



Kingsburg Planning Commission

1401 Draper Street, Kingsburg, CA 93631

Telephone: 559-897-5328 Fax: 559-897-6558

Chairperson
DR. PAUL KRUPER

Vice Chairperson
DR. JASON ROUNTREE

COMMISSIONERS
BRUCE BLAYNEY
CJ BROCK
BEN CARLSON
BRIANA VALDEZ
ROBERT GONZALEZ

Planning & Development Director
GREGORY COLLINS

Secretary
MARY COLBY

AGENDA

KINGSBURG PLANNING COMMISSION

AUGUST 13, 2020

6:00 P.M.

KINGSBURG CITY COUNCIL CHAMBER

VIA TELECONFERENCE PURSUANT TO EXECUTIVE ORDER N-29-20 ISSUED BY GOVERNOR GAVIN NEWSOM. THE COUNCIL CHAMBER WILL BE CLOSED TO THE PUBLIC. PUBLIC WILL HAVE THE OPTION TO CALL 1(559)2073003 PASSCODE 5821 TO PROVIDE COMMENTS ON AGENDA ITEMS. WRITTEN COMMENTS WILL CONTINUE TO BE SUBMITTED BY MAIL OR EMAIL TO mecolby@cityofkingsburg-ca.gov. THE CUT OFF FOR WRITTEN COMMENTS IS 8/12/2020 AT 4:30PM. THESE COMMENTS WILL NOT BE READ OUT LOUD.

1. **Call to order - *Reminder for all Commissioners and Staff to speak clearly and loudly into the microphones to ensure that a quality recording is made of tonight's meeting. We ask that all those attending this meeting please turn off pagers and wireless phones.***

NEXT RESOLUTION 2020-07

2. **APPROVAL** of the June 11, 2019 minutes as mailed or corrected.
3. **PUBLIC COMMENTS** - Any person may directly address the Commission at this time on any item on the agenda, or on any item that is within the subject matter jurisdiction of the Commission. A maximum of five minutes is allowed for each speaker.
4. **REQUEST FOR 1 YEAR EXTENSION FOR TTM-5073 TO COMPLETE AGREEMENTS AND OBTAIN APPROVALS. LOCATED ON THE NORTH SIDE OF KAMM AVENUE BETWEEN ACADEMY AND MENDOCINO AVENUES. APN 393-270-03, 393-270-13, 393-270-14 AND 393-270-15. APPLICANT AKS ENTERPRISES, INC.**
 - A. Presentation by Planning Director Greg Collins.
 - B. Commission discussion.
 - C. Adopt/Deny/Modify resolution.
5. **REQUEST FOR 1 YEAR EXTENSION FOR TTM-6167 TO COMPLETE FINAL MAP. LOCATED ON THE NORTHEAST CORNER OF THE SOLID AVENUE ALIGNMENT AND MENDOCINO AVENUE, APN'S 393-123-26 AND 393-123-27. APPLICANT WEST STAR CONSTRUCTION.**
 - A. Presentation by Planning Director Greg Collins.
 - B. Commission discussion.
 - C. Adopt/Deny/Modify resolution.

- 6. PUBLIC HEARING – TO BE CONTINUED TO SEPTEMBER 10, 2020**
- a. ZONING ORDINANCE AMENDMENT 2020-01 FOR PROPERTY LOCATED AT 14281 S. ACADEMY, APN 394-021-015 CONSISTING OF 4.77 ACRES. PREZONING PROPERTY FROM RM-5.5 TO RM-3.**
 - b. APPROVING AN AWARD OF ALLOCATIONS FOR 72 HOUSING UNITS UNDER CHAPTER 16.09 OF THE GROWTH MANAGEMENT SYSTEM TO THE PROPERTY LOCATED AT 14281 S. ACADEMY, APN 394-021-015**
 - c. APPROVE PLANNED UNIT DEVELOPMENT PUD-2020-01 FOR A MULTI FAMILY RESIDENTIAL DEVELOPMENT AND ASSOCIATED OPEN SPACES LOCATED AT 14281 S. ACADEMY, APN 394-021-015. APPLICANT SOHAL, INC. (PARMINDER SINGH) REPRESENTATIVE MARIO VALMONTE.**
 - A. Open Public Hearing scheduled for 6:00 P.M.
 - B. Presentation by Consulting Planning Director Greg Collins.
 - C. Commission Discussion
 - D. Open for Public Comment
 - E. Close Public Comment
 - F. Continued Commission Discussion
 - G. Close Public Hearing
 - H. Possible Actions:
 - 1. Decisions regarding Environmental Document
 - 2. Adopt/Deny/Modify Resolution

7. FUTURE ITEMS

8. ADJOURN

**KINGSBURG PLANNING COMMISSION
REGULAR MEETING
JUNE 11, 2020**

Call to order – At 6:01PM the Kingsburg Planning Commission meeting was called to order.

