of the KMC and the Kerman General Plan, the proposed density is consistent with the General Plan and should be allowed to proceed as proposed, subject to future restrictions/requirements on zoning and development. Conditions will be placed on the proposed project to ensure that the site is developed with at least the minimum density proposed.

#### Tentative Subdivision Map 2023-01

Tentative Subdivision Map (TSM) 2023-01 would subdivide APN 020-160-36S, 020-041-45S, and 020-041-47S into 119 lots to account for 118 single-family lots and one (1) lot reserved for 54 multi-family residential units and community center. The lot areas conform to the standards of development as defined by the Zoning Ordinance for the smart development zone districts.

The map would also vacate 20 feet on the east side of South Modoc Avenue right-of-way, a 30-foot PG&E easement, and the southern portion of the West California Avenue alignment in the southern portion of the site. Ten (10) foot water easements are proposed throughout the development in the rights-of-way. An eight (8) foot landscape easement is proposed in West California Avenue along the site's northern boundary. The subdivision will also include private streets.

Construction would occur in two (2) phases, with phase 1 accounting for construction of West California, the main access point and entry street, approximately 56 single-family units, and all 54 multi-family units plus community center and amenities, and portions of the residential streets and alleys throughout this portion of development. Phase 2 construction would include the remaining single-family units, residential streets, and alleys.

#### Land Use Plans and Policies

The 2040 General Plan includes policy recommendations related to the various physical development aspects of the community. The policies are supported by a set of goals and objectives. The City Council shall refer to the General Plan's policies, goals, and objectives when deciding on this request.

Through the Project and development review process and in collaboration with other City departments and outside agencies, the Project has been designed to comply with the City's General Plan goals, policies, and objectives. As proposed, the project will be consistent with the Kerman 2040 General Plan goals and objectives related to land use and the urban form. Below are excerpts from the General Plan that are germane to this Project and an analysis of how the project is consistent:

**LU-3.4 Urban Form:** To maintain the City's compact form, the City shall maintain growth management controls by managing changes to the City's Sphere of Influence and incorporated

City limits. Future changes to the City's Sphere of Influence will be managed by two growth lines, shown on Figure 3-2.)

*This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan.*

**LU-3.3 Prevent Sprawl Development:** The City shall direct new development to areas that are contiguous to existing or approved development and prevent sprawl development.

*The proposed project is contiguous to existing development and does not encourage urban sprawl.*

**LU-5.4 New Incompatible Land Uses:** The City shall prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas.

*The project is a residential development that is contiguous with existing residential development and will not introduce a new, incompatible land use to the area.*

#### Access, Circulation, and Off-Site Improvements

Vehicular access to the site would be provided by three (3) points of ingress/egress from West California Avenue, which is proposed to be extended west from the adjacent subdivision and improved with curb, gutter, sidewalk, and an eight-foot landscape easement on the north and south side of the extended street. The east 20-foot of South Modoc Avenue right-of-way is proposed to be vacated south of West California Avenue. West California Avenue and South Modoc Avenue within the vicinity of the project site are designated as collectors in the General Plan Circulation Element. Internal circulation within the site would be provided by private streets and alleys in addition to pedestrian walkways (See Private Streets and Alleys above).

The project would also result in off-site improvements along West California Avenue including concrete curb, gutter, sidewalk, paving, and an eight-foot landscape easement per City of Kerman Public Works Standards. The City will also require an extension of the Class II Bikeway along West California Avenue that would connect to the existing Class II facility to the east of the site, and in the future would be connected to Kearney Boulevard as development to the north occurs. These improvements will be consistent with the General Plan and Active Transportation Plan.

