



STAFF REPORT

MEETING DATE: July 15, 2024

PRESENTER: Jenna Chilingerian, Contract Planner

SUBJECT: A continued public hearing regarding Annexation 2023-02, Mitigated Negative Declaration 2023-03, Rezone 2023-02, Tentative Subdivision Map 2023-02, and Development Plan Permit 2023-03, pertaining to the Crown-Schaad residential development, located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S) (JRO & JC)

RECOMMENDATION: The Kerman Planning Commission conduct a public hearing, deliberate, and by motion, adopt:

1. A resolution of the Planning Commission recommending the City Council to initiate annexation for the Crown Schaad residential project consisting of one (1) parcel identified as APN 020-140-22S containing approximately 9.69 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (Annexation 2023-02), and adopt Mitigated Negative Declaration (ENV 2023-01) and Mitigated Monitoring and Reporting Program; and
2. A resolution of the Planning Commission recommending that the City Council adopt an ordinance approving Rezone 2023-02 to amend the official zoning map of the City of Kerman to pre-zone a property containing approximately 9.69 acres (APN 020-140-22S) to the SD-R-4.5 (Smart Development Combining District – Residential – minimum 4,500 square feet) Zone District and rezone a property containing approximately 19.65 acres (APN 020-140-23S) from the R-1-7 (Single-Family Residential) Zone District to the SD-R-4.5 Zone District located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues; and
3. A resolution of the 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 Avenues (APNs 020-140-22S and 020-140-23S); and
4. A resolution of the Planning Commission contingently approving Development Plan Permit 2023-03 that would facilitate the development of a 163-unit residential development in addition to related on/off-site improvements (e.g., roadways, sidewalks, landscaping), located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S), subject to final approval of TSM 2023-02.

EXECUTIVE SUMMARY:

This project was duly noticed to a regular meeting of the Planning Commission on July 8, 2024. Due to necessary revisions and preparation of final documents, the public hearing was continued to a July

15, 2024 special meeting. Members of the audience were advised of the change and provided with links to the Planning Commission agenda on the City's website.

Joseph Crown Construction and Development (Applicant) proposes Annexation (ANX) 2023-02, Rezone (REZ) 2023-02, Tentative Subdivision Map (TSM) 2023-02, and Development Plan Permit (DPL) 2023-03 pertaining to two (2) parcels (APNs 020-140-22S and 020-140-23S) that total approximately 29 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues.

The project would result in the annexation of approximately 9.69 acres from the County of Fresno to the City of Kerman, in addition to the adjacent right-of-way on West Kearney Boulevard, and detach the subject are from the Kings River Conservation District into the Fresno Irrigation District. The project would also result in the prezoning of approximately 9.69 acres and a rezone of approximately 19.65 acres to the smart development zone district, specifically the Smart Development Combining District – Residential – Minimum 4,500 square feet (SD-R-4.5) zone district.

The project would also subdivide two (2) parcels totaling approximately 29 acres (APNs 020-140-22S and 020-140-23S) into 163 single-family lots. The proposed development plan would facilitate the 163-unit single-family residential development in accordance with the smart development zone district standards.

APPLICABLE CODES AND PROCEDURES:

KMC 16.28 – Subdivision Maps
KMC 16.32 – Tentative Maps
KMC 17.10 – Public Hearings
KMC 17.26 – Zoning Ordinance Amendments
KMC 17.58 – Smart Development (SD) Combining District
KMC 17.78 – Development Standards
Public Resource Code – 21000 et seq.

The Kerman Municipal Code (KMC) requires that the Planning Commission (Commission) submit its written recommendations to the City Council on Tentative Map applications. Additionally, the KMC requires the Commission to render a recommendation to the City Council regarding a Zoning Ordinance Amendment and Prezoning applications.

The KMC allows the Commission to grant or deny approval to designate special development standards to Development Plans being considered under a Smart Development zone district, provided that a public hearing is held on to review and consider any public testimony. Prior to the public hearing, a staff report, environmental determination, and general plan findings for the use permit must be made available to the Commission, interested agencies, and the public.

