

Attachment 'G'

REZONE 2023-02 ORDINANCE

ORDINANCE NO. 24-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING REZONE 2023-02 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN TO PREZONE A PROPERTY CONTAINING APPROXIMATELY 9.69 ACRES TO THE SD-R-4.5 (SMART DEVELOPMENT COMBINING) ZONE DISTRICT AND REZONE A PROPERTY CONTAINING APPROXIMATELY 19.65 ACRES FROM THE R-1-7 (SINGLE FAMILY RESIDENTIAL) TO THE SD-R-4.5 (SMART DEVELOPMENT COMBINING) ZONE DISTRICT LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES (APN 020-140-22S & 020-140-23S) AND ADOPT MITIGATED NEGATIVE DECLARATION (ENV 2023-03) AND MITIGATED MONITORING AND REPORTING PROGRAM

WHEREAS, an application was filed by Joseph Crown Construction & Development, pertaining to two parcels consisting of 29.34 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues identified as APNs 020-140-22S and 020-140-23S ("Project Area"); and

WHEREAS, because a portion of the Project Area is outside of City limits and currently has County agricultural zoning, a rezone application to prezone the property is needed; and

WHEREAS, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 29.34 acres); and

WHEREAS, the requested Rezone 2023-02 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 acres (AR-20) to SD-R-4.5 zoning district (APN 020-140-22S) as shown in the attached **Exhibit '1'**, consistent with the MDR land use designation; and

WHEREAS, the requested Rezone 2023-02 proposes to rezone the Project Area within the City of Kerman currently zoned Single-Family Residential (7000 SF Min. Lot) (R-1-7) to SD-R-4.5 zoning district (APN 020-140-23S) as shown in the attached **Exhibit '1'**, consistent with the MDR land use designation; 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, Development Plan Permit 2023-03, and Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration (Environmental Assessment 2023-03), provided in the attached **Exhibit '2'**, and Mitigation Monitoring and Reporting Program (SCH #202404148), attached as **Exhibit '3'**, for the project,

and this related rezone, 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 related Rezone 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 completed its review of the Staff Report and documents submitted for the proposed project at a special meeting on July 15, 2024, and adopted a resolution with a recommendation to the City Council to approve Rezone 2023-02; and

WHEREAS, the City of Kerman City Council held a public hearing on August 28, 2024, to consider the Crown-Schaad Residential Project including Rezone 2023-02 Ordinance during which the Council solicited public testimony, and considered the environmental assessment; and

WHEREAS, after the public hearing the Council introduced the Rezone 2023-02 Ordinance; and

WHEREAS, the City Council now desires to adopt the Rezone 2023-02 Ordinance to amend the City's official Zoning Map on real property described herein below as as Exclusive Agriculture to the SD-R-4.5 (APN 020-140-22S) and Single-Family Residential (7000 SF Min. Lot) (R-1-7) to SD-R-4.5 (APN 020-140-23S) zone districts; and

NOW, THEREFORE, the City of Kerman City Council does ordain as follows:

1. Recitals. The City Council 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 2023-03 (MND) and Mitigated Monitoring and Reporting Program (SCH #202404148) to evaluate the environmental effects of the project, including the proposed annexation. The City Council has fully considered the Mitigated Negative Declaration. The Environmental Assessment / Initial Study was prepared for this project in accordance with the requirements of the CEQA Guidelines and reflects the City Council's independent judgment and analysis. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment necessitated a thorough review of the proposed Project and relevant environmental issues. While the proposed Project could have a potentially significant effect on the environment, based on its independent judgment and analysis, the City Council finds that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects or mitigate the effects to a point where no significant effect on the environment will occur, and there is no substantial evidence in the record that this Project may have any direct, indirect or cumulative effects on the environment that are potentially significant and adverse. The proposed Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section

15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the Project to avoid potentially significant effects are set forth in the Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this Project may have significant direct, indirect or cumulative effects on the environment. As such, the City Council also finds and determines that in light of the entire administrative record and the substantial evidence before it, the Project has been adequately environmentally assessed as required by CEQA per the Initial Study/Mitigated Negative Declaration.

3. Adoption of MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council adopts the Mitigated Negative Declaration prepared for the Project, including the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. The City of Kerman Community Development Department located at 850 S. Madera Ave. Kerman, CA 93630, is designated as the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based. The City Council authorizes the Director, or designee, to execute and file with the Fresno County Clerk, as appropriate, a Notice of Determination for approval of the Project.
4. Rezone Findings. The City Council finds, as follows:

- a. 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.

- b. *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.*
 - c. *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.*
5. **Approval of Rezone:** Given that all the findings can be made, the City Council adopts this Rezone 2023-02 Ordinance approving the amendment to the official zoning map of the City of Kerman to prezone approximately 9.69 acres to the SD-R-4.5 (Smart Development Combining District – Residential – minimum 4,500 square feet) zone district, and rezone approximately 19.65 acres 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 as set forth in **Exhibit '1'** which is incorporated herein by reference.
 6. **Severability:** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
 7. **Publication:** This ordinance shall be published in accordance with the provisions of Government Code Section 36933.
 8. **Effective Date of Ordinance:** This ordinance shall be in full force and effect thirty (30) days after its passage.

The foregoing ordinance was introduced at a regular meeting of the City of Kerman City Council on the 28th day of August, 2024, and passed and adopted at a regular meeting of the City Council on the 25th day of September 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing ordinance is hereby approved.

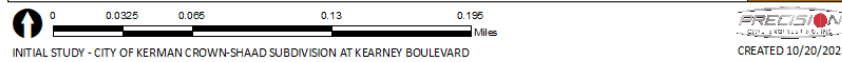
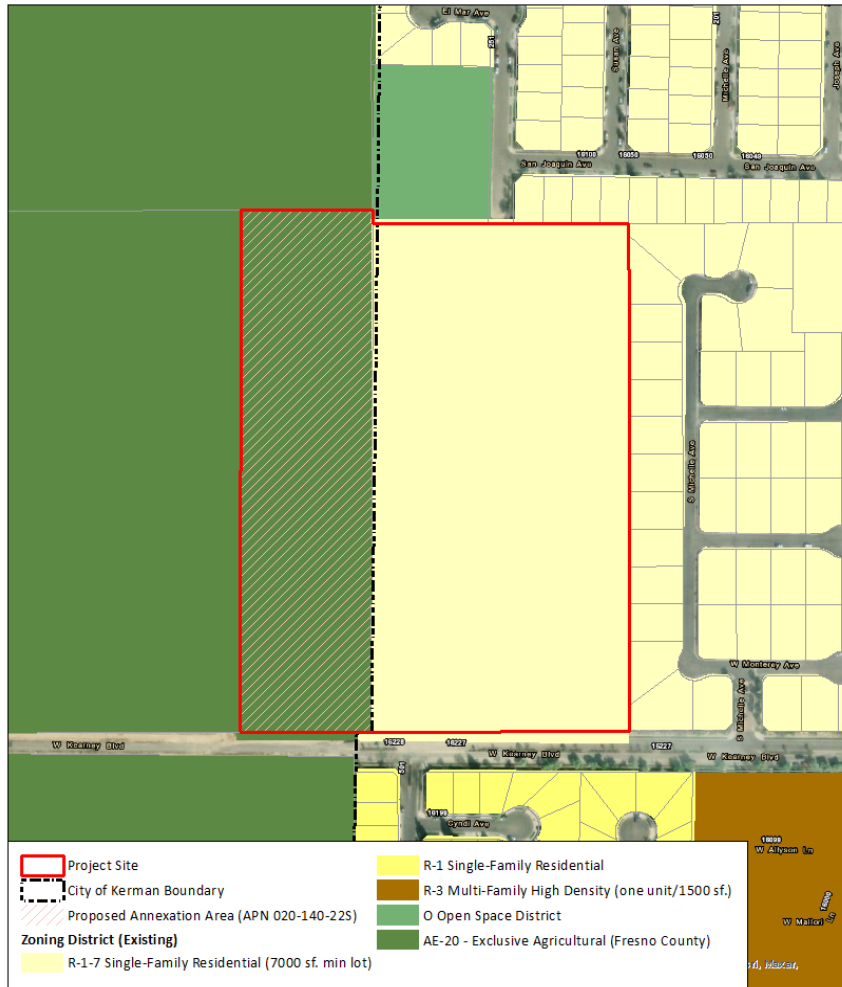
Maria Pacheco
Mayor

Josie Camacho
City Clerk

Exhibit '1'

Proposed Rezone/Prezone (Rezone 2023-02)