A traffic impact study was prepared for the project by VRPA Technologies, Inc. dated March...The study evaluated projected trip generation based upon the trip generation rates and potential impacts associated with development occurring on the subject property in accordance with the proposed project. The project trip generation was determined using trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) for daily, weekday AM (7:00-9:00am), and PM (4:00-6:00pm) peak hours. The single-family units and multi-family units are anticipated to generate approximately 1,175 and 434 average daily trips, respectively, for a total of 1,608 trips. The weekday AM peak hour trips generated for the single-family units is estimated to be 87 trips, and 44 trips for multi-family units, for a total of 132 AM peak hour trips on a weekday. The weekday PM peak hour trips



generated for the single-family units is estimated to be 116 trips, and 58 for the multi-family units, for a total of 173 PM peak hour trips on a weekday.

The analysis contained in the traffic impact study indicates that roadway improvements may be desirable to support the implementation of the project as well as to accommodate other traffic increases expected in the study area in 2040 scenarios. Signal warrant was met on Whitesbridge Avenue/Lassen Avenue and State Route 145/West A/California Avenue. The recommended improvements to achieve acceptable levels of service included:

- Whitesbridge Avenue and Lassen Avenue:
  - Near term operating year 2025: restripe all approaches to the intersection to include a left turn lane and shared through/right lane.
  - Horizon Year 2040 without project conditions/with project conditions: install a traffic signal when warranted and restripe all approaches to the intersection to include a left turn lane and shared through/right lane.
- State Route 145 and West A/California Avenue:
  - Install a traffic signal when warranted and restripe east, west, and southbound approach to include a left turn lane a thorough/right lane.

The alternative mitigation identified could involve installing a roundabout with a shared two-lane in north and south direction while one shared lane in east and west directions for approach and exit.

#### Public Utilities and Service Systems

The project will tie into existing municipal water, sewer, and storm drain systems through the extension of existing systems. Sanitary sewer service would be provided through a proposed sanitary sewer lift station located in the northwest corner of the site, which will be connected to a temporary sanitary sewer main in West California Avenue. Domestic water service will also be in West California Avenue. Sewer and water lines will connect to each unit throughout the site. The water features/swales throughout the site will also serve as a storm collection system. As discussed above, an off-site temporary storm basin will be provided until permanent services are available. Associated electric, water, natural gas, and related infrastructure is available and will serve the project site as needed.

#### Other Department Comments

The project proposal was reviewed by various other City Departments and affected outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report. Comments are standard and can be found in **Attachment 'E'**.

#### Conclusion

The proposed project is consistent with the Kerman General Plan and Zoning Ordinance as well as the Subdivision Map Act. Additionally, as conditioned, there is no evidence that suggests approval of the proposed project will be detrimental to the public, health, safety, and welfare of those residing or working nearby. To ensure the continued compatibility of the site with surrounding uses, conditions of approval have been incorporated.

## **ENVIRONMENTAL REVIEW:**

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). An Initial Study was prepared to evaluate the potential impacts associated with the project. Based upon review of the Initial Study, the proposed project will not have a significant effect on the environment because the mitigation measures outlined in the proposed Mitigation Monitoring and Reporting Program have been included in the project (**Attachment 'G'**). The Initial Study and Mitigated Negative Declaration was posted at the County Clerk's Office on April 3, 2024; the deadline for comments was April 23, 2024. The State Clearinghouse received the document on April 3, 2024; the deadline for Clearinghouse comments was April 23, 2024 (SCH #2024040147).

A consultation list of tribes with traditional lands or cultural places located within Fresno County was requested and received from the California Native American Heritage Commission (NAHC) on April 11, 2023. The listed tribes include Big Sandy Rancheria of Western Mono Indians, Cold Springs Rancheria of Mono Indians, Dumna Wo-Wah Tribal Government, Kings River Choinumni Farm Tribe, North Valley Yokuts Tribe, Table Mountain Rancheria, Tule River Indian Tribe, and Wuksache Indian Tribe/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SFL) search which was negative.

The City of Kerman conducted formal tribal consultation for the proposed Project pursuant to AB 52 (Chapter 532, Statutes 2014) and SB 18 (Chapter 905, Statutes 2004) on April 28, 2023, utilizing the consultation list of tribes received from the NAHC. The same tribes listed above were included in the formal consultation. Consultation for AB 52 ended on May 29, 2023, and consultation for SB 18 ended on July 27, 2023. No response was received.

