

Attachment 'C'

Resolution No. 2024-____

**RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF TENTATIVE
SUBDIVISION MAP 2023-02 LOCATED ON THE NORTH SIDE OF WEST
KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU
AVENUE, APN 020-140-22S & 020-140-23S**

WHEREAS, Joseph Crown Construction & Development submitted Tentative Subdivision Map 2023-02 to subdivide the approximately 29-acre parcels identified as APN 020-140-22S and 020-140-23S located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues; and

WHEREAS, Tentative Subdivision Map 2023-02 will subdivide the 29-acre parcels into 163 lots for single-family residential development; and

WHEREAS, Annexation 2023-02, Rezone 2023-02, and Development Plan 2023-03, were considered concurrently by the Planning Commission with Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study and Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH # 2024040147) for the project, and this related Tentative Subdivision Map; and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City of Kerman on June 26, 2024, published a legal notice in compliance with State law concerning Planning Commission consideration of Tentative Subdivision Map 2023-02 in the Kerwest News, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the approval of the Tentative Subdivision Map. In addition, on or prior to June 26, 2024, a public hearing notice was mailed to each property owner within at least 300 feet of the project site, indicating the date and time of the public hearing regarding the proposed project in accordance with State law; and

WHEREAS, on July 15, 2024, the Planning Commission conducted a duly noticed public hearing Tentative Subdivision Map 2023-02, and concurrently considered Mitigated Negative Declaration 2023-03 and the Mitigation Monitoring and Reporting Program dated June 2024, Annexation 2023-02, Rezone 2023-02, and Development Plan 2023-03; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred, and the Planning Commission desires to recommend the City Council adopt Tentative Subdivision Map 2023-02

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Kerman as follows:

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

2. CEQA. The Planning Commission concurrently recommended approval of Initial Study and Mitigated Negative Declaration 2023-03 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the Project. As such no additional environmental analysis is required, and the Planning Commission finds and recommends the Council find, that the development plan permit and related project entitlements are specifically anticipated and assessed for the proposed project in the Mitigated Negative Declaration and are consistent with the purpose and intent of the Mitigated Negative Declaration.
3. Subdivision Findings. The Planning Commission determines that none of the findings required by the City's Subdivision Ordinance and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project, or that findings regarding flood protection cannot be made. To the contrary, the Planning Commission finds, and recommends the City Council find, as follows:
 - a. The proposed maps are consistent with applicable general and specific plans. *The proposed map is consistent with the procedural requirements of the Subdivision Map Act and complies with the 2040 Kerman General Plan, Subdivision Ordinance, and Subdivision Map Act. There is no specific plan applicable to the site.*

The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone/rezone 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. Further, the pre-zoning and zoning change is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.

The portion of the project site that is outside City limits is within the "Area 1" growth line of the Sphere of Influence as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the project is consistent with General Plan Policy LU-3.2.

The portion of the project site that is outside City limits is contiguous to existing and approved development within City limits. Therefore, the project is consistent with General Plan Policy LU-3.3.

The project site is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

- b. The design and improvement of the proposed subdivisions are consistent with applicable general 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.

- c. That the site is physically suited for the type of development. The subdivision map will create 163 parcels to support single-family residential uses. 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.*
- d. That the site is physically suited for the density of development. The subdivision map will create 163 parcels to support single-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.*
- e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or 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.*
- f. The design of the subdivision or the type of improvements is 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.*
- g. That 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. There are no public easements encumbering the property. Upon development, all modifications made to the existing public improvements fronting the parcels will be required to meet current City standards.*
- h. 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.*

4. Approval with Conditions. Based on the aforementioned findings, the Planning Commission recommends the City Council approve Tentative Subdivision Map 2023-02 (Exhibit 'A'), subject to the conditions set forth in Exhibit 'B' (Tentative Subdivision Map 2023-02 conditions of approval) attached hereto.
5. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman.

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

Scott Bishop
Chairperson

Attest:

Jesus R. Orozco
Planning Commission Secretary

Exhibit 'A': Tentative Subdivision Map 2023-02

Exhibit 'B': Conditions of Approval for Tentative Subdivision Map 2023-02