EXISTING ZONING DISTRICT



NEW ZONING DISTRICT

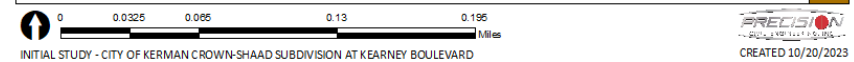
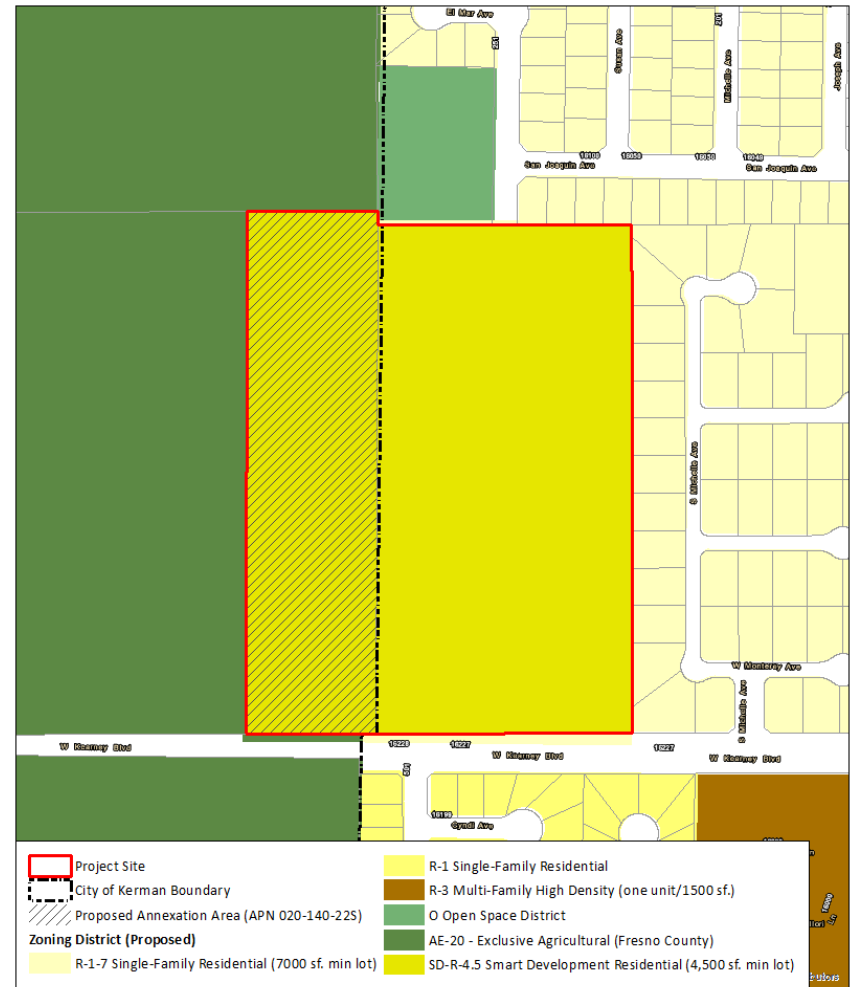


Exhibit '2'

Initial Study and Mitigated Negative Declaration (Environmental Assessment 2023-03)

The Initial Study and Mitigated Negative Declaration (Environmental Assessment 2023-03) is posted on the City's Website under the Community Development Department, Planning Division, Planning Projects, 2024 Projects webpage at <https://www.cityofkerman.net/175/Planning-Projects>.

Exhibit '3'

Mitigation Monitoring and Reporting Program

**CROWN-SCHAAD TSM 2023-02
MITIGATION MONITORING AND REPORTING PROGRAM
JULY 2024**

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines *Section 15097* and *Section 21081.6* of the PRC (PRC). The timing of implementing each mitigation measure is identified in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a Project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Kerman is responsible for verifying that mitigation is performed/completed.

Mitigation Measures	Party Responsible for Implementing Mitigation	Timing of Verification	Responsible for Monitoring Compliance	Verification of Completion	
				Date	Initials
Biological Resources					
<p>Mitigation Measure BIO-1: Burrowing owls avoidance. The Project shall implement the following measures to avoid any potential impacts of nesting habitat of the Project in compliance with the federal Migratory Bird Treaty Act and relevant Fish and Game Codes:</p> <ul style="list-style-type: none"> • Avoidance. Initiate grading/ground disturbance from Sept 1 – February 1 during the non-breeding period. • Preconstruction Surveys. If construction is initiated during the nesting period (Feb 1 – Aug 30), conduct a preconstruction survey to confirm that no burrowing owl has taken up residence in any parcels with ground burrowing mammals. If burrowing owl occupation is found, consult with the California Department of Fish and Wildlife to determine the appropriate avoidance and minimization measures. 	Project Applicant	<p>Prior to issuance of a construction permit</p> <p>NEEDS ONGOING COMPLIANCE</p>	City of Kerman Building Division		

<p>Mitigation Measure BIO-2: San Joaquin kit fox Avoidance. The following measures are recommended to avoid any potential impact to San Joaquin kit fox during construction. These measures are designed to avoid and minimize any impact on San Joaquin kit fox in the unlikely event an individual is present within the Study Area at any time during construction.</p> <ul style="list-style-type: none"> • Prior to Construction: Prepare and conduct an employee education program prior to the start of construction. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation (as summarized below). A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the Project site. • Avoidance and Minimization Measures during Construction: The following measures should be included within the worker education program and in any Project specification and contract. <ol style="list-style-type: none"> 1. Project-related vehicles should observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. No nighttime construction should occur, given the species is primarily nocturnal. 	<p>Project Applicant</p>	<p>Prior to issuance of a construction permit</p> <p><u>NEEDS</u> <u>ONGOING</u> <u>COMPLIANCE</u></p>	<p>City of Kerman Building Division</p>		
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<p>2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.</p> <p>3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped.</p> <p>4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or Project site.</p> <p>5. No firearms shall be allowed on the Project site.</p> <p>6. No pets, such as dogs or cats, should be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens.</p>					
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<p>7. The use of rodenticides and herbicides in Project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox.</p> <p>8. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program, and their name and telephone number shall be provided to the Service.</p> <p>9. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, etc., should be re-contoured if necessary and revegetated, if possible, to promote restoration of the area to pre-Project conditions.</p> <p>10. Any contractor or employee responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured, or entrapped kit fox.</p> <p>11. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or the finding of a</p>					
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<p>dead or injured animal and any other pertinent information.</p> <p>12. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map marked with the location of where the kit fox was observed should also be provided to the Service at the address below.</p>					
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Cultural Resources

<p>Mitigation Measure CUL-1: In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Project:</p> <ul style="list-style-type: none"> a. Cultural Resources Alert on Project Plans. The Project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources. b. Stop Work Near any Discovered Cultural Resources. Should previously unidentified cultural resources be discovered during construction of the Project, the Project proponent shall cease work within 50 feet of the resources, and City of Kerman shall be notified immediately. The Project archaeologist meeting the Secretary of the Interior Professional Qualifications Standards for archeology shall immediately to evaluate the find pursuant to Public Resources Code Section 21083.2. c. Mitigation for Discovered Cultural Resources. If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the Project proponent and other appropriate parties of the evaluation and recommended mitigation measures to 	<p>Project Applicant</p>	<p>Prior to issuance of a construction permit</p> <p>NEEDS ONGOING COMPLIANCE THROUGHOUT CONSTRUCTION</p>	<p>City of Kerman Building Division</p>		
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<p>mitigate the impact to a less-than-significant level. If the archaeologist and, if applicable, a Native American monitor or other interested tribal representative determine it is appropriate, cultural materials collected from the site shall be processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the site(s) shall be evaluated according to the criteria of the California Register of Historical Resources (CRHR) and if applicable, National Register of Historic Places (NRHP). The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)." Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the City of Kerman. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center (SSJVIC). The resources shall be photo documented and collected by the archaeologist for submittal to the City of Kerman. The archaeologist shall be required to submit to the City of Kerman for review and approval a report of the findings and method of curation or protection of the resources. This report shall be submitted to the SSJVIC after completion. Recommendations contained therein shall be implemented throughout the remainder of ground disturbance activities. Further grading or site work within the</p>					
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<p>area of discovery shall not be allowed until the preceding steps have been taken.</p> <p>d. Data Recovery. Should the results of item c. yield resources that meet CRHR significance standards and if the resource cannot be avoided by Project construction, the Project applicant shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and approved by the City prior to construction. Any necessary data recovery excavation, conducted to exhaust the data potential of significant archaeological sites, shall be carried out by a qualified archaeologist meeting the SOI's PQS for archeology. Data recovery shall be conducted in accordance with a research design reviewed and approved by the City, prepared in advance of fieldwork, and using the appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5, Guidelines for Archaeological Research Design, or the latest edition thereof. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with the City and local California Native American tribe(s). As applicable, the final Data Recovery reports shall be submitted to the City prior to issuance of any grading or construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities. Recommendations may include, but would not be limited to, Cultural Resources Monitoring, and/or measures for unanticipated discoveries. The final report shall be submitted to the SSJVIC upon completion.</p> <p>e. Disposition of Cultural Resources. Upon coordination with the City of Kerman, any pre-historic archaeological artifacts</p>					
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<p>recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines.</p> <p>f. Cultural Resources Monitoring. If mitigation measures are recommended by reports written under item c. or d., the Project applicant shall retain a qualified archaeologist to monitor Project-related, ground-disturbing activities which may include the following but not limited to: grubbing, vegetation removal, trenching, grading, and/or excavations. The archaeological monitor shall coordinate with any Native American monitor as required. Monitoring logs must be completed by the archaeologist daily. Cultural resources monitoring may be reduced for the Project if the qualified archaeologist finds it appropriate to reduce the monitoring efforts. Upon completion of ground disturbance for the Project, a final report must be submitted to the City for review and approval documenting the monitoring efforts, cultural resources find, and resource disposition. The final report shall be submitted to the SSJVIC.</p>					
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Geology and Soils

