



STAFF REPORT

MEETING DATE: September 25, 2024

PRESENTER: Jenna Chilingerian, Contract Planner

SUBJECT: Crown-Schaad Residential Project: Rezone 2023-02, Mitigated Negative Declaration 2023-03, Annexation 2023-02, and Tentative Subdivision Map 2023-02, 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) (JC)

RECOMMENDATION: That the Council consider the second reading of ordinance; adoption of the Annexation Initiation resolution and Tentative Subdivision Map resolution; deliberate; and by motion:

1. Adopt an ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone 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 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 (Rezone 2023-02); and adopt Mitigated Negative Declaration (ENV 2023-03) and Mitigated Monitoring and Reporting Program; and
2. Adopt a resolution of the City Council of the City of Kerman initiating 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
3. Adopt a resolution of the City Council of the City of Kerman approving 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).

EXECUTIVE SUMMARY:

The Council conducted a duly noticed public hearing on August 28, 2024, on the Crown-Schaad Residential Project which is described in the subject line above. At the conclusion of the public hearing and after deliberations, the Council introduced the ordinance that amends the Zoning Map. The related annexation initiation and tentative subdivision map were also presented at the hearing; however, Council did not take action on those matters. Staff has reviewed and addressed the issues (see below) raised at the meeting and continues to recommend approval. At this meeting, the Council is asked to (i) conduct the second reading and adopt the ordinance, (ii) adopt the resolution approving the tentative subdivision map, and (iii) adopt the resolution initiating annexation as noted in the Recommendations above.

BACKGROUND:

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 rezoning 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.

Although not before the City Council, note that Development Plan Permit (DPL) 2023-03 was contingently approved by the Planning Commission at a special meeting on July 15, 2024. The approval was contingent based upon Council initiation of ANX 2023-02 and approval of REZ 2023-02 and TSM 2023-02. DPL 2023-03 would facilitate the development of a 163-unit single-family residential development and related on/off-site improvements (e.g., roadways, sidewalks, landscaping) 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.

Furthermore, at its regular meeting on August 28, 2024, the Council was asked to introduce the ordinance that both amends the Zoning Map and approves Mitigated Negative Declaration (CEQA). The related annexation initiation and tentative subdivision map were also presented at the meeting on August 28, 2024. At this meeting on September 25, 2024, the Council is asked to adopt the ordinance and adopt the resolutions initiating annexation and approving the tentative subdivision map as noted in the Recommendations above.

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.

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). 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 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. 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	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 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).

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. The Zoning Map (Existing) for the Project site is shown in **Attachment ‘D’**. 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. 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 'H'**. 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 for the County to find that entitlements have been approved on the lands proposed for annexation.

Rezone 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 proposed zoning is shown in **Attachment 'G'**. The zoning district would be consistent with the underlying planned land use, 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.

Vesting Tentative Subdivision Map 2023-02

Vesting 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.

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 '1'**. 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.

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.)

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 can 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 'E'**.

Conclusion

As proposed, the 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 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.

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

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 5-0 vote, the Planning Commission adopted Resolution No. 2024-19 (ANX 2023-02 and ENV 2023-03); Resolution No. 2024-20 (REZ 2023-02); Resolution No. 2024-21 (TSM 2023-02); and Resolution No. 2024-22 (DPL 2023-03), contingently approving DPL 2023-03 and recommending that the City Council initiate ANX 2023-02, adopt ENV 2023-03, and approve REZ 2023-02 and TSM 2023-02. The Planning Commission resolutions are provided in **Attachment 'F'**.

PUBLIC NOTICE AND PUBLIC INPUT:

Notice of City Council Meeting

Public notification regarding this Project was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the hearing. The City also published notice of the ordinance 5 days prior to the meeting in the Fresno Bee and at City Hall in accordance with State Law, Government Code Section 36933.

Public Input Received

Letter Received on July 15, 2024

The City was in receipt of an email from a community member on Monday, July 15, 2024, after the Planning Commission meeting. A copy of the email is provided in **Attachment 'J'**. The City Manager responded via email to confirm receipt of the email and the City's incorporation of the email as part of the packet of materials at the City Council hearing, and to inform the community members of the scheduled date for the City Council hearing and the website of where the community member can view posted agendas.

Public Input Received at Hearing on August 28, 2024

During the public hearing on August 28, 2024, input was received from three (3) members of the public. An aerial overlay map is provided in **Attachment 'J'**, showing the proposed subdivision. The concerns and responses are summarized as follows.

