



## STAFF REPORT

**MEETING DATE:** May 22, 2024

**PRESENTER:** Jesus R. Orozco, Community Development Director

**SUBJECT:** Second Reading and Adoption of Ordinance Text Amendment 2024-01 repealing Title 17 of the Kerman Municipal Code and addition of a new Title 17 to the Kerman Municipal Code (JRO)

**RECOMMENDATIONS:** That City Council:

1. Find that no additional environmental documentation beyond an Addendum is necessary for the Zoning Code update and adopt an Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan (SCH #2019049018); and
2. Council waive full reading and adopt Ordinance Text Amendment 2024-01 repealing Title 17 of the Kerman Municipal Code and addition of a new Title 17 to the Kerman Municipal Code Relating to the Zoning Code.

### EXECUTIVE SUMMARY:

At the April 24, 2024, meeting, the Council held a public hearing and introduced Ordinance Text Amendment (OTA) 2024-01 repealing the existing Zoning Code to replace with a new Zoning Code Title 17 (“the Zoning Code”) of the Kerman Municipal Code. At that time, Staff had requested minor modifications to the Zoning Code not previously considered by the Planning Commission. City Council introduced OTA 2024-01 with the recommended minor modifications subject to the Planning Commission’s report and recommendation consistent with KMC Section 17.26.060.

At the May 13, 2024, meeting, the Planning Commission considered the minor modifications referred by the City Council. At said meeting, the Planning Commission determined the minor modifications were consistent with the original intent of OTA 2024-01 and adopted Resolution 2024-11, included as Attachment ‘B’, recommending the Council adopt OTA 2024-01 with the Council’s referred minor modifications.

The analysis prepared for OTA 2024-01 presented before the Council at the April 24, 2024 has been included as Attachment ‘C’.

## **ENVIRONMENTAL REVIEW:**

The City prepared a Program Environmental Impact Report (PEIR) (SCH #2019049018) for the 2040 General Plan to assess the potential significant environmental impacts that could result from the implementation of the 2040 General Plan. The PEIR identified that implementation of the General Plan would require a subsequent update of the City's zoning code to implement the General Plan, which was also contemplated by the PEIR prepared for the General Plan. Under CEQA Guidelines Section 15168(c), the zoning code update may rely on the PEIR as it is furtherance of the plans and other general criteria established by the General Plan. Based on an examination of the zoning code update in light of the PEIR, the City may find that no additional environmental documentation beyond an Addendum to the same is required to be prepared for the zoning code update as none of the criteria of CEQA Guidelines Section 15168(c) have been met in that: i) the update would not have an effect that was not examined in the PEIR; ii) under CEQA Guidelines sections 15162 and 15164, none of the findings for a subsequent EIR would be required; iii) any feasible mitigation developed in the PEIR were incorporated in the zoning code update, or there was no applicable mitigation; iv) the zoning code update does not involve site-specific operations for which evaluation of a checklist would be warranted, as the zoning code is of City-wide effect; and v) the update of the zoning code was a specifically planned activity to implement in the General Plan. With regard to CEQA Guidelines section 15162, the City may further find that: i) no subsequent review is required given that since that time no substantial changes have been proposed in the project which will require major revisions of the previously approved PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; ii) no substantial changes have occurred since that time with respect to the circumstances under which the zoning code update is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and iii) there is no new information, which was not known and could not have been known at the time of the PEIR was prepared that the zoning code update will have significant effect not discussed in the PEIR. As such, the City may adopt the Addendum prepared for the PEIR and find that the zoning code update has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines sections 15162, 15162, and 15168, and no further action or review is required under CEQA.

## **FISCAL IMPACT:**

Preparation of the comprehensive Zoning Code update has been paid for by State funding made available under the SB 2 Planning Grant Program.

## **ATTACHMENTS:**

- A. Ordinance Text Amendment 2024-01 w/Exhibit 'A-1' (Zoning Code)
- B. Planning Commission Resolution No. 2024-11
- C. Ordinance Text Amendment Analysis
- D. PEIR Addendum