<p>Mitigation Measure GEO-1: If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources.</p>	<p>Project Applicant</p>	<p>During ground disturbance activities</p> <p>NEEDS ONGOING COMPLIANCE THROUGHOUT CONSTRUCTION</p>	<p>City of Kerman Building Division</p>		
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<p>If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations, and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects or such effects must be mitigated. Construction in that area shall not resume until the resource-appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the City of Kerman, Community Development Department.</p>					
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<p>Hazards and Hazardous Material</p>					
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<p>Mitigation Measure HAZ-1: Test for Agricultural Pesticides. Prior to construction activities onsite, a limited Phase II investigation shall be conducted to assess the surface soil of the project site for residual organochlorine and lead arsenate pesticides. The Phase II investigation shall be conducted in accordance with guidelines developed by the Department of Toxic Substances Control (DTSC) and Environmental Protection Agency (EPA) for site assessments. The Phase II investigation shall estimate the potential threat to public health and the environment if concentrations of pesticides are encountered using methods outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual and DTSC's Screening Level Human Health Risk Assessment guidance for implementing screening level risk analysis. The Phase II investigation shall be submitted to the City of Kerman Community Development Department for review and approval by an independent third-party reviewer. If the Phase II testing reveals concentrations of organochlorine pesticides and lead arsenic above health-based</p>	<p>Project Applicant</p>	<p>Prior to ground disturbing activities</p>	<p>City of Kerman Building Division</p>		
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<p>screening levels for residential exposure, remediation of the site shall be required to address residual organochlorine and lead arsenate pesticides above health-based level of concern. Remediation may include excavation and disposal of impacted soil or capping elevated areas beneath paved areas. The Construction Contractor shall implement the recommendations outlined in the Phase II.</p>					
<p>Noise</p>					
<p>Mitigation Measure NOI-1: Noise sensitive land uses (e.g., residential uses, schools, churches) within 500 feet of the exterior boundaries of the Project site shall be notified about the estimated duration and hours of construction activity at least 30 days before the start of construction, with the exception of construction activities related to emergency work. The notice shall be an informational document containing the estimated duration and hours of construction activity, a primary contact for complaints, and reference to compliance with Kerman Municipal Code Chapter 9.26 Prohibition of Unreasonably Loud and Unnecessary Noise. The notice shall be mailed by first class mail to every owner whose name and address appears on the last equalized County Assessment Roll for any property within 500 feet of the exterior boundaries of the Project site. Proof of mailing shall be provided to the City of Kerman, Community Development Department. Separate notices and proof of mailings shall be sent and submitted for all phases of construction.</p>	<p>Project Applicant</p>	<p>At least 30-days before construction</p> <p>ONGOING THROUGHOUT CONSTRUCTION</p>	<p>City of Kerman Building Division</p>		
<p>Mitigation Measure NOI-2: Temporary sound barriers shall be erected between the construction area/site and existing residential structures. Sound barriers shall be of sufficient height and length to block the line of sight between the construction site and residential structures and shall be continuous with no gaps or holes between panels or the ground. Sound barriers shall be constructed of material with a weight of two (2) pounds per square foot and shall have a minimum Sound Transmission Class (STC) rating of 28. Sound blankets may be used in place of temporary sound barriers;</p>	<p>Project Applicant</p>	<p>Prior to issuance of building permit</p> <p>ONGOING THROUGHOUT CONSTRUCTION</p>	<p>City of Kerman Building Division</p>		

<p>however, it must be demonstrated the sound blankets meet a STC rating of 28 and shall be of sufficient length to overlap each other and the ground surface. Implementation of temporary sound barriers shall be indicated in the General Construction Notes for the project and verified by the City of Kerman Building Division during the building permit process.</p>					
Tribal Cultural Resources					
See Cultural Resources	Project Applicant				

ANNEXATION 2023-02 RESOLUTION

RESOLUTION NO. 24-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN INITIATING ANNEXATION 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 (ANNEXATION 2023-02)

WHEREAS, the City of Kerman desires to initiate proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code; and

WHEREAS, Government Code section 56654 provides that “[a] proposal for a change of organization or a reorganization may be made by the adoption of a resolution of application by the legislative body of an affected local agency . . . [;]” and

WHEREAS, the specific changes of organization requested consists of an annexation to the City of Kerman and detachment from the County of Fresno and a reorganization from the Kings River Conservation District into the Fresno Irrigation District of the parcel identified as APNs 020-140-22S and the adjacent right-of-way on West Kearney Boulevard (“Project Area”); and

WHEREAS, a map of the boundaries of the territory is set forth in **Exhibit ‘1’** attached hereto and by this reference incorporated herein; and

WHEREAS, the affected territory proposed to be changed is uninhabited, and on this day contains 0 registered voters, according to information received from the County Elections Office; and

WHEREAS, the proposed annexation area is inside the Sphere of Influence (SOI) of the City of Kerman; and

WHEREAS, the City has an agreement with the County of Fresno to comply with Revenue and Tax Code Section 99 regarding property tax revenue transfer upon annexation, which memorandum of understanding includes standards of annexations; and

WHEREAS, the City does not propose any specific term and conditions for the proposed reorganization; and

WHEREAS, the reasons for this proposed annexation is to allow for the implementation of City of Kerman 2040 General Plan adopted July 2020 through the development of a residential project proposed by Joseph Crown Construction & Development (“Developer”); and

WHEREAS, the Project Area contains approximately one (1) existing parcel containing approximately 9.69 acres within the City's existing Sphere of Influence, and is located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (see **Exhibit '1'**); and

WHEREAS, approval of the project requires approval of Rezone 2023-02, Tentative Subdivision Map 2023-02, Development Plan Permit 2023-03, and Annexation 2023-02; and

WHEREAS, the City prepared an Initial Study, Mitigated Negative Declaration 2023-03 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on July 15, 2024, to consider a recommendation to the City Council regarding annexation of the Project Area; and

WHEREAS, in conjunction with the public hearing on July 15, 2024, the Planning Commission considered a recommendation of annexation for the Project Area, consistent with the General Plan; and

WHEREAS, after due consideration of all the items before it, the Planning Commission recommended the City Council initiate the annexation of the Project Area; and

WHEREAS, all prerequisites for the initiation of proceedings, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, have been met; and

WHEREAS, the City Council held a duly noticed public hearing on the project; and

WHEREAS, after due consideration of all the items before it, the City Council now desires to adopt this Resolution to initiate proceedings for the affected territory as set forth in **Exhibit '1'**.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kerman as follows:

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. The City Council concurrently adopted Mitigated Negative Declaration 2023-03 (MND) for the project. The MND identified annexation of the entire Project Area that is not within the City limits. The annexation does not change the environmental assessment of the MND. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds Annexation 2023-02 has already been fully assessed in

accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.

3. General Plan Consistency. The City Council finds that the annexation is consistent with the goals, objectives, and policies of the Kerman General Plan. In this regard, the City Council finds that public necessity, convenience, general welfare, or good zoning practices justify annexation of the Project Area. Specifically, the annexation and pre-zoning change is consistent with the General Plan goals and policies, any operative plan, or adopted policy, 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, and implements the planned residential land uses in the Project Area.

General Plan Policy LU-3.2. Urban Form: The Project site is within the City's Sphere of Influence and is within the "Area 1" growth line 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 a 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.

General Plan Policy LU-3.3. Prevent Sprawl Development. The Project Area is contiguous to existing and approved development within City limits. Therefore, the Project is consistent with General Plan Policy LU-3.3.

General Plan Policy LU-5.4. New Incompatible Uses. The Project Area 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.

The change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed residential uses consistent with the General Plan.

4. Findings for Annexation. The City Council further finds:
 - a. 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. 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.

- b. 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.
 - c. 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.
 - d. 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 subdivision map for single-family residential.
 - e. 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.
 - f. 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.
5. Approval of Initiation of Reorganization. Based on the information provided above, the City Council of the City of Kerman approves initiation of the annexation and reorganization for the entire Project Area that is not within the City limits, by adopting a resolution of application requesting the Local Agency Formation Commission of Fresno County to initiate proceedings for the change of organization of territory as described in **Exhibit '1'**, in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The City Council authorizes and directs the

City Manager to take all necessary steps to effectuate and initiate such reorganization proceedings, and to support Developer's processing of the same at Developer's sole cost and expense.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

Josie Camacho
City Clerk

Exhibit '1'

PROPOSED AREA OF ANNEXATION (ANNEXATION 2023-02)

EXHIBIT "A"

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF FRESNO, DESCRIBED AS FOLLOWS:

That portion of the East half of Section 11, Township 14 South, Range 17 East, Mount Diablo Base & Meridian, also being a portion of Kearney Boulevard (40 foot width), also being a portion of lots 25, 26, 27 and 28 of the Fresno Irrigated Farms Company Tract recorded in Book 8, Page 1 of Record of Surveys, Fresno County Records, described as follows:

BEGINNING at the Southeast corner of Lot 25 of said Fresno Irrigated Farms Company Tract;

THENCE (1), North 0°45'51" East, a distance of 1,300.04 feet along the East line of said lots 25, 26, 27, and 28, of the Fresno Irrigated Farms Company Tract, also being the existing limit line of the City of Kerman;

THENCE (2), leaving the existing limits of the City of Kerman, South 89°54'24" West, a distance of 324.79 feet along the North line of said lot 28 of the Fresno Irrigated Farms Company Tract to the west line of the east one-fourth of said lot 28;

THENCE (3), South 0°43'59" West, a distance of 1,340.22 feet, along the west line of the east one-fourth of said lots 28, 27, 26 and 25 to the intersection with a line parallel with and 20 feet South of the South line of the Northeast quarter of Section 11, also being the South line of the existing Right of Way;

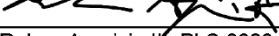
THENCE (4), North 89°52'32" East along the existing South Right of Way line, a distance of 324.84 feet;

THENCE (5), North 0°45'51" East, a distance of 40.00 feet to the **POINT OF BEGINNING**.