The Planning Commission has recommended approval of the Mitigated Negative Declaration.

## **PUBLIC HEARING NOTICE:**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public hearing notices were mailed to property owners and residents within 500 feet of the site. The City also published notice of this public hearing in the Kerwest Newspaper on August 14, 2024. As of the date of this report, the City has received 0 inquiries.

## **PLANNING COMMISSION REVIEW:**

The Planning Commission held a public hearing to consider the project at a special meeting on July 15, 2024. No members of the public other than applicant and owner representatives addressed the Commission on this item. On a 4-0-1 vote, the Planning Commission adopted Resolution No. 2024-13 (ANX 2023-01 and ENV 2023-01); Resolution No. 2024-14 (GPA 2023-01 and REZ 2023-01); Resolution No. 2024-15 (TSM 2023-01); Resolution No. 2024-16 (DPL 2023-01); Resolution No. 2024-17 (DPL 2023-02 and VAR 2023-01); and Resolution No. 2024-18 (CUP 2023-02), contingently approving DPL 2023-01, DPL 2023-02, VAR 2023-01, and CUP 2023-02 and recommending that the City Council initiate ANX 2023-01, adopt ENV 2023-01,

and approve GPA 2023-01, REZ 2023-01, and TSM 2023-01. The Planning Commission Resolutions are provided in **Attachment 'F'**.

#### **CITY COUNCIL FINDINGS:**

##### General Plan Amendment 2023-01

To approve General Plan Amendment 2023-01, the City Council must make the following findings.

1. The change is consistent with the General Plan goals and policies.

*The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Moreover, GPA 2023-02 is supported by policy LU-3.3 Prevent Sprawl Development and LU-3.5 Increase Density and Intensity within City Limits, which prevents urban sprawl by allowing denser developments within the City's land uses.*

2. The change is consistent with the purpose of the Zoning Ordinance to preserve and promote the public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner.

*The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval.*

3. There will not be significant effects upon the quality of the environment and natural resources.

*An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated.*

##### Rezone 2023-01

To approve REZ 2023-01, the City Council must make the following findings pursuant to KMC 17.112 Amendments.

1. The change is consistent with the General Plan.

*The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the*

*development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan.*

2. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community.

*The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. Moreover, REZ 2023-01 is supported by policy LU-2.1 Attractive Community, LU-2.4 Architectural Character, and LU-2.5 High-Quality Design, which cumulatively, enhance the design, character, and vibrancy of the City's health, safety, and welfare.*

3. There will not be significant effects upon the quality of the environment and natural resources.

*An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated.*

#### Tentative Subdivision Map 2023-01

To approve the proposed Tentative Subdivision Map 2023-01, the City Council must determine that the proposed map is consistent with the General Plan, Zoning Ordinance, and the Subdivision Map Act subject to the following consistency findings:

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

*The proposed subdivision map is consistent with the General Plan as amended. Specifically, the project is supported by policies LU-3.4 Leapfrog Development and CIRC-1.10 Adequate Egress/Ingress. There is no applicable specific plan. The City Council has reviewed the analysis and all evidence presented in this matter and determines that proposed Tentative Subdivision Map 2023-01 is consistent with the General Plan as amended by General Plan Amendment 2023-01.*

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

*The proposed land division is consistent with the General Plan, including all applicable goals, policies and implementation measures. The land division is consistent with the planned density and land use designated by the General Plan, as well as circulation, pedestrian accessibility, and other design or improvement requirements of the General Plan. Additionally, the proposed parcels will comply with minimum lot size standards and the*

*residential land uses consistent with the General Plan and Zoning Ordinance. There is no specific plan applicable to the site.*

3. That the site is physically suitable for the proposed type of development.

*The subdivision map will create 119 parcels to support single-family and multi-family residential uses with ample open space. The site is physically suitable for such proposed type of residential use. Development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.*

4. That the site is physically suitable for the proposed density of development.

*The subdivision map will create 119 parcels to support single-family and multi-family residential uses with ample open space. The site is physically suitable for such proposed density of development. All development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.*

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

*An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map 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.*

6. The design of the subdivision and type of improvements being required are not likely to cause serious public health problems.