Commissioners present: Rountree, Carlson, Blayney, Gonzalez, Kruper, Brock

Commissioners absent – Valdez

Staff present – Planning Director Greg Collins and Planning Secretary Mary Colby

Others Present - None

APPROVAL- Commissioner Blayney made a motion, seconded by Commissioner Carlson to approve the minutes of the May 14, 2020 Planning Commission meeting as mailed. The motion carried by the following roll call vote:

Ayes: Rountree, Blayney, Brock, Carlson, Gonzalez, Kruper
Absent: Valdez
Noes: None
Abstain: None

PUBLIC COMMENTS – There were no citizens present who wished to comment at this time.

REQUEST FOR 1 YEAR EXTENSION FROM KINGSBURG HOUSING, LLC FOR TENTATIVE TRACT NO. 6141 – MITCH COVINGTON PROPERTY –Planning Director Greg Collins stated that this is the second extension of time received, one was done at last meeting. This is a 44 unit single family subdivision, owner is seeking a developer if one is not found they will build themselves. Gave location of proposed subdivision. The owner Mitch Covington is requesting a 1 year extension of time to finalized development plans.

Commission discussion:

Rountree no discussion

Blayney no discussion

Brock no discussion

Carlson no discussion

Gonzalez no discussion

Kruper, when I first saw this development was not impressed. Do not like the part of the property that hangs down.

Commissioner Blayney made a motion, seconded by Commissioner Carlson to approve Resolution 2020-06 approving a 1-year extension for tract 6141. The motion carried by the following roll call vote:

Ayes: Rountree, Blayney, Carlson, Gonzalez, Kruper, Brock.
Absent: Valdez
Noes: None
Abstain: None

FUTURE ITEMS – Updates

Planning Director Greg Collins stated that he is currently working with a developer on the southwest part of town but nothing official at this time. Potential annexation and rezoning and tentative map. Will help balance the community in terms of building on both sides of the freeway

T-mobile and K-mart building projects are still moving forward.

ADJOURN – At 6:25 Commissioner Blayney made a motion, seconded by Commissioner Carlson to adjourn the Kingsburg Planning Commission meeting. The motion carried by the following roll call vote:

Ayes: Rountree, Blayney, Brock, Carlson, Gonzalez, Kruper.