Contains 435,338.64 square feet (9.994 acres) more or less.

End of Description.

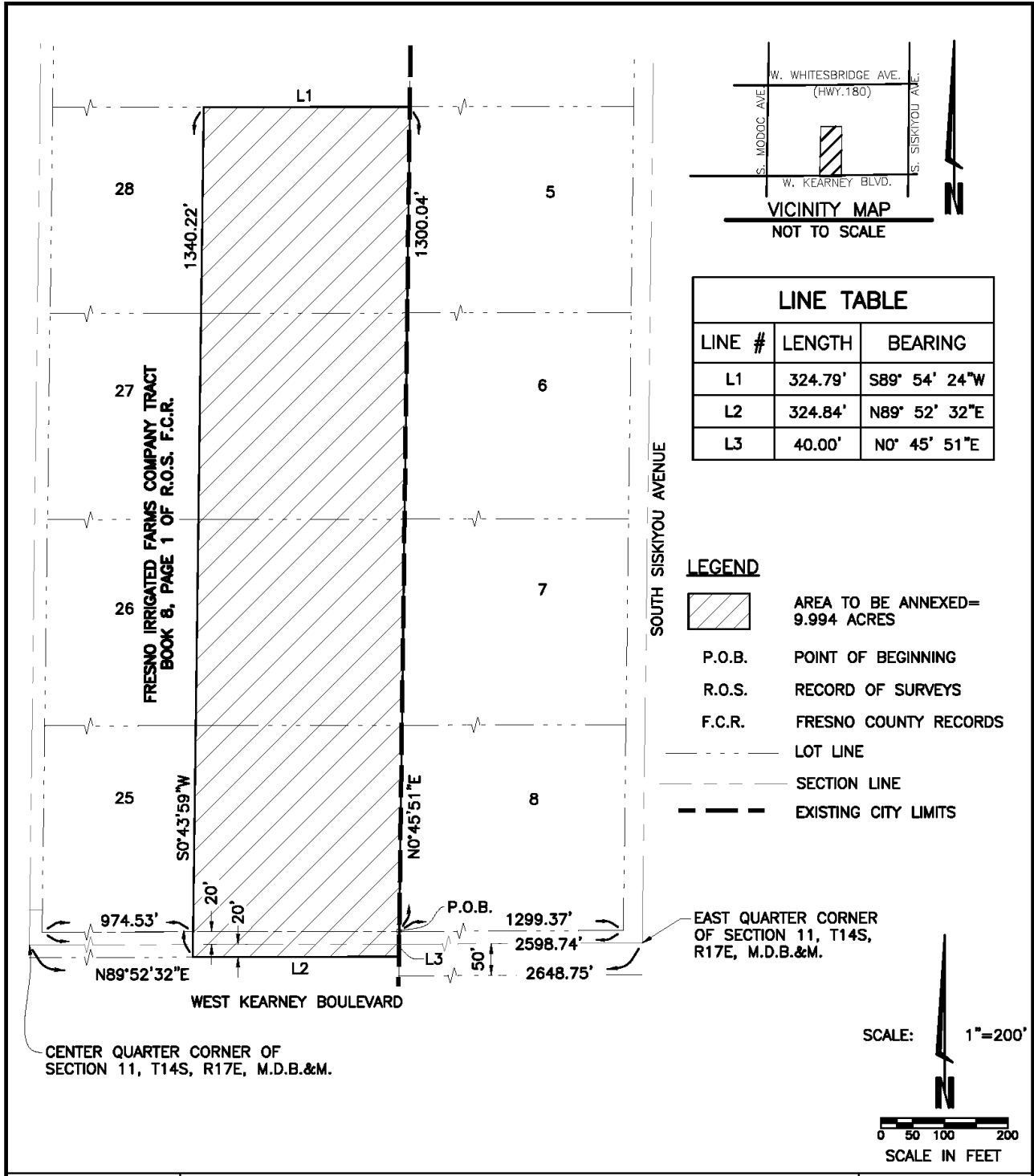
This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature: 
Ruben Aparicio III, PLS 8026

Lic. Exp. 12/31/24

Date: 03/08/2023





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4900 E. YALE AVE. FRESNO, CA 93727
TEL (559) 538-3402

REORGANIZATION # _____

**A PORTION OF THE EAST HALF OF SECTION 11, TOWNSHIP 14 SOUTH,
RANGE 17 EAST, M.D.B.& M.**

DR. BY: **CO**
 CH. BY: **JIL**
 SCALE: **1"=200'**
 DATE: **03/08/2023**

SHEET NO:

 SHEET **1** OF **1**

Attachment '1'

VESTING TSM 2023-02 RESOLUTION

RESOLUTION NO. 24-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING VESTING TENTATIVE SUBDIVISION MAP 2023-02 LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUE, APNS 020-140-22S & 020-140-23S

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

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

WHEREAS, Annexation 2023-02 and Rezone 2023-02 were considered concurrently by the City Council with Vesting Tentative Subdivision Map 2023-02; and

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

WHEREAS, the City of Kerman on August 14, 2024, published a legal notice in compliance with State law concerning City Council consideration of Vesting Tentative Subdivision Map 2023-02 in the Kerwest News, a local newspaper of general circulation, which included the date and time of the City Council consideration of a recommendation for the approval of the Vesting Tentative Subdivision Map. In addition, a public hearing notice was mailed to each property owner within at least 500 feet of the project site, indicating the date and time of the public hearing regarding the proposed project in accordance with State law; and

WHEREAS, on August 28, 2024, the City Council conducted a duly noticed public hearing Vesting Tentative Subdivision Map 2023-02, and concurrently considered Mitigated Negative Declaration 2023-03 and the Mitigation Monitoring and Reporting Program, Annexation 2023-02 and Rezone 2023-02; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred, and the City Council now desires to approve Vesting Tentative Subdivision Map 2023-02.

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

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

2. CEQA. The City Council concurrently adopted Mitigated Negative Declaration 2023-03 (MND) for the project. The MND identified the tentative subdivision map. The tentative subdivision map does not change the environmental assessment of the MND. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the previously adopted MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the project is undertaken which will require major revisions of the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is also no new information, which was not known and could not have been known at the time of the adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds Vesting Tentative Subdivision Map 2023-02 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
3. Subdivision Findings. The City Council determines that none of the findings required by the City's Subdivision Ordinance and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project, or that findings regarding flood protection cannot be made. To the contrary, the City Council finds, as follows:
 - a. The proposed maps are consistent with applicable general and specific plans. The proposed map is consistent with the procedural requirements of the Subdivision Map Act and complies with the 2040 Kerman General Plan, Subdivision Ordinance, and Subdivision Map Act. There is no specific plan applicable to the site.

The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone/rezone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Further, the pre-zoning and zoning change is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.

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

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

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

- b. The design and improvement of the proposed subdivisions are consistent with applicable general and specific plans. The proposed land division is consistent with the General Plan, including all applicable goals, policies and implementation measures. The land division is consistent with the planned density and land use designated by the General Plan, as well as circulation, pedestrian accessibility, and other design or improvement requirements of the General Plan. Additionally, the proposed parcels will comply with minimum lot size standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no specific plan applicable to the site.
- c. That the site is physically suited for the type of development. The subdivision map will create 163 parcels to support single-family residential uses. The site is physically suitable for such proposed type of residential use. Development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.
- d. That the site is physically suited for the density of development. The subdivision map will create 163 parcels to support single-family residential uses with ample open space. The site is physically suitable for such proposed density of development. All development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.
- e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.
- f. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The lots created will comply with all applicable sanitary sewer, water service, and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.