The Commission can approve, approve with conditions, or deny an application for a planning permit. A permit should be denied if the Commission cannot make the appropriate findings. Project design may be altered, and site improvements may be required to make the project compatible with nearby

uses. In addition, the application may be subject to future review, modification, or revocation by the Commission, as deemed necessary.

BACKGROUND:

Site Location

The Project site is currently in the jurisdiction of both the County of Fresno, California and the City of Kerman, California. The site is located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues, consisting of two (2) parcels that total approximately 29 acres. The site is identified by the Fresno County Assessor as Assessor's Parcel Number (APNs) 020-140-22S (9.69 acres) and 020-140-23S (19.65 acres).

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 north, east, and south. The properties to the north, east and south are planned for residential uses within the City of Kerman Sphere of Influence. The properties to the north, west, and south are planned for agricultural uses within the County of Fresno.

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	Vacant/Single-Family	Parks/Medium Density Residential	Park/R-1-7
East	Single-Family	Medium Density Residential	R-1-7
South	Agriculture/Single-Family	Agriculture (County)/Medium Density Residential	AE-20 (County)/R-1 (City)
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 (29 acres). 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).

Zone District

A portion of the Project site is outside City limits (APN 020-140-22S) and located within the County of Fresno Agricultural Exclusive – 20 Acres (AE-20) zone district. The other portion of the Project site is located within the City of Kerman Single-Family Residential (7000 SF Min. Lot) (R-1-7) zone district. Because a portion of 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. Parcels included in the annexation would also be pre-

zoned to a zoning district consistent with the General Plan land use designation. 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.

ANALYSIS:

Annexation 2023-02

Annexation (ANX) 2023-02 would annex approximately 9.69 acres (APN 020-140-22S) from the County of Fresno to the City of Kerman, in addition to adjacent right-of-way on West Kearney Boulevard and detach the subject area from the Kings River Conservation District and into the Fresno Irrigation District.

The annexation boundary is shown in **Attachment A**. There is one (1) parcel within the boundary, which is related to Tentative Subdivision Map 2023-02 and Development Plan Permit 2023-03. This parcel would be pre-zoned to the Smart Development Combining District – Residential – minimum 4,500 square feet (SD-R-4.5) zoning district, consistent with the underlying General Plan 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 in order for the County to find that entitlements have been approved on the lands proposed for annexation.

The annexation is brought to the Commission's attention to provide context for the Prezone/Rezone, Tentative Subdivision Map, and Development Plan. The Commission is not required to act on this request, which will be considered by the City Council, and if supported, the Council will take action to apply to LAFCO as the applicant.

Rezone/Prezone 2023-02

Rezone (REZ) 2023-02 would pre-zone approximately 9.69 acres (APN 020-140-22S) and rezone approximately 19.65 acres (APN 020-140-23S) to the Smart Development Combining District – Residential – minimum 4,500 square feet (SD-R-4.5) zoning district, pending approval of Annexation 2023-02. The zoning district would be consistent with the underlying planned land use, Medium Density Residential.

A portion of the project site (APN 020-140-22S) is outside City limits and is located within the County of Fresno Agricultural Exclusive – 20 Acres (AE-20) zoning district. The other portion of the Project site is located within the City of Kerman Single-Family Residential (7000 SF Min. Lot) (R-1-7) zone district. 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. Rezone (REZ) 2023-02 would pre-zone approximately 9.69 acres (APN 020-140-22S) and rezone approximately 19.65 acres (APN 020-140-23S) to the SD-R-4.5 zoning district. The zoning district would be consistent with the underlying planned land use.

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.

Tentative Subdivision Map 2023-02

Tentative Subdivision Map (TSM) 2023-02 would subdivide APNs 020-140-22S and 020-140-23S into 163 single-family lots. The lot areas conform to the standards of development as defined by the Zoning Ordinance for the smart development zone districts (See Development Standards below).

Ten (10) foot public utilities easements are proposed throughout the development in the rights-of-way. An eight (8) foot landscape easement is proposed in West Kearney Boulevard along the site's southern boundary.