Absent: Valdez

Noes: None

Abstain: None

Submitted by

Mary Colby
Planning Secretary



Meeting Date: 8-13-2020
Agenda Item: 4

PLANNING COMMISSION MEETING STAFF REPORT

REPORT TO: Planning Commission

REPORT FROM: Greg Collins, Contract Planner **REVIEWED BY:**

AGENDA ITEM: Ghuman (AKS Enterprises), Time Extension Tract No. 5073

ACTION REQUESTED: Ordinance Resolution Motion
 Receive/File

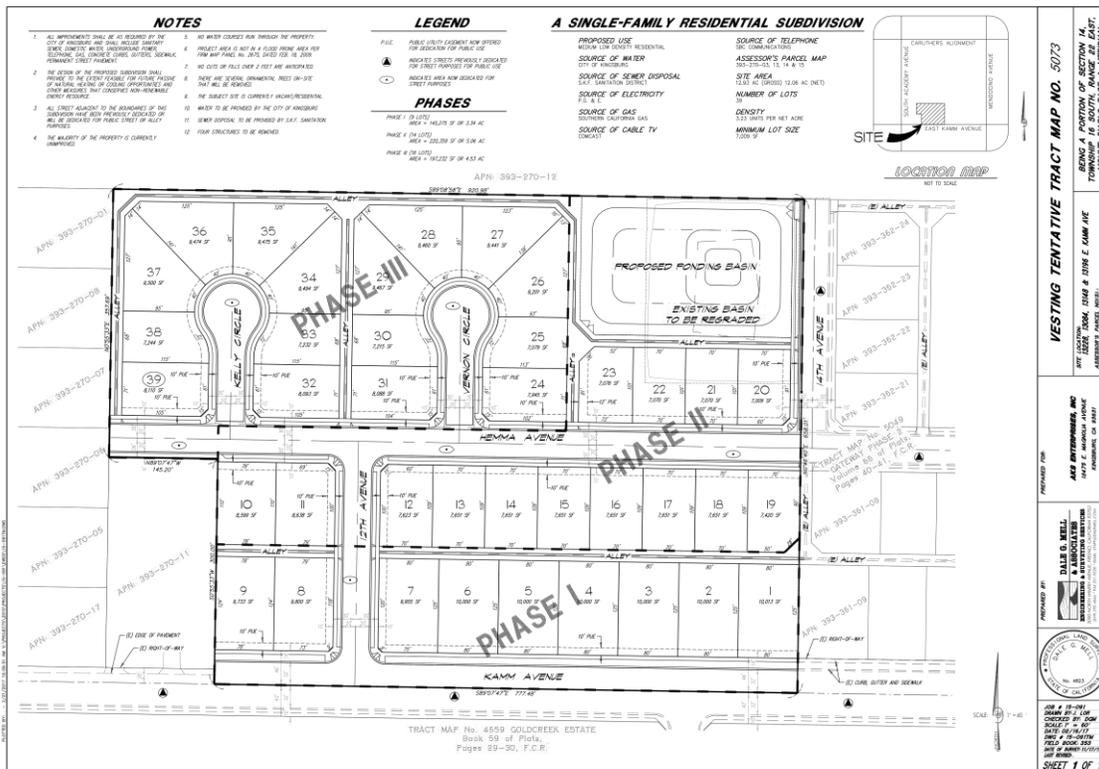
EXECUTIVE SUMMARY

That the Planning Commission pass Resolution 20 - approving an extension of time for the Ghuman Subdivision, AKS Enterprises, Tract No. 5073. Staff recommends that the Ghuman subdivision map, approved in 2005, by the Kingsburg Planning Commission, be granted a third 12-month extension of time as permitted by Section 66452.6 (e) of the State Subdivision Map Act. Staff would also recommend that this extension be the last time extension thereby expressing to the applicant that they need to finish up the project (e.g. submit final map with improvement plans).

A vesting tentative subdivision map (Tract No. 5073) for 39 lots was approved by the Planning Commission and City Council in 2005. The current tract map is valid until October 2020. The applicant is seeking to submit a final subdivision but not want to take the chance that the tentative map would lapse prior to the final map being recorded. Therefore, the applicant has requested a 12-month extension of time on the current tentative subdivision map, which would extend the life of the map to October, 2020.

BACKGROUND

Piara Ghuman, AKS Enterprises, Inc, 340 West Hermosa Street, Lindsay, CA, 93247, was approved for pre-zoning and a PUD (planned unit development) by the Kingsburg Planning Commission on 7/13/2017 on properties located on the north side of Kamm Avenue between South Academy and Mendocino Avenues on the north end of Kingsburg, containing approximately 13 acres; the subject territory is has the following APNs: 393-270-03, 13, 14 and 15. Also, the Commission had noted that the applicant had a vesting tentative subdivision map (Tract No. 5073) for 39 lots.



The Planning Commission approved the first-time extension in 2018. Staff recommends that this be the last time extension granted by the Planning Commission.

In 2005, a negative declaration (ND) was approved by the Planning Commission and City Council for the "project" that included the annexation, pre-zoning, and a 39-lot tentative subdivision map for the subject property. It did not discuss the proposed PUD (planned unit development), however, the PUD and its associated conditions guides the design of the streetscape and home design and does not necessarily result in environmental impacts above and beyond what is posed by the annexation, rezoning and subdivision of the subject site. In other words, the ND discussed the impacts associated with the conversion of open space to a residential urban use.

A negative declaration is a finding that the project will not have a significant impact on the environment above and beyond the environmental impacts discussed in the EIR prepared on the North Kingsburg Specific Plan. The Plan's EIR was certified by the Kingsburg City Council and a "Statement of Overriding Consideration" was included and filed with the certified EIR.

RECOMMENDED ACTION BY PLANNING COMMISSION

Pass Resolution No. 2020 - approving a one-year extension of time for Tract No. 5073 as permitted by Section 66452.6 (e) of the State Subdivision Map Act.

FINANCIAL INFORMATION

<u>FISCAL IMPACT:</u>	
1. Is There A Fiscal Impact?	<u>No</u>
2. Is it Currently Budgeted?	<u>No</u>
3. If Budgeted, Which Line?	<u>Varies</u>

PRIOR ACTION/REVIEW

The subject territory is within the planning area of the Kingsburg General Plan, Land Use Element, and North Kingsburg Specific Plan. The proposed tentative subdivision map, Tract No. 5073 is consistent with both of these planning documents.

BACKGROUND INFORMATION

The subject property is located on the north side of Kamm Avenue between South Academy and Mendocino Avenues on the north end of Kingsburg, containing approximately 13 acres; the subject territory has the following APNs: 393-270-03, 13, 14 and 15.

ENVIRONMENTAL REVIEW

The "project" originally encompassed three planning applications - annexation, pre-zoning and tentative subdivision map. A negative declaration (ND) was prepared for the project. The ND was filed with the County of Fresno. The ND made the finding that water; traffic, air quality and loss of agricultural land could pose significant impacts; however, these impacts were thoroughly discussed in the EIRs prepared on the Kingsburg General Plan and North Kingsburg Specific Plan. The Kingsburg City Council certified both EIRs and a "Statement of Overriding Consideration" was recorded with the Final EIRs. The Planning Commission approved the ND for the Tract Map in 2005 and staff has concluded that the findings in the ND are still relevant.

ATTACHMENTS:

- 1.Extension of Time Resolution

RESOLUTION NO. 2020 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING A ONE-YEAR EXTENSION OF TIME FOR SUBDIVISION TRACT NO. 5073

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on August 13, 2020 , the application of Piara Ghuman, AKS Enterprises, Inc, 340 West Hermosa Street, Lindsay, CA, 93247, for a one-year time extension for Tract No. 5073 located on 13 acres located on the north side of Kamm Avenue between South Academy and Mendocino Avenues on the north end of Kingsburg, and

WHEREAS, the Assessors Parcel Numbers (APNs) for the subject properties are APN 393-270-03 (42,432 square feet), 393-270-13 (3.57 acres). 393-270-14 (2.97 acres) and 393-270-15 (4.94 acres), and

WHEREAS, the Kingsburg Planning Commission did conduct a public meeting, accepting written and oral testimony both for and against the approval of a one-year extension of Tract No. 5073,

WHEREAS, a tentative subdivision map for the Ghuman Subdivision was approved by the Kingsburg Planning Commission in 2007, and

WHEREAS, the approval of said tentative map will expired on October, 2020, and

WHEREAS, Section 66452.6 (e) of the Map Act allows the subdivider to request a time extension from the Planning Commission for the filing of a final map, and

WHEREAS, the Commission reviewed the staff report on this matter, considered testimony and voted to approve the granting of a one-year time extension on said map.