- g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision. There are no public easements encumbering the property. Upon development, all modifications made to the existing public improvements fronting the parcels will be required to meet current City standards.
 - h. That the proposed design provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1. As feasible, the project has attempted to take advantage of passive or natural cooling opportunities in subdivision design. Appropriate consideration was given to the local climate, while ensuring that heating and cooling opportunities did not result in the reduction of allowable densities or the percentage of a lot that may be occupied as contemplated by Government Code section 66473.1.
4. Approval with Conditions. Based on the aforementioned findings, the City Council approves Vesting Tentative Subdivision Map 2023-02 (**Exhibit '1'**), subject to the conditions set forth in **Exhibit '2'** (Vesting Tentative Subdivision Map 2023-02 conditions of approval) attached hereto.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

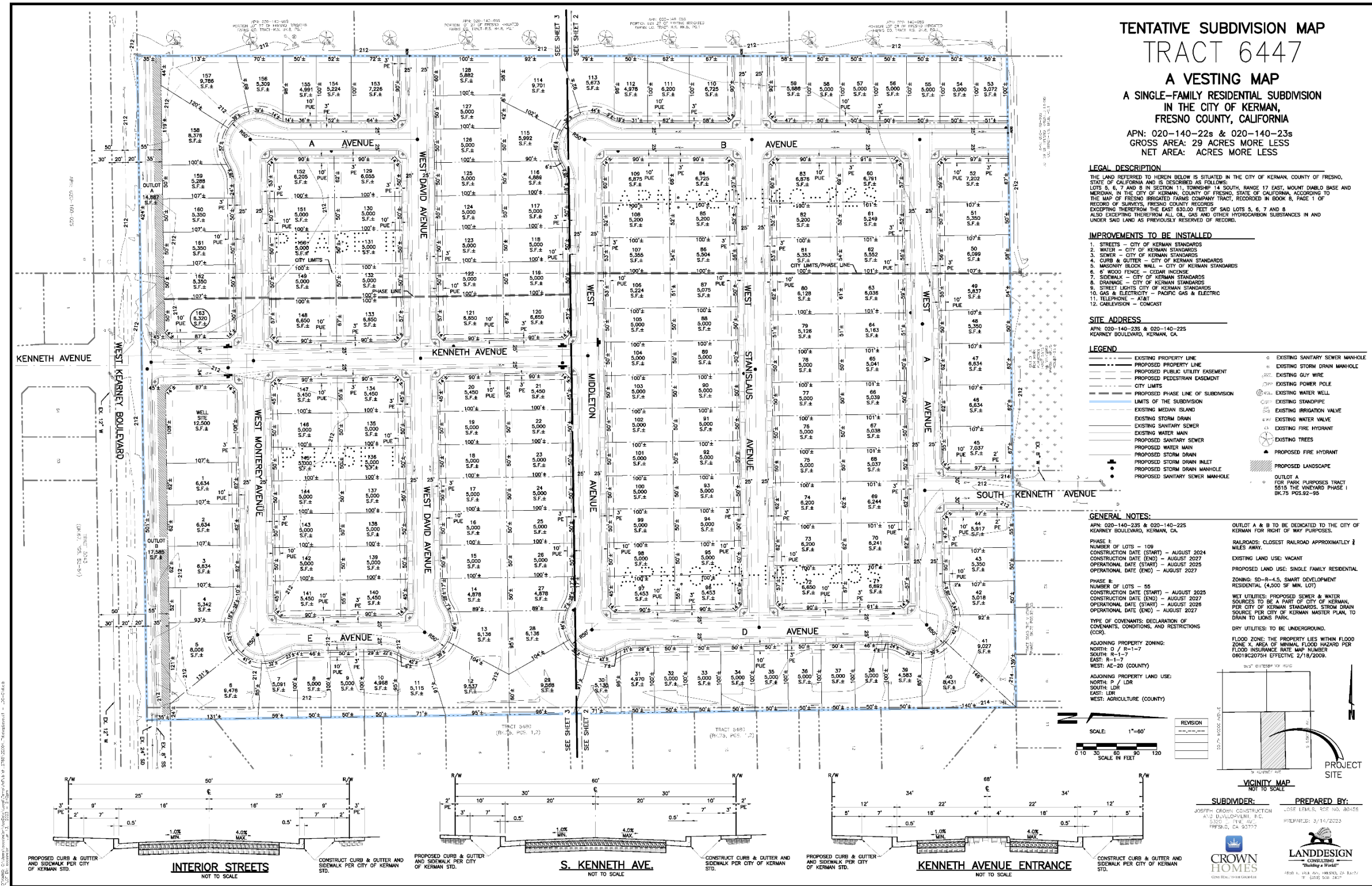
ABSENT:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

Josie Camacho
City Clerk

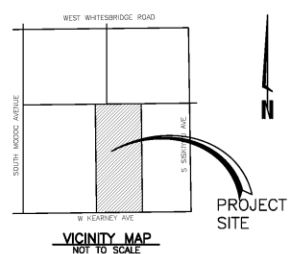
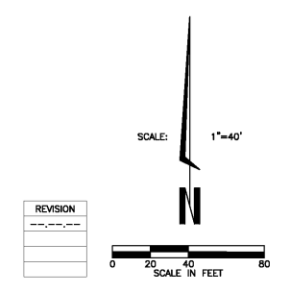
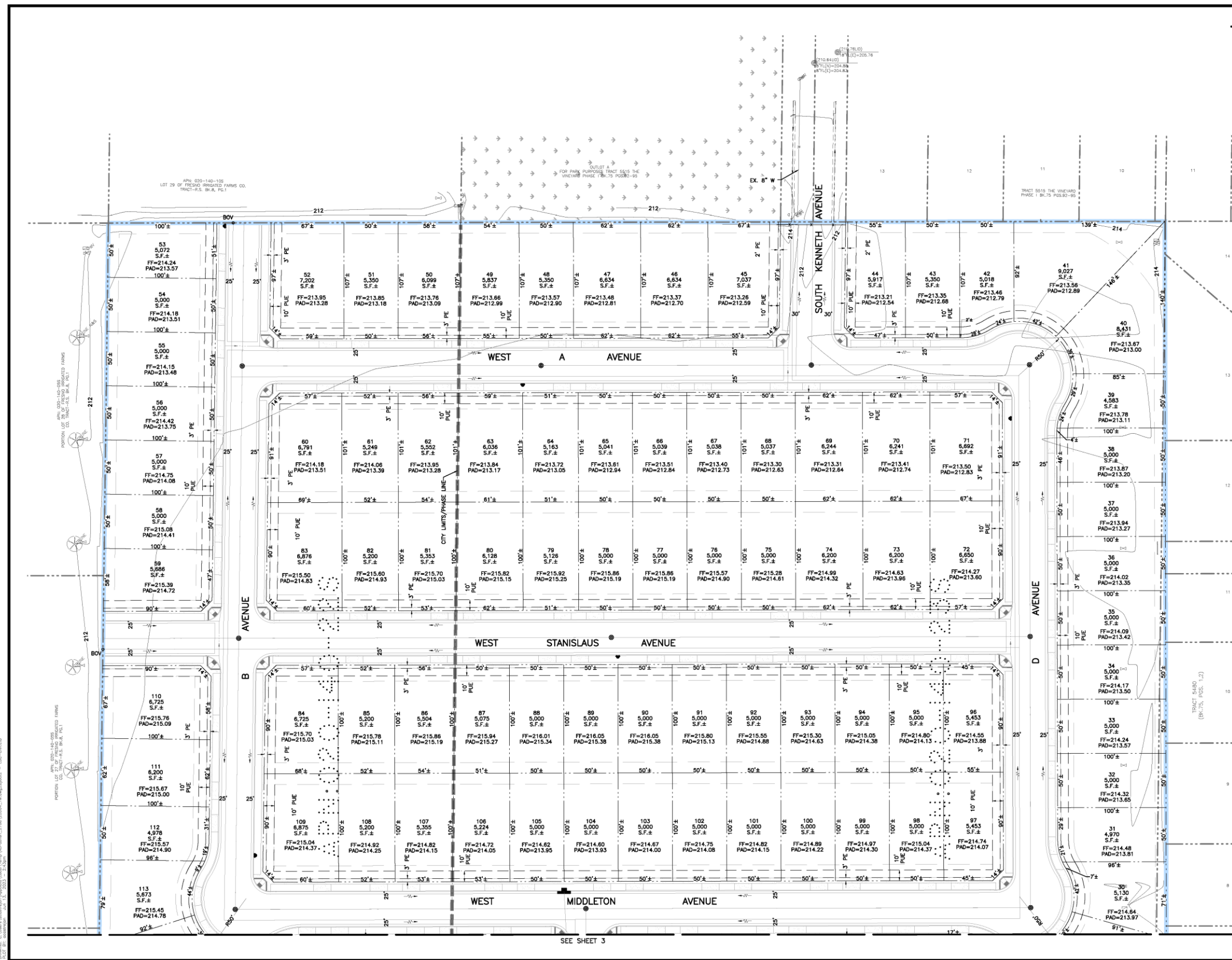
VESTING TENTATIVE SUBDIVISION MAP 2023-02



TENTATIVE SUBDIVISION MAP TRACT 6447

A VESTING MAP
A SINGLE-FAMILY RESIDENTIAL SUBDIVISION
IN THE CITY OF KERMAN,
FRESNO COUNTY, CALIFORNIA

APN: 020-140-225 & 020-140-23s
GROSS AREA: 29 ACRES MORE LESS
NET AREA: ACRES MORE LESS



SUBMITTER:
JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT, INC.
5320 E. PINE AVE.
FRESNO, CA 93727