- **Susan Kilsdonk**: Susan Kilsdonk, Bella Palma resident, spoke of concerns about three (3) homes proposed on the other side of their rear property line block wall, the density of the development, the square footage of the homes, square footage of the lots, and the likelihood of development decreasing their property values. During the meeting, City staff and the Engineer/Designer provided clarifications that the proposed development was consistent with the underlying land use designation and zoning regulations; and therefore, consistent

with the permitted density..

- Gsukhjeet (“Jasmine”) Thandi: Jasmine Thandi, relative of Bella Palma resident, asked whether there would be an alley separating the proposed subdivision from the Bella Palma community. They also spoke of concerns related to another Crown subdivision off 180/Siskiyou, such as parking congestion. During the meeting, City staff and the Engineer/Designer provided clarifications that an alley between the neighborhoods is not proposed.
- Ken Samarin: Ken Samarin, neighboring property owner and farmer, spoke of concerns about a proposed wooden fence on the western boundary of the proposed subdivision and not receiving a public hearing notice for the project. They expressed preference for an alternative fence, such as a block wall or other non-wood material. During the meeting, City staff and the Engineer/Designer provided clarifications that a right-to-farm covenant would be recorded with the subdivision. City staff was also able to confirm that Ken Samarin correctly received the public hearing notice for the project.

Follow Up Correspondence since August 28, 2024 and Staff Responses to Issues Raised.

Since the August 28, 2024, meeting, Joseph Crown (Applicant) and Jose Lemus (Engineer/Designer) have reached out to each individual to discuss their concerns and find resolution. Summaries of the concerns and responses are provided below.

Susan Kilsdonk contacted the Community Development Department on September 6, 2024, and sent a letter, received by the City on September 11, 2024, reiterating her concerns about the proposed subdivision. A copy of the letter is provided in **Attachment ‘J’**. Responses to the concerns in the letter are provided as follows.

Staff’s Further Clarification and Response on Issues Raised.

- Lot Size Discrepancy: The Project site has a General Plan land use designation of MDR – Medium Density Residential which allows a density range of 5.0 to 12.0 units per acre. Development in this category could include a mix of single-family and multi-family residences, as permitted in the compatible zoning districts which include 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. The Project proposes to pre-zone/rezone the site to the SD-R-4.5 zone district, which allows a minimum of 4,500 square foot lots, and to develop the site with 163 single-family lots, which would equate to a density of 5.62 units per acre. The proposed zone district and the proposed density are both consistent with the underlying land use designation. Therefore, there is no discrepancy with zoning or land use.
- Negative Impact on Property Values: These concerns were addressed at the August 28, 2024, meeting. As the Engineer/Designer described, there should not be a comparison used in an appraisal between a 1,600 square foot home and a 5,000 square foot home, as exists in the Bella Palma neighborhood. The impact on property values appears speculative. Any time something different is proposed there may be concerns regarding the impact on property values. The city has followed all appropriate development standards, and the project meets the standards. It is important to note that over the last ten years, there has been a major shift in land use with the State of California mandating that cities to allow for smaller home and lot sizes, higher residential density, and create more affordable housing in general. The state

can impose penalties for cities' failure to comply with housing laws.

- Privacy Concerns: These concerns were addressed at the August 28, 2024, meeting. The proposed subdivision will have single-story homes with 10-foot rear yard setbacks, and the six (6)-foot block wall. The Bella Palma community has two (2)-story homes with 13-foot rear yard setbacks, and the six (6)-foot block wall. As to the issue of adding alleys, Ms. Thandi and Jose Lemus have been in contact since the August 28, 2024, meeting. The conversation has been around the potential for an alley or trail buffer between the proposed subdivision and the Bella Palma community. The Engineer/Design team has indicated that creating a buffer as an alley or trail between the neighborhoods is a potential safety issue and will not occur. We must note that Kerman, like most cities in California no longer utilizes alleys as part of its development standards. Alleys create nuisances, unlawful dumping, and noise.
- Setback Reductions: The Project meets minimum setback requirements as proposed and verified in DPL 2023-03, which was contingently approved by Planning Commission on July 15, 2024. By meeting the density, lot size, and setback requirements, the proposed lots are within the development allowances of the General Plan and Kerman Municipal Code.
- Incorrect Lot Lines and Block Wall Placement: The survey conducted for purposes of the tentative subdivision map did indicate that the lot lines of the Bella Palma community are encroaching into the proposed subdivision. However, these types of inconsistencies are generally corrected during the final map process when all legal descriptions are verified.
- The Fence: Joseph Crown reached out to Mr. Samarin after the August 28, 2024, meeting and offered to pay for a permanent 12" grass curb which would alleviate the bottom grass board and first 12" above grade would be solid concrete. Additionally, all fence poles on the western border to Ken Samarin's property will be metal poles with all metal connecting hardware with the fences, built with the slats exterior facing. The metal galvanized poles and metal galvanized hardware have life spans of over 70 years. The wood slats untreated and unsealed will last 10-15 years. Joseph Crown proposes sealing the fences to extend their life expectancy 20-30 years with little to no maintenance. There will also be a right-to-farm covenant recorded with the subdivision map.