*The lots 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.*

7. The design of the subdivision 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.

*The map would vacate 20 feet on the east side of South Modoc Avenue right-of-way, a 30-foot PG&E easement, and the southern portion of the West California Avenue alignment in*

*the southern portion of the site. Ten (10) foot water easements are proposed throughout the development in the rights-of-way. An eight (8) foot landscape easement is proposed in West California Avenue along the site's northern boundary. The vacation and dedication will ensure that upon development, the design and type of improvements will not conflict with easements and that access through or use of property within the proposed subdivision would be maintained.*

8. That the proposed design provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1.

*As feasible, the project has attempted to take advantage of passive or natural cooling opportunities in subdivision design. Appropriate consideration was given to the local climate, while ensuring that heating and cooling opportunities did not result in the reduction of allowable densities or the percentage of a lot that may be occupied as contemplated by Government Code section 66473.1.*

#### Annexation 2023-01

To approve initiation of ANX 2023-01, the City Council must make the following findings pursuant to the City/County Second Amended and Restated MOU standards for annexation:

1. The proposed annexation is within the City's adopted Sphere of Influence.

*This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan including but not limited to LU-3.2, LU-3.3, LU-5.4.*

2. The proposal must be consistent with city general and specific plans, including adopted goals and policies.

*The proposed annexation area will be consistent with the City's General Plan goals and policies contingent upon approval of the entitlements, including the General Plan Amendment, Prezone/Rezone, Tentative Subdivision Map, Development Plans, Conditional Use Permit, and Variance, including but not limited to LU-2.1, LU-2.4, LU-2.5, LU-3.2, LU-3.3, LU-5.4, CIRC-1.10, and CIRC-2.1.*

3. Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan.

*The City has prepared an Initial Study / Mitigated Negative Declaration (MND) for the project. The MND has concluded that no significant environmental impacts will occur as a result of the project.*

4. At least 25% of the area proposed for annexation has an approved tentative subdivision map(s) (single-family residential) and an approved site plan (for uses besides single-family).

*The proposed annexation would meet this condition whereby at least 25% of the proposed annexation area will include an approved tentative map for single-family residential and approved development plan for multi-family residential.*

5. The annexation is to fulfill the city's Regional Housing Needs Allocation (RHNA) obligation which otherwise cannot be accommodated on lands currently within the city's incorporated boundary.

The proposed annexation would meet this condition whereby the City has contemplated this annexation area as a housing program necessary to fulfill RHNA obligations within the City's 6<sup>th</sup> Cycle Housing Element Update.

6. The proposal would not create islands. Boundaries must ultimately minimize creation of peninsulas and corridors, or other distortion of boundaries.