PREPARED BY:
JOSE LEMUS, RCE NO. 80458
PREPARED: 3/14/2023

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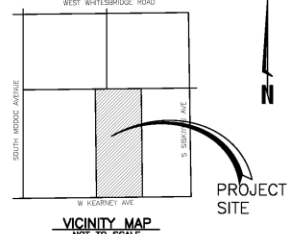
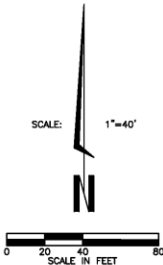
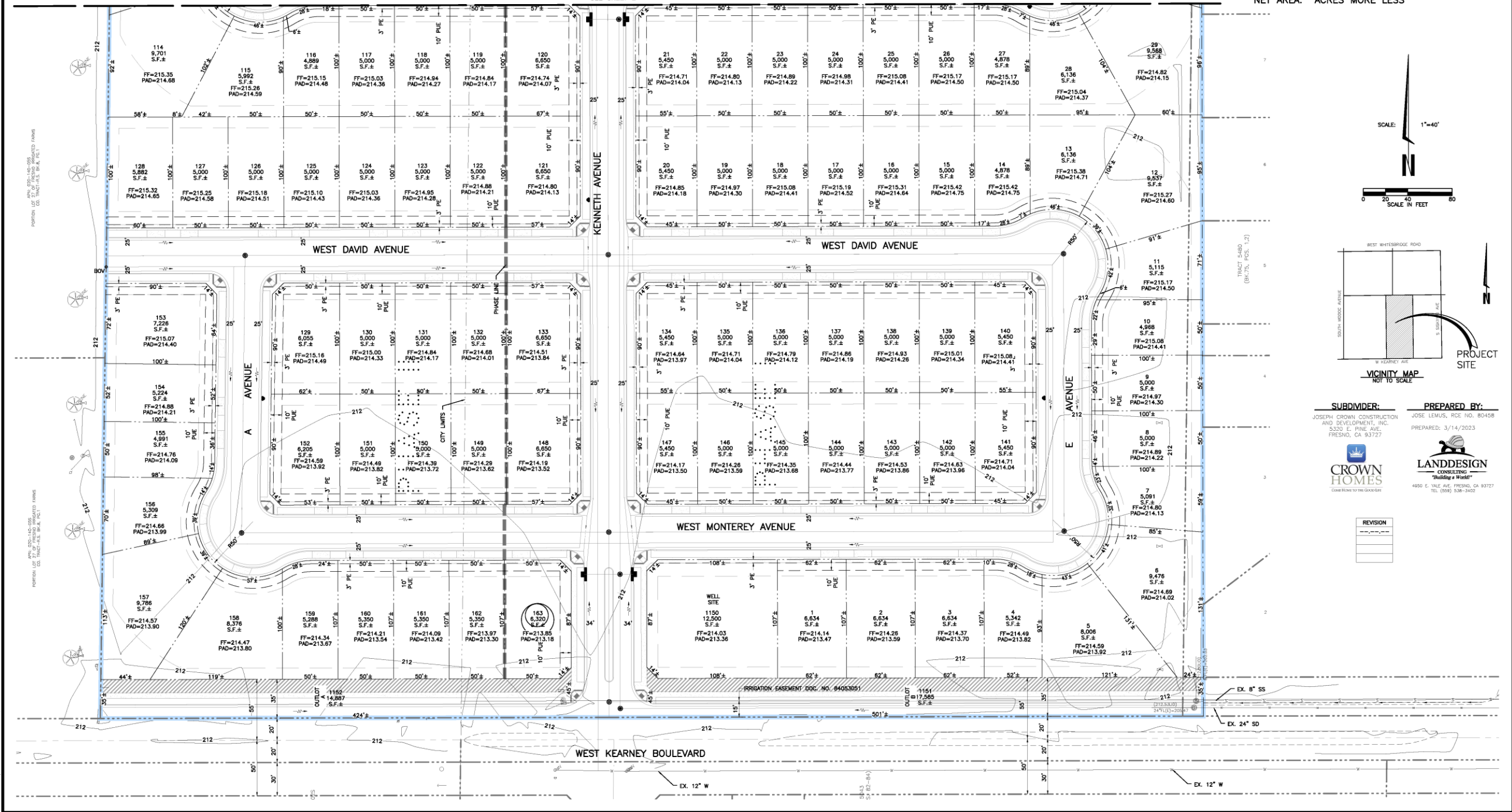
APN: 020-140-225 & 020-140-23s
LOT 29 OF FRESNO IRRIGATED FARMS CO.
TRACT-R.S. BK. 8, PG. 1

TENTATIVE SUBDIVISION MAP TRACT 6447

A VESTING MAP
A SINGLE-FAMILY RESIDENTIAL SUBDIVISION
IN THE CITY OF KERMAN,
FRESNO COUNTY, CALIFORNIA

APN: 020-140-22S & 020-140-23s
GROSS AREA: 29 ACRES MORE LESS
NET AREA: ACRES MORE LESS

SEE SHEET 2



SUBDIVIDER:
JOSEPH CROWN CONSTRUCTION
AND DEVELOPMENT, INC.
5320 E. PINE AVE.
FRESNO, CA 93727

PREPARED BY:
JOSE LEMUS, RCE NO. 80458
PREPARED: 3/14/2023

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4550 E. VALE AVE. FRESNO, CA 93727
TEL: (509) 338-3402

REVISION

APN: 020-140-22S
 PORTION LOT 27 OF PREVIOUS UNDIVIDED FARMS
 APN: 020-140-23S
 PORTION LOT 27 OF PREVIOUS UNDIVIDED FARMS
 DATE: 3/14/2023
 DRAWN BY: JLM
 CHECKED BY: JLM
 SCALE: 1"=40'
 SHEET NO: 1 OF 2
 PROJECT NO: 23-001

Exhibit '2'

Conditions of Approval for Tentative Subdivision Map 2023-02 Crown-Schaad Residential Development

Engineering Conditions of Approval

The conditions of development approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Section 66020(d) of the Government Code, these conditions constitute written notice of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby notified that the 90-day protest period commences from the date of approval of the development. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exactions contained in this notice, complying with all the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The following are the conditions of approval imposed on the subject development. The applicant shall:

A. General

1. Comply with all applicable conditions set forth in Title 16 of the Kerman Municipal Code (Subdivisions).
2. Pay all applicable development impact fees at the rate in effect at the time of payment prior to the issuance of Building Permit. The applicant may be eligible for fee credits or fee reimbursements for over-sizing of facilities or construction of other eligible facilities included in the City of Kerman's Impact Fee Study. The City Engineer will determine the type and extent of improvements that are eligible for fee credits or reimbursements. For any improvements deemed eligible for fee credits or reimbursements, the applicant shall submit itemized quantity and unit costs for each item prior to acceptance of the improvements by the City.
3. Provide security in a sum to be determined by the City Engineer, prior to release of development permits, for the guarantee of improvements construction and against claims that may arise from contractors and material vendors.
4. Provide security in a sum to be determined by the City Engineer, prior to final acceptance of the off-site improvements by the City, for the guarantee and warranty of the improvements for a period of one (1) year following the completion and acceptance thereof by the City Council.
5. Provide a soils report or a waiver of soils report for approval by the City Engineer with the first submittal of the improvement plans.
6. Obtain and comply with encroachment permits from affected jurisdictions for all work performed within their rights-of-way and easements.
7. Comply with all the requirements of the local utility, gas, electric, telephone, cable, and other communication companies (Utilities). It shall be the responsibility of the applicant to notify

Utilities to remove or relocate poles where necessary. The City will not accept first submittal of improvement plans without proof that the applicant has provided the improvement plans and documents showing all proposed work to the Utilities.

8. Underground all existing overhead and any new utility facilities located along the frontage of the development.
9. Contact the United States Postal Service and address all requirements for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction. Applicant shall submit a copy of the Method of Delivery Agreement (MODA) to the City.
10. Install all improvements within public right-of-way and easements in accordance with affected jurisdictions standards, specifications, master plans, and record drawings.
11. Provide and pay for all compaction testing required by the City Engineer. Compaction test locations and depths shall be established by the City Engineer. Compaction test results shall be submitted in a format acceptable to the City Engineer, for review and approval.
12. Maintain the construction site, and any public streets fronting the site, clear of any construction or landscaping debris. The site shall not be used as a storage area for equipment, materials, or other items.
13. Maintain pedestrian and vehicular access to all surrounding properties and buildings to the satisfaction of the City of Kerman Police Department, North Central Fire Protection District, and City Engineer. For developments occurring in phases, the applicant shall submit a schedule showing the sequence of development within the area covered by the tentative map.
14. Assume responsibility for all contractor's actions during the course of any work occurring on the site. Designate, in writing before starting work, an authorized representative who shall have complete authority to represent and to act for the applicant. Said authorized representative shall be present while work is in progress. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work which may be required. When the applicant or his authorized representative is not present for any part of the work where it may be necessary to give directions, orders may be given by the City Engineer which shall be received and obeyed by the person(s) in charge of the particular work in reference to which the orders are given. Whenever orders are given to the applicant's representative or superintendent or foreman to do work required for the convenience and safety of the general public, such work shall be done at the applicant's expense.

B. Maps and Plans

1. Contact the City Engineer to setup a Pre-Submittal Meeting prior to the initial submittal of the improvement plans. The applicant's engineer is required to attend.