Construction phasing is proposed as shown in **Attachment C**. Construction would occur in two phases, with phase 1 accounting for construction of the main access point and entry street, approximately 109 single-family units and portions of the residential streets throughout this portion of development. Phase 2 construction would include the remaining 55 single-family units and residential streets.

Development Plan Permit 2023-03

Development Plan Permit (DPL) 2023-03 would facilitate the development of the parcels identified as APNs 020-140-22S and 020-140-23S consisting of a 163-unit single-family residential development. The development would also include related on/off-site improvements (e.g., roadways, sidewalks, landscaping, open space).

The single-family units would consist of four (4) different floor plans that will include porches, yards/private open space, and garages. The floor plans for each single-family unit type are shown in **Attachment F**. Unit types range from three (3) to four (4) bedrooms. The proposed elevations for each unit type are shown in **Attachment F**. While the elevation plans do not show the proposed

height of the structures, it is clear that because the buildings are one story, the maximum height will be under the maximum allowable height of 35 feet.

Six (6)-foot wood fencing is proposed at all proposed property lines. The project will also be secured by perimeter fencing around the subdivision.

Per the environmental noise assessment conducted for the project, all homes shall be provided mechanical ventilation or air conditioning so that windows and doors can remain closed for sound insulation purposes.

Development Standards (KMC 17.58 / 17.74 / 17.78)

The following development standards within KMC Chapter 17.58. Smart Development (SD) Combining District, together with such standards specified in Chapter 17.74. Parking, Chapter 17.78. Development Standards, and as the planning commission designates, apply to all land and structures within the smart development zone districts.

The following is an analysis of the project's compliance with required zoning development standards as outlined in KMC Chapter 17.58, the Smart Development (SD) Combining District, together with such standards specified in Chapter 17.74. Parking, and Chapter 17.78, Development Standards.

Minimum Site Area (KMC 17.58.060(A)(1))

The minimum site area for the smart development zone districts shall be one (1) acre. The project would pre-zone approximately 9.69 acres and rezone approximately 19.65 acres, totaling approximately 29.34 acres. Therefore, the minimum site area is met.

Density (KMC 17.58.060(A)(2))

The number of residential dwelling units per acre shall meet the minimum average density and not exceed the maximum average density set forth by each district. To the greatest extent possible, the density set forth by each district shall be achieved through a variety of housing types and sizes. Density calculations do not include park or open space amenities. The density range for the SD-R-4.5 zone district is 5 units per acre (minimum) to 8 units per acre (maximum).

The project proposes 163 single-family units which would equate to a residential density of 5.5 units per acre. Therefore, the project would meet the minimum density and would not exceed the maximum density.

Height (KMC 17.58.060(A)(3))

The maximum height of a structure in the SD-R-4.5 zone district shall be 35 feet. While the elevation plans do not show the proposed height of the structures, it is clear that because the buildings are one story, the maximum height will be under the maximum allowable height of 35 feet.

Coverage (KMC 17.58.060(A)(4))

The maximum building coverage of a lot in the SD-R-4.5 zone district shall be 50%. The maximum building coverage for the proposed single-family units is 45%. Therefore, the maximum building coverage requirement is met.

Setback Requirements (KMC 17.58.060(A)7 - 9))

The minimum yard requirements for residential buildings in the SD-R-4.5 zone district are as follows:

- Front yard 20 feet with a 5-foot deviation permitted for up to 50% of units
- Rear yard: 5 feet
- Side yard: 5 feet

However, in order to allow for greater flexibility of model homes on the project's lots, the following setbacks are being recommended for DPL 2023-03:

- Front yard (living space/garage): 18 feet
- Front yard (porch/ bay window/chimney and the like) 15 feet
- Rear yard (living space/patios): 10 feet
- Interior side yard: 5 feet
- Street side yard: 5 feet
- Reverse corner street side yard: 15 feet

Any deviation from the minimum setback mentioned above may be approved with a Minor Deviation Permit of up to 20%.