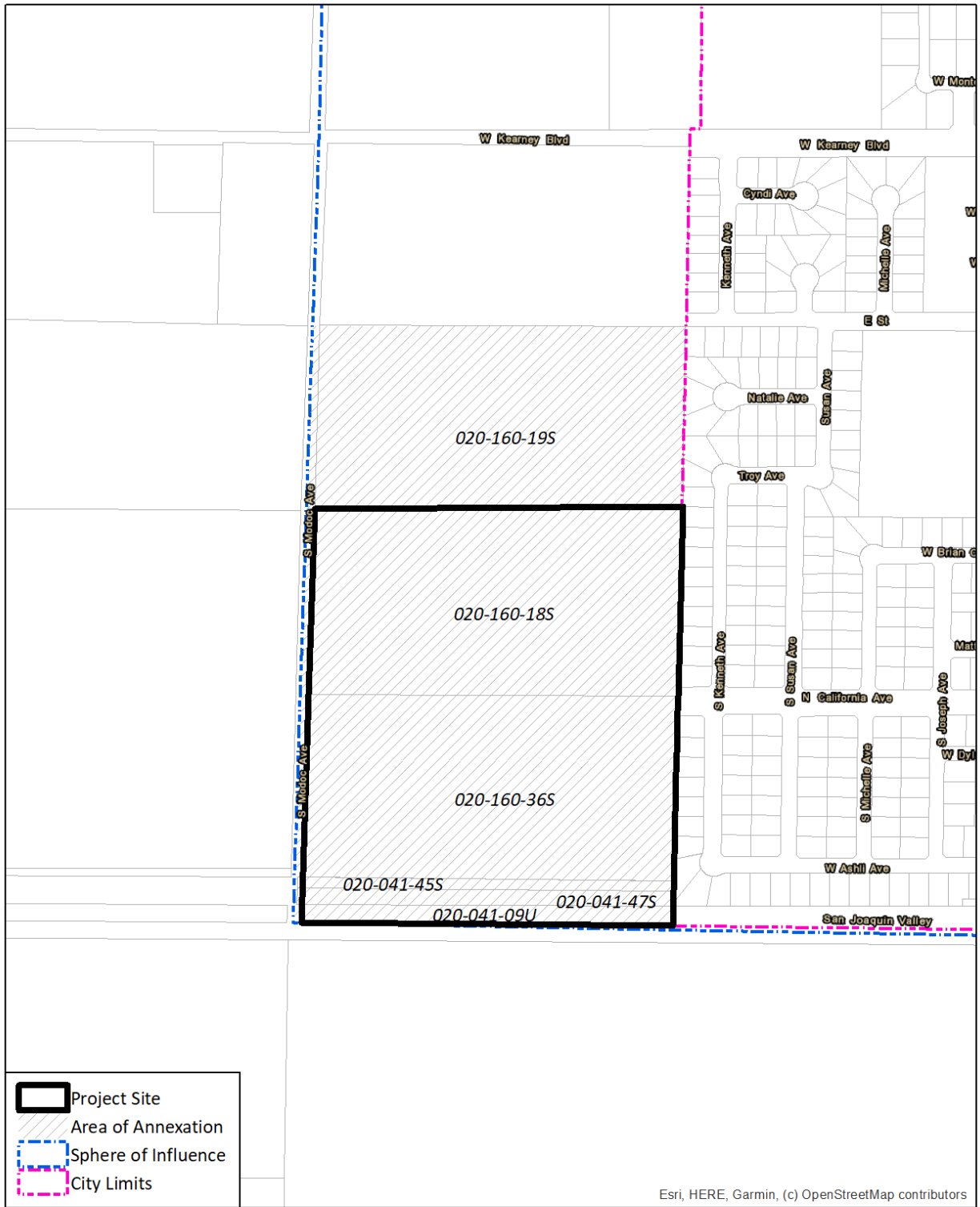
*The proposed annexation area would not create islands. New boundaries would not create any peninsulas or corridors.*

**ATTACHMENTS:**

- A. Attachment A – Project Vicinity Map
- B. Attachment B – Aerial Map of Project Site
- C. Attachment C – General Plan Land Use Designation Map for Project Site
- D. Attachment D – Zoning District Map (Existing) for Project Site
- E. Attachment E – Other Agency/Department Comments
- F. Attachment F – Planning Commission Resolutions
- G. Attachment G – General Plan Amendment 2023-01 and Environmental Assessment 2023-01
  - a. Exhibit 1 – General Plan Amendment 2023-01
  - b. Exhibit 2 – Environmental Assessment 2023-01
  - c. Exhibit 3 – Mitigation Monitoring and Reporting Program
- H. Attachment H – Ordinance Rezone 2023-01
- I. Attachment I – Tentative Subdivision Map 2023-01
  - a. Exhibit 1 – Tentative Subdivision Map 2023-01
  - b. Exhibit 2 – Conditions of Approval for Tentative Subdivision Map 2023-01
- J. Attachment J – Annexation 2023-01
  - a. Exhibit 1 – Annexation 2023-01

