

Attachment 'D'

Resolution No. 2024-____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN
CONTINGENTLY APPROVING DEVELOPMENT PLAN PERMIT 2023-03, TO ALLOW FOR
THE DEVELOPMENT OF 163 SINGLE-FAMILY RESIDENTIAL UNITS LOCATED ON THE
NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH
SISKIYOU AVENUES (APNS 020-140-22S & 020-140-23S)**

WHEREAS, the Planning Commission considered a request for a development plan permit (DPL) 2023-03 filed by Joseph Crown Construction & Development. ("Applicant"/ "Property Owner") requesting approval of a development plan permit to allow for the development of 163 single-family residential units located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S & 020-140-23S) ("project site"); and

WHEREAS, a public notice was circulated to adjacent properties within a 750-foot radius of the project site and published in the local newspaper at least 10 days prior to the meeting as required by law; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval for Development Plan Permit 2023-03 and was made available for public review at least 72 hours prior to the public hearing; and

WHEREAS, development of the project will be consistent with the development standards of the SD-R-4.5, including those conditions prescribed by the Planning Commission, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, approval of the project would also require approval of Annexation 2023-02, Prezone/Rezone 2023-02, and Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related development plan permit and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the development plan permit and related entitlements were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the mitigated negative declaration, and considered testimony received as a part of the public hearing process; and

WHEREAS, the Planning Commission concurrently considered Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program, Annexation 2023-02, Prezone/Rezone 2023-02, and Tentative Subdivision Map 2023-02; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 15, 2024 and considered all of the project and environmental information presented by staff, public testimony, and all of the background information; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve Development Plan Permit 2023-03 such that no decision of approval of Development Plan Permit 2023-03 becomes final and effective until immediately after the City Council adopts Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program, Annexation 2023-02, Prezone/Rezone 2023-02, and Tentative Subdivision Map 2023-02; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that Development Plan Permit 2023-03 be set for further consideration and a final decision by the Planning Commission.

NOW THEREFORE, be it resolved by 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. Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project and has prepared an Initial Study and Mitigated Negative Declaration 2023-02 (MND) and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) to evaluate the environmental effects of the project, including the proposed development plan permit. The Planning Commission has fully considered the Mitigated Negative Declaration and has concurrently recommended it for approval by the City Council. The Planning Commission finds that Development Plan Permit 2023-03 is consistent with, and have been fully assessed by, the MND, and that Development Plan Permit 2023-03 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND
3. Development Plan Permit Findings. The Planning Commission 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.*
4. Approval of Development Plan Permit 2023-03 with Conditions. Given that all the findings can be made, the Planning Commission approves Development Plan Permit 2023-03 subject to conditions of approval included herein as Exhibit 'A' and contingent upon the following:
 - a. The approval Development Plan Permit 2023-03 shall become final and effective immediately only after the City Council of Kerman i) adopts Mitigated Negative Declaration 2023-02 and the associated Mitigation Monitoring and Reporting Program; ii) approves Annexation 2023-02; iii) approves Prezone/Rezone 2023-02 and said ordinance adopting the same then becomes effective; and iv) approves Tentative

Subdivision Map 2023-02 (collectively “Council Approvals”). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then Development Plan Permit 2023-03 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission needed to approve Development Plan Permit 2023-03, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then Development Plan Permit 2023-03 shall be returned to the Planning Commission for further consideration and a final decision.

5. Final Action and Appeals. This action shall become final and effective after, and only upon, the prior approvals including the MND and adoption of the Council Approvals and if a timely appeal of Development Plan Permit 2023-03 is then not with the City Clerk in accordance with the provisions of the City of Kerman Zoning Ordinance.

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': Development Plan Permit 2023-03 Conditions of Approval