Yard Requirement (KMC 17.58.060(A)10))

In addition to the yard space created for the front yard setback or side street setback, each unit in the SD-R-4.5 zone district must have a yard with a minimum size of 750 square feet. Based on the average lot dimensions and proposed model home floor plans, the minimum yard space will be met.

Architectural Style (KMC 17.58.060(A)(11))

Pursuant to KMC 17.58.060(A)(11), the elevation drawings of buildings to be constructed in the smart development districts shall be approved by the Planning Commission. The proposed elevations are shown in **Attachment F** and described above (Development Plans).

Public Streets and Alleys (KMC 17.58.070(B))

Pursuant to KMC 17.58.060(B)(1), residential subdivisions may have local streets that have a paved minimum width of thirty-two feet (curb to curb) and include additional on-street parking within the right-of-way. The project proposes a minimum width of thirty-two (32) feet from curb to curb on all proposed interior streets (public). Therefore, the minimum public street size requirement is met. The project does not propose alleys.

Private Streets and Alley (KMC 17.58.070(C))

The project does not propose private streets or alleys.

Open Space/Parks (KMC 17.58.070(D))

Common open space in the smart development zone districts shall be provided on site at a ratio of four (4) acres per 1,000 residents. No common open space is proposed for this project; however, there is an approximately 2.56-acre property adjacent to the north of the project that is intended to be used for future park space that is able to adequately serve the residents of the project site. Since no park space will be provided as part of this project, the project will be required to pay an in lieu fee at the time of construction.

Residential Unit Design (KMC 17.58.070(E))

In the smart development zone districts, the elevation of a garage nearest a street shall be set back a minimum of 20 feet behind the back of the sidewalk. All proposed units have garage elevations facing the street which are set back a minimum of 20 feet. Therefore, the residential unit design requirement is met.

Landscaping and Open Space Design (KMC 17.58.070(F))

Landscaping and planting are described in the Development Plans above. Generally, the front yards of each area will be landscaped with a combination of trees and shrubbery that require minimum water. Plant materials will be varied in size. The main entry and residential streets will be required to be tree-lined. The landscaping and open space design will be conditioned to comply with these code provisions.

Fencing and Walls (KMC 17.58.070(G))

In the smart development zone districts, all fencing visible from the street shall contain pilasters, columns, or posts. These pilasters shall generally be placed as follows: where two (2) fences intersect, where a fence and a gate intersect, or at the corner of a lot. Fencing that does not conform to this requirement must first be approved by the planning commission. Decorative wrought-iron fencing is encouraged. In addition, gates and pedestrian openings into the project shall be accentuated with pilasters, landscaping, trellises, and/or lighting.

The project does not provide renderings of fencing, however, fencing throughout the project will be conditioned to comply with code provisions related to residential fencing.

Parking Requirements (KMC 17.58.070(I) and KMC 17.74.020)

The smart development zone districts require units with two (2) or more bedrooms to provide a minimum of two (2) garage spaces and one (1) additional space other than the driveway that shall be located within 150 feet of the residence. Units with only one bedroom are required to provide a minimum of one (1) garage space plus one (1) additional space other than the driveway within 150 feet of the residence. All units will include, at minimum, a two (2) car garage and one (1) on-street parking. Therefore, the project meets the minimum parking requirements.

Land Use Plans and Policies

As proposed, the project will be consistent with the Kerman 2040 General Plan goals and objectives related to land use and the urban form:

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 Planning Commission shall refer to the General Plan's policies, goals, and objectives when deciding on this particular 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. Below is an excerpt from the General Plan that is germane to this Project:

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.)

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 maintains growth management controls consistent with the General Plan and is consistent with General Plan Policy LU-3.2.

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 and approved development within city Limits and does not encourage urban sprawl. Therefore, the project is consistent with General Plan Policy LU-3.3.

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 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.

Access, Circulation, and Off-Site Improvements

Vehicular access to the site would be provided by two (2) points of ingress/egress from West Kearney Boulevard and South Kenneth Avenue. West Kearney Boulevard and South Modoc Avenue near the project site are designated as collectors in the General Plan Circulation Element. Internal circulation within the site would be provided by public streets and pedestrian walkways.