# ATTACHMENT 'A'

## Project Vicinity Map



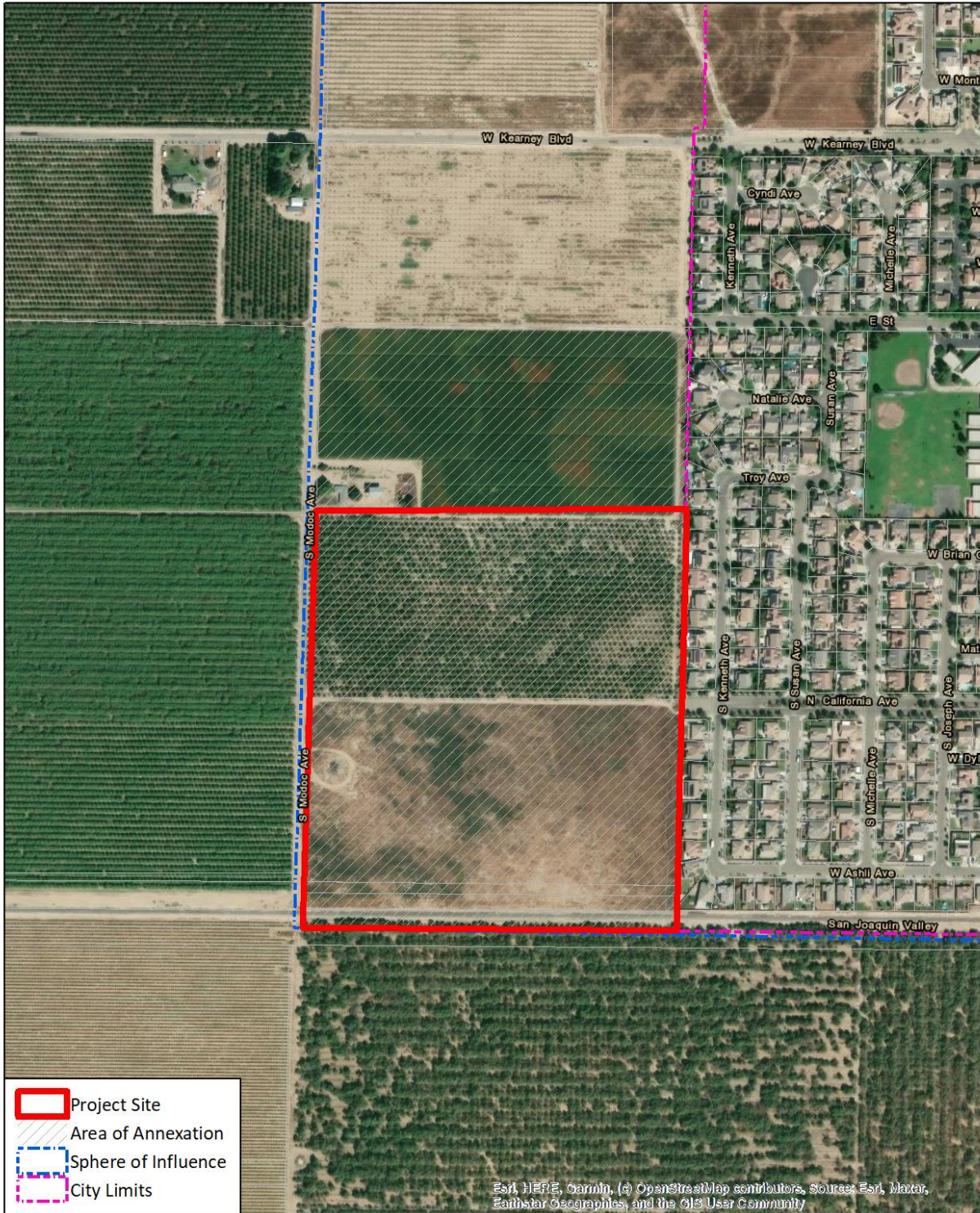
Esri, HERE, Garmin, (c) OpenStreetMap contributors