2. Submit a 18" x 26" final tract map, prepared by a registered civil engineer or licensed land surveyor, and adhering to Subdivision Map Act requirements and City of Kerman Municipal Code. The final tract map shall be drawn at a scale of 1"=100' and include the current filing fee, closure calculations, preliminary title report dated within 90 days of submittal, legal descriptions and drawings of required dedications. Upon approval of the final tract map, applicant shall submit a reproducible/electronic copy (PDF) to the City Engineer.
3. Submit a set of 24" x 36" construction plans prepared by a licensed Civil Engineer for review and approval of all required improvements prior to the release of any development permits. The plans shall include a site grading and drainage plan, landscaping and irrigation plans, and on-site and off-site utilities plan, if applicable, showing locations and sizes of storm drain, sewer and water mains, laterals, manholes, meters, valves, hydrants, etc.
4. Submit a reproducible/electronic copy (PDF) and two (2) black line copies of the approved set of construction plans, and two (2) bound sets of the approved construction specifications, if any, prior to beginning any construction, or within ten (10) calendar days of approval.
5. Submit Pad Certification(s) prior to issuance of building permits.
6. Submit a PDF file of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" prior to City acceptance of the improvements.
7. Submit a copy of the recorded map to the County Surveyor's Office pursuant to Section 66466(f) of the Subdivision Map Act and Section 8774.5(a) of the Professional Land Surveyors Act

C. Dedications and Street Improvements

1. Provide right-of-way acquisition or dedicate free and clear of all encumbrances and improve the following streets to City standards:
 - a) Kearney Boulevard
 - i) Dedicate a total of 42' (30' existing) north of center/section line for public street and utility purposes along development frontage.
 - ii) Dedicate 2' pedestrian easement and 8' landscape easement north of proposed right-of-way line.
 - iii) Relinquish all vehicular access to Kearney Boulevard for all single-family residential lots backing or siding onto this street.
 - iv) Construct improvements north of center/section line in accordance with City Standard P-1 for a Collector Street and approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaping, irrigation, and permanent paving.
 - v) Construct transitional paving as required.
 - vi) Install a Class II Bikeway along the development's frontage
 - vii) Modify the raised median west of the Kearney and Kenneth Avenues intersection to accommodate an eastbound left turn pocket with a storage capacity of 100 feet plus a bay taper.

- b) 50' Interior Residential Street
 - i) Dedicate 50' for public street and utility purposes.
 - ii) Dedicate 3' pedestrian easement.
 - iii) Construct improvements in accordance with City Standard P-1 for a 50' Street. Improvements shall include curb and gutter, sidewalk, drive approaches, curb ramps, streetlights, landscaping and irrigation, and permanent paving.
 - c) 68' Entry Street
 - i) Dedicate 68' for public street and utility purposes.
 - ii) Dedicate 2' pedestrian easement.
 - iii) Dedicate 5' landscape easement.
 - iv) Relinquish all vehicular access for all single-family residential lots backing or siding onto this street.
 - v) Construct improvements in accordance with City Standard P-1 for a 60' Street, except that an 8' wide median island is added per the approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaping and irrigation, and permanent paving.
 - d) Interior Residential Streets – Stanislaus Avenue and Proposed 'B' Street Intersection
 - i) Install a traffic calming feature.
 - e) Interior Residential Streets – Kenneth and David Avenues Intersection
 - i) Install a traffic calming feature.
 - f) Whitesbridge (SR 180) and Siskiyou Avenues Intersection

Adhere to Caltrans requirements including those stated in the JLB Traffic Engineering, Inc. prepared Traffic Impact Analysis dated February 10, 2024 with approval date of February 13, 2024, including but not limited to:

 - i) Stripe a second eastbound through lane.
 - ii) Add a northbound right-turn lane.
 - iii) Modify the traffic signal to accommodate the additional lanes.
2. Dedicate a 10' public utility easement along all streets and all other locations requested by utility companies. Alternate widths must be approved in writing by all utility companies and a copy of said written approval shall be submitted to the City Engineer.
 3. Obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests. These designs shall be compared to the minimum section given below and approved by the City Engineer.

Street Designation	Minimum Section
Residential Street	2" HMA/4" CLII AB/6" CNS
Collector Street	3" HMA/6" CLII AB/6" CNS

4. Install standard barricades with reflectors at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.
5. Install 2"x6" redwood header boards prior to street paving, at the end of any permanent pavement abutting undeveloped property.
6. Install temporary paved cul-de-sacs at the end of any dead-end streets, planned for future extension, longer than 150'. A 40' radius shall be provided to allow turnaround of emergency equipment.
7. Provide for all striping, stenciling, pavement markers, delineators and signage required of all street improvements within the development. All traffic signs and street name signs shall be installed in accordance with City Standards and the CA MUTCD (latest edition). A striping and signage plan shall be included with the construction plans and submitted for review and approval by the City Engineer.
8. Provide corner cut-offs at all street intersections. Corner cut-offs shall be sufficient to provide for sight distances and accommodate curb ramps.
9. Repair/replace any broken or buckled curb, gutter, and/or sidewalk along the site frontage in kind to the satisfaction of the Public Works Department.
10. Provide street names complying with the recommendations of the Planning Commission upon approval of the Final Map as listed below. Names matching existing county roads or city streets must maintain the current suffix. When deemed practical, entry streets, cul-de-sacs, and courts should utilize the name of the nearest subdivision street. Recommended names:

- | | | |
|-------------|------------|-----------|
| a) Willow | b) Baswood | c) Maple |
| d) Poplar | e) Myrtle | f) Olive |
| g) Sycamore | h) Cherry | i) Locust |
| j) Birch | k) Pine | |

D. Sanitary Sewer

1. Identify and abandon all existing septic systems per City Standards and any other governing regulations.
2. Dedicate a 15' wide easement for all onsite sewer mains not located in dedicated rights-of-way.
3. Connect to the nearest 8" sanitary sewer mains available to serve the development, located to the south in Kearney Boulevard and to the north in Kenneth Avenue. A maximum of 37 contiguous lots to the connection point in Kenneth Avenue shall be permitted. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of sewer service must be approved by the City Engineer and supported by appropriate calculations.

4. Install sanitary sewer mains of the size and in the locations indicated below. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

a) Interior Streets: Install 8" sewer mains throughout development.

Install one (1) 4" sewer service house branch to each lot within the development in accordance with City Standards. Additionally, install sanitary sewer main services to existing parcels' property lines, not currently served, and fronting the proposed sanitary sewer main improvements.

E. Water

1. Identify and abandon all existing water wells per City Standards and any other governing regulations.
2. Dedicate a 10' wide easement for all onsite water mains, hydrants, blow-offs, and water meters not located in dedicated rights-of-way.
3. Dedicate a lot of at minimum 12,000 square feet (approximately 100' x 120') for City development of a potable water well.
4. Install water mains of the sizes and in the locations indicated below and provide an adequately looped water system, consisting of at minimum two connection points. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

a) Interior Streets: Install 8" water mains throughout development.

5. Install water services, size as necessary, to each lot within the development in accordance with City Standards. Water services shall be grouped at property lines. Additionally, install water services to existing parcels' property lines, not currently served and fronting the proposed water main improvements.
6. Install landscape water service(s), size as necessary, to each public landscape area within the development in accordance with City Standards.
7. Install one (1) water sampling station in accordance with City Standards. The location shall be determined by the City Engineer.
8. Install fire hydrants at locations approved by the North Central Fire Protection District. Fire hydrants and curbs shall be painted as directed by the North Central Fire Protection District.
9. Do not perform water service connection to the City of Kerman water system until a bacteriological report has been accepted by the City Engineer.

F. Grading and Drainage

1. Design the site to drain to the existing storm drain facilities located in Kearney Boulevard. Any proposed storm drain system within the development shall connect to said facilities. Minimum storm drain pipe size within public right-of-way shall be 15”.
2. Submit hydrologic and hydraulic calculations (H&H) for any proposed storm drain system and submit with the grading plan for review and approval by the City Engineer. Form of H&H calculations shall be approved by the City Engineer prior to submittal.
3. Show grade differentials between lots and adjacent properties and address in conformance with City Standards. Any retaining walls required shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.
4. Submit a copy of Storm Water Pollution Prevention Plan with Notice of Intent, or Construction Rainfall Erosivity Waiver, if applicable, prior to issuance of Grading Permit. The City is not a designated MS4 area and is regulated under the Construction General Permit Order 2022-0057-DWQ (CGP). Comply with all requirements of the NPDES General Permit, if applicable. Plans for these requirements shall be included in the construction plan set and shall be submitted to and approved by the City Engineer.
5. Submit a copy of the San Joaquin Valley Air Pollution Control District (SJVAPCD) Dust Control Plan or Construction Notification Form, if applicable, prior to issuance of a grading permit. The Project shall comply with all rules, regulations and conditions of approval imposed by the District. The applicant shall maintain a program of dust control to prevent air pollution as well as discomfort or damage to adjacent and surrounding properties. The applicant shall follow all requirements and recommendations made by the San Joaquin Valley Air Pollution Control District for dust and emission reduction.

G. Landscaping and Irrigation

1. Provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and all other areas reserved for landscaping. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately qualified professional and conform to the City of Kerman Standard Drawings and Specifications and the California Model Water Efficiency Ordinance. Public landscaping and irrigation shall be installed in the following locations:
 - a) North side of Keaney Boulevard from back of curb to block wall.
2. Install all landscape improvements prior to final occupancy of 50% of the development’s building permits.
3. Request annexation to the City’s Landscaping and Lighting Maintenance District (LLMD). The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax

year following the recordation of the final map. The property owner shall consent to the first-year assessment and annual increases per the provisions of the LLMD. The property owner/applicant shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a LLMD. Said notification shall be in a manner approved by the City. The property owner/applicant shall supply all necessary assessment diagrams and other pertinent materials for the LLMD.

4. Identify all existing onsite agricultural irrigation systems either onsite or within public rights-of-way, whether FID or privately owned prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of the development. Therefore, the applicant shall bear all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development. The applicant shall identify on the construction plans all existing irrigations systems and their disposition (abandonment, repair, relocation, and or piping) for approval by the City Engineer. The applicant shall consult with the FID for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation systems or for any service interruptions resulting from development activities.