NOW, THEREFORE BE IT RESOLVED that the Kingsburg Planning Commission hereby grants a time extension of one-year for Tract No. 5073 for the filing of a final map.

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 13th day of August, 2020, by the following vote:

Ayes: Commissioners:
Noes: Commissioners:
Absent: Commissioners:
Abstain: Commissioners:

Mary E. Colby
Planning Commission Secretary City of Kingsburg
Aug 13, 2020 Planning Commission



Meeting Date: 8-13-2020
Agenda Item: 5

PLANNING COMMISSION MEETING STAFF REPORT

REPORT TO: Planning Commission

REPORT FROM: Greg Collins, Contract Planner **REVIEWED BY:**

AGENDA ITEM: Tract 6167, Time Extension

ACTION REQUESTED: Ordinance Resolution Motion
 Receive/File

EXECUTIVE SUMMARY

The applicant, Dave Crinklaw, is seeking approval of a Time Extension for Tract No. 6167, vesting tentative subdivision map (Tract No. 6167) for 121 single-family residential lots. Staff recommends that the Crinklaw subdivision map, approved in 2017, and extended for one year to May of 2020, by the Kingsburg Planning Commission, be granted a second 12-month extension of time as permitted by Section 66452.6 (e) of the State Subdivision Map Act. Staff would also recommend that this extension be the last time extension thereby expressing to the applicant that they need to finish up the project (e.g. submit final map with improvement plans).

The current tract map is valid until October 2020. The applicant is seeking to submit a final subdivision but not want to take the chance that the tentative map would lapse prior to the final map being recorded. Therefore, the applicant has requested a 12-month extension of time on the current tentative subdivision map, which would extend the life of the map to May, 2021.

The vested tentative subdivision map to create 121 single-family residential lots, and associated open space uses, on 41.7 acres located on the northeast corner of the Solig Avenue alignment and Mendocino Avenue in Kingsburg; the APNs for the subject property are 393-123-26 and 393-123-27.

The applicant requested an extension of time in April. The applicant’s letter read as follows:

This letter is to respectfully request an extension on Approved Vested Tentative Map #6167 currently holding awarded building allocations. As your City records will show our vested tentative map was approved in May 2017, and granted an extension in April of 2019. This extension will give the time to complete improvement drawings and allow the progress of growth to be harmonious to follow the 18th Avenue/Mendocino infrastructure improvements.

The conditions of approval for Tract No. 6167 are as follows:

General:

1. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
2. All conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.
3. The applicant shall enter into a subdivision agreement with the City if the final map is recorded prior to completion of the off-site improvements.
4. The applicant shall pay all fees as required by existing ordinances and schedules.
5. All water wells(s) and septic systems that served the agricultural property shall be abandoned pursuant to City, County, and State standards.
6. The existing home and improvements shall be demolished in accordance with City of Kingsburg and San Joaquin Valley Air Pollution Control District requirements.

Final Map:

7. A right to farm covenant shall be recorded prior to recordation of the final map.
8. In addition to the provisions in Section 18 of the City of Kingsburg Improvement Standards; the project Lighting and Landscape Maintenance District shall also include provisions for maintenance of park, trails, local roads and alleys.

Circulation:

9. Applicant shall pay their fair share cost of a traffic study to evaluate project impacts in accordance with the City of Kingsburg Traffic Study Guidelines.
10. Street widths shall comply with the City of Kingsburg Improvement Standards.
11. Direct vehicular access to 18th Avenue from Lots 1, Lots 24-28, and Lots 115-121 be restricted. A 6-foot decorative block wall shall be constructed along the entire frontage along 18th Avenue. The walls shall step down or flare at the site access streets as determined by the City Engineer to accommodate appropriate vehicular site distances.
12. Applicant shall provide street dedications to develop the 116' right-of-way section along 18th Avenue.
13. 18th Avenue shall be developed with a raised center median as shown in the NKSP.
14. Streets stubbed for circulation into future developments shall have street barricades at their terminus.
15. A 2/3 width right-of-way shall be provided along the Solig Avenue frontage. Applicant shall make dedications as necessary to accommodate the 2/3 street. Street section shall include an 8-foot wide pedestrian pathway to adjoin a similar facility at the east boundary of the propose tract.
16. Applicant shall construct frontage improvements along 18th Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards. The new structural section shall be a section approved by the City Engineer.