The Project would also result in off-site improvements along West Kearney Boulevard 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 Kearney Boulevard that would connect to the existing Class II facility to the east of the site. These improvements will be consistent with the General Plan and Active Transportation Plan.

A traffic impact study was prepared for the project by JLB Traffic Engineering, Inc. dated December 14, 2023. 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 are anticipated to generate approximately 1,537 average daily trips. The weekday AM peak hour trips generated for the units is estimated to be 114 trips. The weekday PM peak hour trips generated for the units is estimated to be 153 trips.

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 Stanislaus Avenue/B Avenue, David Avenue/Kenneth Avenue and State Route 180/Siskiyou Avenue. The recommended improvements to achieve acceptable levels of service are listed below. The proposed Project will be required to implement these improvements to City Standards.

- Stanislaus and B Avenue/David and Kenneth Avenue:
 - Add a traffic calming feature, such as a mini circle, at the internal street intersections
- Kearney Boulevard and Kenneth Avenue:
 - Modify the raised median island on the west left of the intersection to accommodate an eastbound left turn pocket with a storage capacity of 100 feet plus a bay taper to City of Kerman standards.
- State Route 180 and Siskiyou Avenue:
 - Near term operating year 2025: stripe a second eastbound through lane, add a northbound right-turn lane, modify the northbound through-right lane to a through lane, and modify the traffic signal to accommodate the additional lanes.
 - Horizon Year 2040 without project conditions/with project conditions: stripe a second eastbound through lane, add a northbound right-turn lane, modify the northbound through-right lane to a through lane, and modify the traffic signal to accommodate the change in lanes.

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 connections to existing services in West Kearney Boulevard and South Kenneth Avenue. Domestic water service will be provided through a potable water well on the proposed lot on the northeast corner of West Kearney Boulevard and South Kenneth Avenue. Sewer and water lines will connect to each unit throughout the site. 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 G**.

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 A**). 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 Number 2024040148).

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 August 10, 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) on June 26, 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 July 25, 2023. No response was received.

PUBLIC HEARING NOTICE:

Public hearing notices were mailed to property owners and residents within 300 feet of the site. The City also published notice of this public hearing in the Kerman News on June 26, 2024. As of the date of this report, the City has received zero (0) inquiries.

PLANNING COMMISSION FINDINGS:

Annexation 2023-02

To recommend approval of the proposed Annexation 2023-02, the Planning Commission 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. In particular, the 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 Urban Form 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.

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 including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Uses, contingent upon approval of the entitlements, including the Prezone/Rezone, Tentative Subdivision Map, and Development Plan. In particular, the Project site is in Area 1 of the proposed Sphere of Influence outlined in the General Plan, which allows the City to consider amendment and annexation requests into Area 1 based on the ability of the City to provide services to the area. 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 the General Plan 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. The Project site is also contiguous to existing and approved residential development within City limits and would result in new residential uses within a residential area and thereby would not introduce incompatible land uses or environmental hazards.

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.

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 6th 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.

Rezone 2023-02

To recommend approval of the proposed Rezone 2023-02, the Planning Commission must make the following findings pursuant to KMC 17.76. Zoning Ordinance 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/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.

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. As a result, this project will not adversely affect the public health, safety, and welfare of the community.

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. 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.

Tentative Subdivision Map 2023-02

To recommend approval of the proposed Tentative Subdivision Map 2023-02, the Planning Commission 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 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.

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 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.

4. That the site is physically suitable for the proposed 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.

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.

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.

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.

Development Plan Permit 2023-03

The Planning Commission may determine to approve a development plan permit as permissible under Kerman Municipal Code Section 17.58.060 when it is determined that the requirements for a development plan permit can be made, including those required by the City of Kerman Municipal Code Section 17.58.060 (A) through (I).