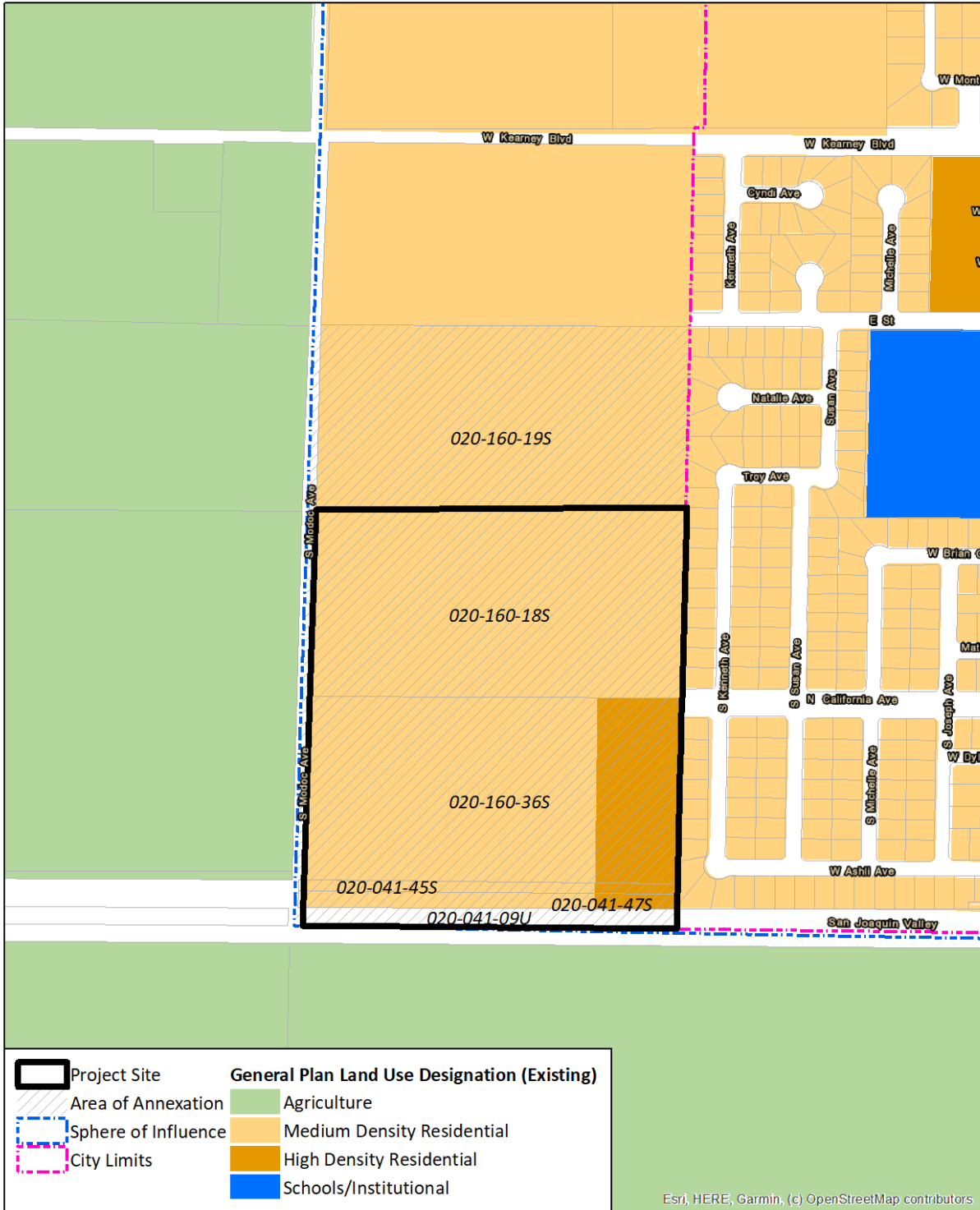
# ATTACHMENT 'B'

## Aerial Map of Project Site



# ATTACHMENT 'C'

## General Plan Land Use Designation Map for Project Site



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# ATTACHMENT 'D'

## Zoning District Map (Existing) for Project Site