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17. Applicant shall coordinate with and obtain Encroachment Permits from Fresno County for any work within the County jurisdiction.
 18. Applicant shall furnish and install street name signage within the subdivision conforming to City of Kingsburg standards.
 19. Applicant is required to acquire and dedicate any right of way necessary as well as provide necessary street barricades for transitions of improved streets where they conform to existing street sections.

Water:

20. Applicant shall install a minimum 12-inch water main in 18th Avenue and 8-inch water main in Solig Avenue to provide domestic and fire water service to the project.
21. Applicant shall install a minimum 8-inch water main within the subdivision to provide services to each lot. Water services shall be installed in accordance with City of Kingsburg standards.

Sewer:

22. The Applicant shall provide sewer mains and service facilities as directed by Selma-Kingsburg-Fowler Sanitation District staff and pay all applicable fees.

Grading and Drainage:

23. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.
24. The Applicant shall obtain a NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.
25. As part of the mitigation measures for soil erosion, the Applicant shall be responsible for street sweeping during the one-year warranty period.

Park / Aesthetics:

26. The Applicant shall provide and install a minimum 15-gallon street trees with root barriers to City Standards for each lot at a location along the front property line.
27. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Kingsburg ordinances.
28. Applicant shall perform landscape maintenance within the street rights of way for a period of one-year after acceptance of the tract improvements by the Council. Maintenance includes all irrigation system repairs and replacement of stressed or dead plants.
29. Applicant shall dedicate and develop pedestrian access and public park space. Park space shall include play equipment, shade structures, drinking fountain, and seating as determined by staff. Pedestrian access areas shall include an 8-foot wide sideway,

landscaping, and entry monumentation near the 18th Avenue / Kamm Avenue intersection.

30. The drainage basin developed (Outlot 'A') shall be joined with the existing basin to which it abuts and shall be landscaped and fenced as approved by the City Engineer. The intent is to develop usable recreation space when the basin is not being utilized as storm water storage.
31. Any proposed entry signage shall be approved through the Building and Planning Department.
32. Applicant shall construct a 6-foot decorative masonry wall in locations where a lot is adjacent to open space.

Utilities:

33. All existing overhead utilities adjacent to the subdivision shall be undergrounded, including transformers.
34. All electric, cable TV, telephone, internet, etc. services shall be provided to the subdivision and shall be undergrounded (including transformers).
35. The Applicant shall provide a streetlight plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be LED and be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
36. The Applicant shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

Irrigation:

37. The 320-foot wide irrigation easement shall be vacated or terminated as shown on the tentative tract map.
38. Any private irrigation facilities, private and those maintained by CID, shall be relocated outside of the street right of way, except at street crossings. Any irrigation lines that must remain in service shall be reconstructed with rubber gasket reinforced concrete pipe.
39. All abandoned irrigation lines serving the property shall be removed.

Defense and Indemnification:

40. Applicant agrees to and shall defend, indemnify, and hold harmless the City of Kingsburg ("City"), and its officials, city council members, planning commission members, officers, employees, representatives, agents, contractors and legal counsel (collectively, "City Parties") from and against all claims, losses, judgments, liabilities, causes of action, expenses and other costs, including litigation and court costs and attorney's fees, and damages of any nature whatsoever made against or incurred by the City Parties including, without limitation, an award of attorney fees and costs to the person, organization or entity or their respective officers, agents, employees, representatives, legal counsel, arising out of, resulting from, or in any way in connection with, the City's act or acts leading up to and including approval of any environmental document and/or

granting of any land use entitlements or any other approvals relating to Vesting Tentative Map No. 6151, Erickson (“**Vesting Map**”). Applicant's obligation to defend, indemnify and hold harmless specifically includes, without limitation, any suit or challenge by any third party against the City which challenges or seeks to set aside, void or annul the legality or adequacy of any environmental document or determination, including, without limitation, any environmental document or determination prepared by the City or at the direction of the City and approved by the City for the approval of any land use entitlements or other approvals related to the Vesting Map.

41. Applicant agrees its obligations to defend, indemnify and hold the City, and the City Parties harmless shall include, without limitation, the cost of preparation of any administrative record by the City, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney's fees arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of any environmental document or determination, land use entitlements or any other approvals related to the Vesting Map, and the costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of a suit or challenge contesting the adequacy of any City act or acts leading up to and including any approval of the environmental document or determination, land use entitlements or any other approvals related to the Vesting Map.
42. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for attorney fees, costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit or challenge. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse City within thirty (30) days of receipt of an itemized written invoice from City. Failure of the Applicant to timely reimburse the City shall be considered a material breach of the conditions of approval for the Vesting Map.
43. Applicant shall comply with and shall require all contractors to comply with all prevailing wage laws, rules and regulations applicable to any work to be performed as a result of approval of the Vesting Map (collectively “**Subdivision Work**”). Applicant shall be solely responsible for making any and all decisions regarding whether any portion or aspect of the Subdivision Work, including, without limitation, any form of reimbursement by the City to the Applicant or any contractor, will require the payment of prevailing wages. Further, Applicant will be solely responsible for the payment of any claims, fines, penalties, reimbursements, payments and the defense of any actions that may be initiated against Applicant or any contractor as a result of failure to pay prevailing wages.
44. The Applicant shall defend, indemnify, and hold harmless the City Parties, from and against any and all claims, damages, losses, judgments, liabilities, causes of action, expenses and other costs, including, without limitation, litigation costs and attorney's fees, arising out of, resulting from, or in any way in connection with any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work. Applicant's obligation to defend, indemnify and hold

the City Parties harmless specifically includes, but is not limited to, any suit or administrative action against the City Parties which claims a violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work.