CITY COUNCIL FINDINGS:

Rezone 2023-02

To approve REZ 2023-02, 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/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.

Annexation 2023-02

To approve initiation of ANX 2023-02, 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. 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.

Tentative Subdivision Map 2023-02

To approve the proposed Tentative Subdivision Map 2023-02, 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 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.

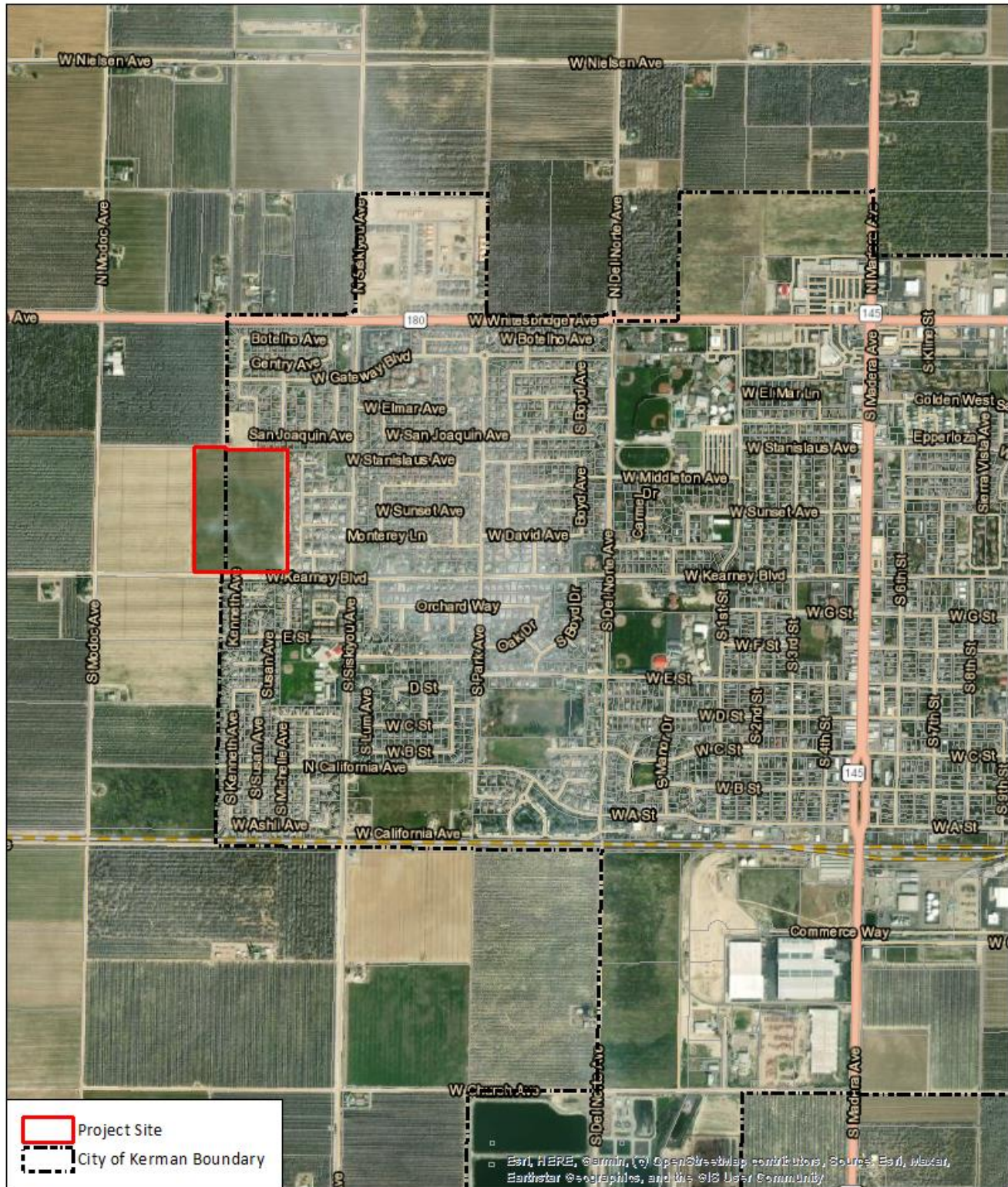
As feasible, the project has attempted to take advantage of passive or natural cooling opportunities in subdivision design. Appropriate consideration was given to the local climate, while ensuring that heating and cooling opportunities did not result in the reduction of allowable densities or the percentage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