The Planning Commission at this hearing on the 8th day of July, 2024 has determined to approve Development Plan Permit 2023-03 as permissible under Kerman Municipal Code Section 17.58.060 and determined that the requirements for Development Plan Permit 2023-03 can be made, including those required by the City of Kerman Municipal Code Section 17.58.060 (A) through (I). The project meets the minimum site area and density, does not exceed the maximum height or building coverage, and meets the minimum side, front, and rear yard setbacks and yard requirements. Further, the design of the proposed streets, including the width, parkways, connectivity, and traffic calming devices, and residential design, landscaping, and open space design, fencing and walls, and parking meets the code requirements subject to conditions of approval.

PLANNING COMMISSION ACTION:

The Planning Commission will be acting on Annexation 2023-02, Rezone/Prezone 2023-02, Development Plan Permit 2023-03, Tentative Subdivision Map 2023-02, and Mitigation Negative Declaration 2023-03 and determine to either:

Motion 1A: Adopt a resolution recommending that the City Council Adopt Mitigated Negative Declaration 2023-03 and Associated Mitigation Monitoring and Reporting Program dated June 2024 for Annexation 2023-02, Rezone/Prezone 2023-02, Development Plans 2023-03, and Tentative Subdivision Map 2023-02 for the Project located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S); and

Motion 1B: Adopt a resolution recommending the City Council initiate annexation (Annexation 2023-02) for the Crown Schaad Residential Project area consisting of one (1) parcel identified as APN 020-140-22S containing approximately 9.69 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues; and

Motion 1C: Adopt a resolution recommending that the City Council adopt an ordinance approving Rezone 2023-02 to amend the official zoning map of the City of Kerman to pre-zone a property containing approximately 9.69 acres (APN 020-140-22S) to the SD-R-4.5 (Smart Development Combining District – Residential – minimum 4,500 square feet) Zone District and rezone a property containing approximately 19.65 acres (APN 020-140-23S) from the R-1-7 (Single-Family Residential) Zone District to the SD-R-4.5 Zone District located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues; and

Motion 1E: Adopt a resolution 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 Avenues (APNs 020-140-22S and 020-140-23S); and

Motion 1F: Adopt a resolution contingently approving Development Plan Permit 2023-03 that would facilitate the development of a 163-unit single-family residential development in addition to related on/off-site improvements (e.g., roadways, sidewalks, landscaping), located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S) subject to final approval of TSM 2023-02; and

Motion 2: Move to continue the public hearing on Annexation 2021-02, Rezone/Prezone 2023-02, Development Plan 2023-03, Tentative Subdivision Map 2023-02, and Mitigation Negative Declaration 2023-03 to a later meeting; or

Motion 3: Move to continue applications for Annexation 2021-02, Rezone/Prezone 2023-02, Development Plan 2023-03, Tentative Subdivision Map 2023-02, and Mitigation Negative Declaration 2023-03 to a later meeting, with direction to Staff to return with an updated resolution with appropriate findings for the denial of the application(s).

ATTACHMENTS:

- A. Resolution Annexation 2023-02 and Mitigated Negative Declaration 2023-01
 - Exhibit 'A' – Proposed Area of Annexation (Annexation 2023-02)
 - Exhibit 'B' – Initial Study and Mitigated Negative Declaration (Environmental Assessment 2023-03)
 - Exhibit 'C' – Mitigation Monitoring and Reporting Program dated June 2024
- B. Resolution Rezone 2023-02
 - Exhibit 'A' – Proposed Rezone/Prezone (Rezone 2023-02)
 - Exhibit 'B' – Proposed Area of Annexation (Annexation 2023-02)
 - Exhibit 'C' – Draft Rezone 2023-02 Ordinance
- C. Resolution Tentative Subdivision Map 2023-02
 - Exhibit 'A' – Tentative Subdivision Map 2023-02
 - Exhibit 'B' – Conditions of Approval for Tentative Subdivision Map 2023-02
- D. Resolution Development Plan Permit 2023-03
 - Exhibit 'A' – Development Plan Permit 2023-03 Conditions of Approval
- E. Aerial Photo
- F. Floor Plan, Building Elevations, and Fit List
- G. Other Agency/Department Comments