45. The Applicant agrees its obligations to defend, indemnify and hold the City Parties harmless, shall include without limitation, City staff time, copying costs, court costs, the costs of any judgments or awards against the City Parties for damages, losses, litigation costs, or attorney fees arising out of any violation or claim of violation of any prevailing wage law, rule or regulation applicable to any portion or aspect of the Subdivision Work and costs of any settlement representing damages, litigation costs and attorney's fees to be paid to other parties arising out of any such proceeding or suit.
46. Applicant agrees the City may, at any time, require the Applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of any suit proceeding regarding violation of any prevailing wage law, rule or regulation. Such attorney fees shall include any and all attorney fees incurred by the City from its legal counsel, Kahn, Soares & Conway, LLP and any special legal counsel retained by the City. Applicant shall reimburse the City within thirty (30) days of receipt of an itemized written invoice from the City. Failure of the Applicant to timely reimburse the City shall be considered a material violation of the conditions of approval of the Vesting Map.

Community Facilities District:

47. All the land within the subdivision shall be annexed into and become part of a Community Facilities District (“CFD”) to be enacted by the City of Kingsburg pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California. In conjunction with the creation of the CFD, the applicant and its successors and assigns shall consent to the annexation of all the land within the subdivision into the CFD and consent to any tax imposed upon the land within the subdivision used to fund and finance authorized services eligible to be funded and financed by the CFD.

* * * * *

BACKGROUND

The Planning Commission approved the first extension of time in 2019. Staff recommends that this be the last time extension granted by the Planning Commission.

The subject territory is within the planning area of the Kingsburg General Plan, Land Use Element, and North Kingsburg Specific Plan. The proposed tentative subdivision map, Tract No. 6167 is consistent with both of these planning documents.

RECOMMENDED ACTION BY PLANNING COMMISSION

Pass Resolution No. 2020 - approving a one-year extension of time for Tract No. 6167 as permitted by Section 66452.6 (e) of the State Subdivision Map Act.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|-----------|
| 1. Is There A Fiscal Impact? | <u>No</u> |
| 2. Is it Currently Budgeted? | <u>No</u> |
| 3. If Budgeted, Which Line? | Varies |

ENVIRONMENTAL REVIEW

The "project" originally encompassed three planning applications - annexation, pre-zoning and tentative subdivision map. A negative declaration (ND) was prepared for the project. The ND was filed with the County of Fresno.

ATTACHMENTS:

- 1.Extension of Time Resolution

RESOLUTION NO. 2020 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING A ONE-YEAR EXTENSION OF TIME FOR SUBDIVISION TRACT NO. 6167

WHEREAS, the Kingsburg Planning Commission did consider during its regular meeting on August 13, 2020 , the application of Dave Crinklaw, for a one-year time extension for Tract No. 6167, and

WHEREAS, the vested tentative subdivision map to create 121 single-family residential lots, and associated open space uses on 41.7 acres, is located on the northeast corner of the Solig Avenue alignment and Mendocino Avenue in Kingsburg; the APNs for the subject property are 393-123-26 and 393-123-27, and

WHEREAS, the Kingsburg Planning Commission did conduct a public meeting accepting written and oral testimony both for and against the approval of a one-year extension of Tract Map No. 6167, and

WHEREAS, a tentative subdivision map for the Crinklaw Subdivision was approved by the Kingsburg Planning Commission in 2017, and

WHEREAS, the Planning Commission approved a one-year extension of said tract map in April, 2019, and

WHEREAS, the approval of said tentative map will expired in May, 2020, and

WHEREAS, Section 66452.6 (e) of the Map Act allows the subdivider to request a time extension from the Planning Commission for the filing of a final map, and

WHEREAS, the Commission reviewed the staff report on this matter, considered testimony and voted to approve the granting of a one-year time extension on said map.

NOW, THEREFORE BE IT RESOLVED that the Kingsburg Planning Commission hereby grants a time extension of one-year for Tract No. 6167 for the filing of a final map, ending in August of 2020.