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 – Ordinance Rezone 2023-02 and Environmental Assessment 2023-03
 1. Exhibit 1 – Rezone 2023-02
 2. Exhibit 2 – Environmental Assessment 2023-03
 3. Exhibit 3 – Mitigation Monitoring and Reporting Program
- H. Attachment H – Resolution Annexation 2023-02
 1. Exhibit 1 – Annexation 2023-02
- I. Attachment I – Resolution Tentative Subdivision Map
 1. Exhibit 1 – Tentative Subdivision Map 2023-02
 2. Exhibit 2 – Conditions of Approval for Tentative Subdivision Map 2023-02
- J. Attachment J – Public Input

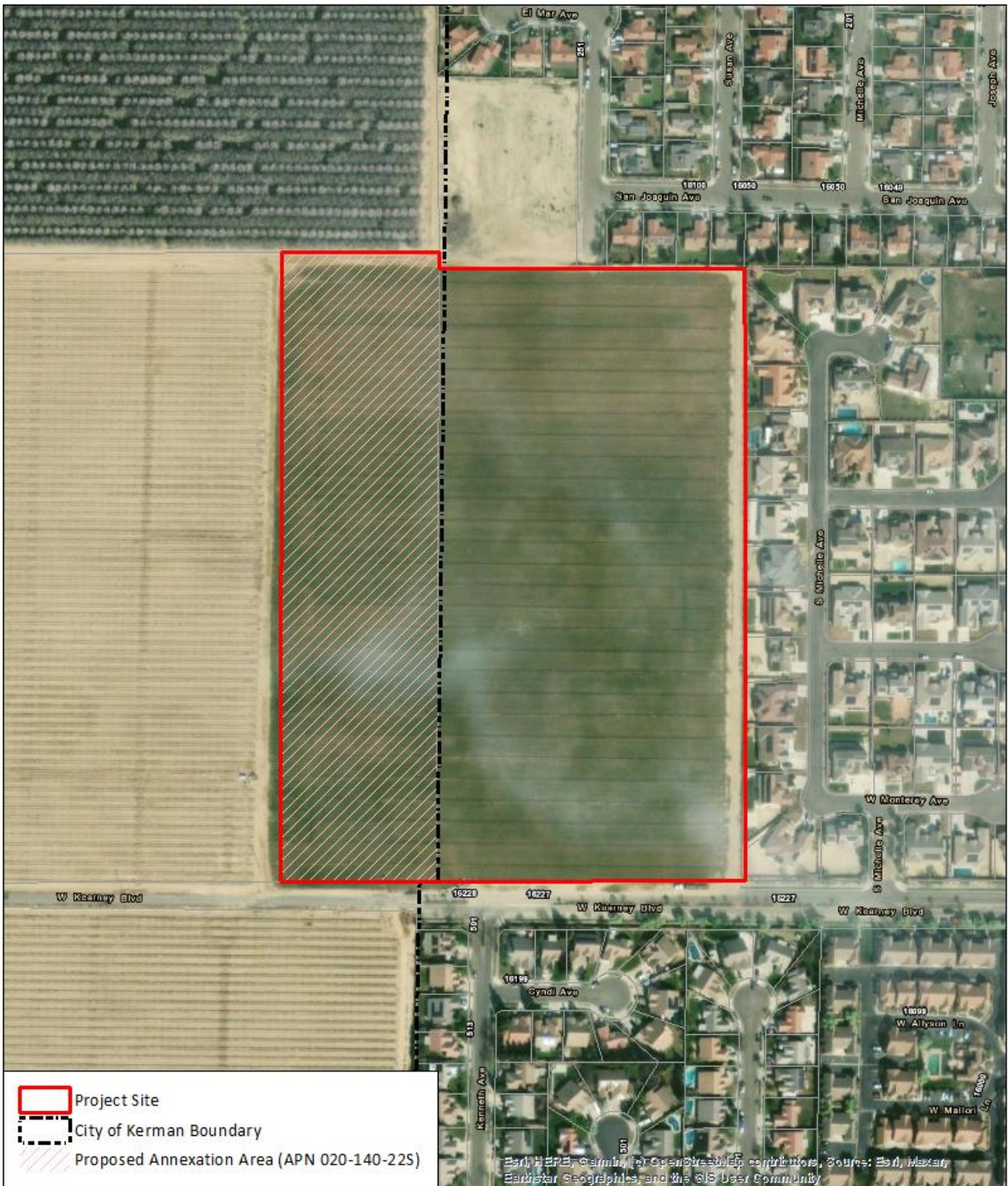
Attachment 'A'