H. Miscellaneous

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.
2. Remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.
3. Install concrete masonry block walls in accordance with City Standards, with a minimum height of 6 feet, and of a design and color approved by the City of Kerman Planning Division at the following locations:
 - a) North side of Kearney Boulevard along the development frontage and areas adjacent to the neighboring park.

Masonry block walls that retain more than 12" and/or are taller than 6 feet shall be designed by a registered civil engineer.

4. Provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of \$5,000.00 shall be submitted to the City to guarantee compliance. At any time, applicant is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.

5. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.
6. Install other private and public improvements as may be required under Development Plan Permit 2023-03.
7. Install subdivision signage complying with applicable Building & Fire Code and Section 17.30.070 of the Kerman Municipal Code.
8. A right-to-farm covenant consistent with General Plan Policy LU-4.5 shall be recorded prior to the recording of the Final Map.

The conditions given herein are for the entire development. Additional requirements for individual phases may be necessary pending review by the City Engineer.

Attachment 'J'

PUBLIC INPUT

From: Samuel Diaz [mailto:sdiaz@moorefieldconstruction.com]
Sent: Tuesday, July 16, 2024 9:40 AM
To: John Jansons <jjansons@cityofkerman.org>
Cc: Josie Camacho <jcamacho@cityofkerman.org>; Larry Moorefield <larry@moorefieldconstruction.com>
Subject: FW: Public Notice - Crown / Shaad Residential Development - Stop Notice / Public Hearings - Community Outreach / For Review

City Manager - John Jansons

I've forwarded this message chain that was sent out to the Community Development Director yesterday . We as a Community of organized protesters to the re zoning of two Agriculture zoned APNs want you to be aware and take action to help amplify our voice so this development is squashed at City Council. It is my opinion that this development was being pushed and worked on behind the scenes. It may have been posted on the Kerman website in between a maze of web pages , but the truth of the matter is that impacted parties where not notified every step of the way. No community outreached until a day of final resolutions . If I am reading the documents correctly , these maps have been on the works since March of 2023. We wish not to turn this into a civil matter if the voices of the community can be heard on an open forum .

Respectfully,
Sam Diaz
(559) 942-1020

From: Samuel Diaz
Sent: Monday, July 15, 2024 11:53 PM
To: jorozco@cityofkerman.org
Cc: mcampos@cityofkerman.org; jcamacho@cityofkerman.org; Larry Moorefield <larry@moorefieldconstruction.com>
Subject: Public Notice - Crown / Shaad Residential Development - Stop Notice / Public Hearings - Community Outreach / For Review

Community Development Director – Jusus Orozco ,

Please forward this email to Scott Bishop, Kevin Nehring, Robert Felker , Cory Molloy, and Robert Bandy.

One third of the residences including myself, with adjacent properties to the proposed Crown / Shaad development received the PUBLIC NOTICE dated June 26th last week . After the proposed meeting dated Monday, July 8th had already taken place .

One third will provide sworn affidavits that they did not in fact receive the notice at all .

One third received it and thought that this noticed was for the current development taking place south of California avenue .

As a community of concerned property owners, we ask that Planning Commission have another public hearing within the next 10 days as most property owners that reside within 300 feet of the proposed development **profoundly oppose** the re zoning of the Agricultural land for single family homes and the annexation of the parcel currently in the county of Fresno. We as a community wish for all to remain as is, Agriculture Land . As it was when all the property owners on this email purchased our homes based on its location at the edge of the city lights and noises .

Below are all the lots that currently sit adjacent to the CMU block wall that divides Bella Palma Community from the Current Agricultural Zoned land in question :

16049 W Monterey Ave -Angie Cantu – Opposes actions A-E and are BCC on this email
16099 W Monterey Ave – Erica Barajas - Opposes actions A-E and are BCC on this email
498 S Michelle Ave – Sukhjeet Kaur Thandi- Opposes actions A-E and are BCC on this email
462 S Michelle Ave- Zuby Cheema - Opposes actions A-E and are BCC on this email
444 S Michelle Ave – Laurencia Casarez - Opposes actions A-E and are BCC on this email
438 S Michelle Ave – Sarbjit Basuta - Opposes actions A-E and are BCC on this email
414 S Michelle Ave- Gurtej Gill - Opposes actions A-E and are BCC on this email
402 S Michelle Ave -Samuel Diaz - Opposes actions A-E and has been nominated to speak on behalf of all parties in this email .
380 S Michelle Ave – Kiranjeet Kaur - Opposes actions A-E and are BCC on this email
360 S Michelle Ave - Sukhbir Randhawa - Opposes actions A-E and are BCC on this email
356 S Michelle Ave- Brianna M Kileen – Showed concerned and disbelief for what is being proposed but will like time to figure out their position
340 S Michelle Ave - George Thomasetti - Opposes actions A-E and are BCC on this email
320 S Michelle Ave - James Kilsdonk - Opposes actions A-E and are BCC on this email

Below are all the lots , second row east of the above properties :

316 S Michelle Ave - Amandeep Tung – Was unable to go over the Public Notice
309 S Michelle Ave – Jose Villa- Opposes actions A-E and are BCC on this email
16052 W Middleton Ave - Satvinder Franco – Has been out on Holiday since before July 4th weekend.
16053 W Middleton– Gurtej Singh - Opposes actions A-E and are BCC on this email
16050 W Sunset Ave - Wendy Zang - Opposes actions A-E and are BCC on this email
16051 W Sunset Ave - Gerardo Escobar - Was unable to go over the Public Notice
16052 W Monterey Ave - Harmanpreet Kaur - Opposes actions A-E and are BCC on this email
16049 W Monterey Ave - Guillermo Cantu - Opposes actions A-E and are BCC on this email

Please advise what other properties are in the impact zone of “ Voices to be heard “ that will be affected by the proposal of the re zoning of the (Exclusive Agriculture) land . As public outreach is of the upmost importance in these types of cases, we want all those that will be impacted by this proposed resolution be notified and be heard , if they choose too.

We await your prompt response as we know that community involvement when making decisions which will affect its constituents is of the utmost importance , since in Kerman “ WHERE COMMUNITY COMES FIRST” city staff and elected officials will prioritize our voice over those (Crown Homes) vested interested of outside corporations (Crown Builders) who build for profit in this community.

I will be contacting the following in separate emails :

City Manager - John Jansons

Mayor – Maria Pacheco

City Council district 1 – Gary Yep

City Council district 2 – Jennifer Coleman

City Council district 3 – Ismael Herrera

City Council district 4 – Bill Nijjer

Respectfully ,

Sam Diaz

(559) 942-1020

Susan Kilsdonk
320 S Michelle Ave
Kerman, Ca 93630
susan991@msn.com
559-908-9999

September 6, 2024

John Janson
City Manager
City of Kerman
850 S Madera Avenue
Kerman, CA 93630

Maria Pacheco
Mayor
City of Kerman
850 S Madera Avenue
Kerman, CA 93630



Dear Mr. Janson and Ms. Pacheco,

I hope this letter finds you well. My name is Susan Kilsdonk, and I am writing to you regarding the Crown-Schaad Residential Subdivision proposed on Kearney Blvd, just West of the Bella Palma subdivision where I reside. Several concerns have come to light regarding this project, and as a community, we have circulated and signed a petition in opposition to the current plans. Below are the key issues we would like to bring to your attention:

1. **Lot Size Discrepancy:** According to the zoning map, the lots in the Crown-Schaad subdivision should be at least 7,000 square feet. However, the current plans indicate that the lots are only 5,000 square feet. This discrepancy violates zoning requirements and raises concerns about increased density in the area. We recommend that it remain at 7000 square feet per lot.
2. **Negative Impact on Property Values:** The higher density resulting from smaller lot sizes will have a negative impact on the character of our neighborhood and is likely to devalue our homes. The City does not have the right to reduce the value of our properties without just compensation.
3. **Privacy Concerns:** In some cases, approximately two and a half lots will back up to the backside of one of our existing lots, which significantly reduces the level of privacy for homeowners in the Bella Palma subdivision.
4. **Setback Reductions:** We have been informed that the setbacks for these lots have been reduced, further compounding the concerns of overdevelopment and encroachment on our properties.
5. **Incorrect Lot Lines and Block Wall Placement:** After the City Council meeting on August 28, 2024, Jose Lemus informed me that the block wall between Bella Palma and Crown-Schaad is in the wrong location. He stated that Crown actually owns 10 to 20 feet

East of where the wall is currently located, which would include portions of our backyards and, in some cases, parts of our houses. We are not pointing fingers to the city for failure of approving the block wall location, nor the developer, however when we purchased, we understood that the block wall was the property line. This means the lot lines are incorrect and need to be adjusted to the location of the block wall. A survey of the subdivision should be conducted to confirm this, and the lot lines should be corrected on all lots bordering the wall before approval of the Crown-Schaad subdivision at **NO COST** to the current owners.

We believe these issues should be disclosed to all homeowners now that this information is public, and we respectfully request that the City assist in rectifying these problems before the subdivision is approved. This will ensure that the rights of current homeowners are protected, and that the subdivision is developed in accordance with city regulations and community expectations.

Thank you for your attention to this matter. We look forward to working with the city to address these concerns and ensure that the Crown-Schaad subdivision is developed in a way that benefits both current and future residents.

Sincerely,
Susan Kilsdonk