I, Mary Colby, Secretary to the Planning Commission of the City of Kingsburg, do hereby certify that the foregoing resolution was duly passed and adopted at a regular meeting of the Kingsburg Planning Commission held on the 13th day of August, 2020, by the following vote:

Ayes: Commissioners:

Noes: Commissioners:

Absent: Commissioners:

Abstain: Commissioners:

Mary E. Colby
Planning Commission Secretary
City of Kingsburg



Meeting Date: 8/13/2020
Agenda Item: 6

PLANNING COMMISSION MEETING

REPORT TO: Planning Commission
REPORT FROM: Greg Collins, Contract Planner **REVIEWED BY:**
AGENDA ITEM: Zoning Ordinance Amendment 2020-01, Sohal
ACTION REQUESTED: Ordinance √ Resolution Motion Receive/File

EXECUTIVE SUMMARY

The applicant, Sohal Inc., is seeking to reclassify a 4.77-acre parcel from the RM-5.5 to the RM-3 zone district. The subject property is designated medium density residential by the Kingsburg General Plan and North Kingsburg Specific Plan; the RM-3 district is consistent with this land use designation.

The subject property is pending annexation into the city of Kingsburg, however, for the annexation to be finalized the applicant must have an approved final subdivision map or site plan permit. Neither of these documents has been approved by the City.

Originally, the applicant sought approval of a tentative subdivision map for 23 lots on the subject property. The applicant subsequently changed their mind and sought to process a multi-family project instead a tentative subdivision map. Unfortunately, the number of apartment units proposed for the subject site exceeded the unit count allowed for under the RM-5.5 district. The RM-5.5 district permitted 38 apartment units but the applicant requested 72 units.

Staff instructed the applicant that if they wished to request 72 units they would be required to “up zone” the property from the RM-5.5 to the RM-3 district.

The rezoning request constitutes a "project" under the California Environmental Quality Act (CEQA). A negative declaration was already prepared for the project that was described as a 23-lot single-family residential subdivision however, the negative declaration will be amended to discuss the potential environmental impacts of a 72- unit apartment complex.

Staff has determined that the subject property is within the planning area of the Kingsburg General Plan and the North Kingsburg Specific Plan (NKSP). The proposed project is consistent with the land use designations of each plan.

The Specific Plan, which is like a detailed general plan, sets forth certain processing and design requirements for development occurring within the NKSP planning area. Staff must process each tentative residential project as a PUD (planned unit development). The NKSP requires that a PUD be processed in a manner consistent with Kingsburg's conditional use

permit process detailed in the Kingsburg Zoning Ordinance. The NKSP requires that the design of the proposed apartment complex be consistent with the design guidelines of the NKSP.

In addition to the PUD requirement, the Sohal project must also secure a housing allocation allotment under Kingsburg's 2020 Housing Unit Allocation quota in accordance with the city's Residential Growth Management System Ordinance 2005-05 and amended by Ordinance 2006-09. This recommendation will be forwarded to the Kingsburg City Council under the procedure outlined in Kingsburg Municipal Code 16.09.020. The proposed apartment project is seeking an allocation of 72 apartments units.

If the above applications are approved by the Planning Commission and eventually by the City Council the applicant will be permitted to make an application for a site plan permit, which must be consistent with the new zone district. Site plans are processed administratively.

RECOMMENDED ACTION BY PLANNING COMMISSION

- 1. Approve Resolution No. 2020 _____ recommending the inclusion of 72 multi-family residential units to the 2020 housing unit allocation as per Kingsburg's Growth Management process, and forward said recommendation to the Kingsburg City Council under the procedure outlined in Kingsburg Municipal Code 16.09.020.**
- 2. Approve Resolution No. 2020 - recommending to the Kingsburg City Council that the subject territory be re-zoned from Kingsburg's RM-5.5 (single family residential, one unit per 5,500 square feet) to its RM-3 (multi-family residential, one unit per 3,000 square feet) district.**
- 3. Approve Resolution No. 2020 - approving Planned Unit Development (PUD) 2020-01 (Sohal Inc.) and approving the necessary findings consistent with Chapter 17.76 of the Zoning Ordinance and subject to the following conditions:**
 1. Residential dwellings constructed within the project area shall comply with the North Kingsburg Specific Plan's Design Guidelines.
 2. Landscaping within the project area and on individual lots shall conform to the North Kingsburg Specific Plan's Design Guidelines.
 3. Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences and off-street pedestrian corridors, shall conform to the North Kingsburg Specific Plan's Design Guidelines.
 4. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
 5. All conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.
 6. The applicant shall pay all fees as required by existing ordinances and schedules.
 7. All water wells(s) and septic systems that served the agricultural property shall be abandoned pursuant to City, County, and State standards.

8. Street widths shall comply with the City of Kingsburg Improvement Standards.
9. Applicant shall provide street dedication to develop the 84' right-of-way section along 10th Avenue.
10. Applicant shall construct frontage improvements along 10th Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards. The new structural section shall be a section approved by the City Engineer.
11. Applicant shall furnish and install street name signage within the project site conforming to City of Kingsburg standards.
12. Applicant shall install minimum 8-inch water mains throughout the project site to provide domestic and fire water service.
13. The Applicant shall provide sewer mains and service facilities as directed by Selma-Kingsburg-Fowler County Sanitation District staff and pay all applicable fees.
14. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.
15. Project is located in Drainage Zone W. Drainage shall be directed to the existing drainage basin west of the 10th Avenue / Winter Street intersection. Applicant shall install all storm drainage facilities necessary to properly convey water to the drainage basin as determined by the City Engineer.
16. The Applicant shall obtain a NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.
17. The Applicant shall provide and install 15-gallon street trees with root barriers to City Standards in the parkway in front of each lot as well as one tree per side yard on corner lots. All parkways shall be planted with street trees that are approved by the city planner. Parkway shall not contain turf but shall be covered with mulch.
18. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Kingsburg ordinances.
19. All existing overhead utilities adjacent to the project site shall be undergrounded, including transformers.
20. All electric, cable TV, telephone, internet, etc. services shall be provided to the project site and shall be undergrounded (including conveyance facilities).
21. The Applicant shall provide a streetlight plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be LED and be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
22. The Applicant shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.