PROJECT VICINITY MAP



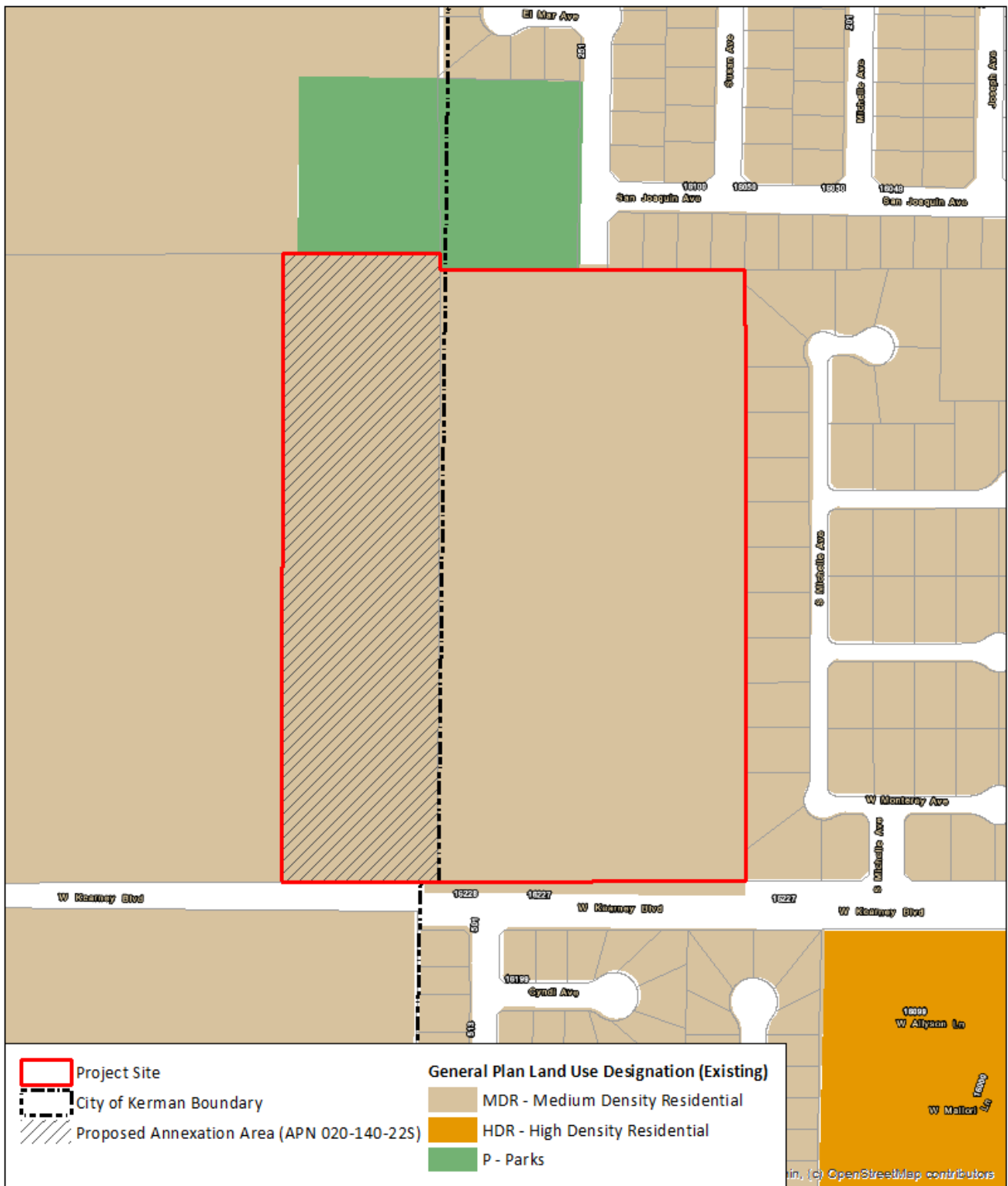
Attachment 'B'

AERIAL MAP OF PROJECT SITE



Attachment 'C'

GENERAL PLAN LAND USE DESIGNATION MAP FOR PROJECT SITE



Attachment 'D'

ZONING DISTRICT MAP (EXISTING) FOR PROJECT SITE