23. All the land within the subdivision shall be annexed into and become part of a Community Facilities District (“CFD”) to be enacted by the City of Kingsburg pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California. In conjunction with the creation of the CFD, the applicant and its successors and assigns shall consent to the annexation of all the land within the project site into the CFD and consent to any tax imposed upon the land within the project site used to fund and finance authorized services eligible to be funded and financed by the CFD.

4. Approve Resolution 2020 - adopting Negative Declaration 2020 – 01, prepared on the above planning applications.

FINANCIAL INFORMATION

FISCAL IMPACT:

- | | |
|------------------------------|--------|
| 1. Is There A Fiscal Impact? | Yes |
| 2. Is it Currently Budgeted? | Yes |
| 3. If Budgeted, Which Line? | Varies |

PRIOR ACTION/REVIEW

Approval of the Kingsburg General Plan, Land Use Element, and North Kingsburg Specific Plan both of which details policy and design guidelines for the subject property as well as surrounding properties.

BACKGROUND

The subject property is located on 4.77 acres, located on the west side of 10th Avenue (Academy Avenue) and north of Harold Street in Kingsburg. The APN IS 394-021-14 (4.77 acres).

Detailed information on each planning application is as follows:

Growth Management Allocation - 72 multi- family residential units

The applicant wishes to receive a housing allocation for 2020 for 72 multi-family residential units, consistent with Kingsburg's Residential Growth Management System, Ordinance 2005-05.

The Growth Management System was enacted as Measure N, Charter Amendment to the City of Kingsburg in November 2004. The ordinance calls for 115 allocations, or rights to build, to be made available at the beginning of each calendar year, with two rounds of applications per year possible. No allocations have been approved for 2020.

Annexation of 4.77 acres into the city

The applicant wishes to annex approximately 4.77 acres into the City of Kingsburg and detach 4.77 acres from the Kings River Conservation District, Fresno County Fire Protection District and the Consolidated Irrigation District.

The subject property is essentially an infill parcel in that it is bounded on three sides by existing residential development (north, south and east sides) and on the west side of the subject site by a proposed apartment complex.

Annexation of the subject property will allow for the east/west extension of water and sewer services and buildout of portions of 10th Street.

The annexation of the subject territory is consistent with Fresno LAFCO policies in that cities in Fresno County are encouraged to annex county islands especially when city lands substantially surround them.

Note: Annexation of the subject territory has already been initiated and tentatively approved by LAFCO, however, the annexation will not be finalized until a final site plan or subdivision map has been approved by the City of Kingsburg and forwarded to LAFCO. The applicant has recently requested an extension of time to secure a final site plan permit from the City so that it can be forwarded to LAFCO.

Re-Zoning, RM-5.5 to RM-3

The subject site is currently zoned to the RM-5.5 district. The application wishes to reclassify the subject site to the RM-3 district, which permits apartments at a density of one unit per 3,000 square feet. This proposed district is consistent with the "medium residential" designation provided by the North Kingsburg Specific Plan.

The City of Kingsburg Municipal Code Section 17.88.070 requires that the Planning Commission make findings as to whether the rezoning will achieve the objectives set forth in Section 17.04.020 of the Kingsburg Municipal Code. The objectives of the Zoning Code are as follows:

- A. To provide a zone plan to guide the physical development of the city in such a manner as to achieve progressively the general arrangement of land uses described and depicted in the general plan.
- B. To foster a wholesome, serviceable and attractive living environment, the beneficial development of areas, which exhibit conflicting patterns of use, and the stability of existing land, uses which conform to objectives, policies, principles and standards of the general plan.
- C. To prevent excessive population densities and overcrowding of land with structures.
- D. To promote a safe, effective traffic circulation system, the provision of adequate off-street parking and truck loading facilities, and the appropriate location of community facilities.
- E. To protect and promote appropriately located commercial and industrial activities in order to preserve and strengthen the city's economic base.

- F. To protect and enhance real property values and the city's natural assets.
- G. To ensure unimpeded development of such new urban expansion that is logical, desirable and in conformance with objectives and policies of the general plan.
- H. To provide and protect open space in accordance with policies of the open space element of the general plan, including avoiding the premature development of prime agricultural lands.

The proposed rezoning satisfies all the objectives identified in Section 17.04.020 of the Kingsburg Municipal Code. The proposed RM-3 district is consistent with the City of Kingsburg's General Plan and North Kingsburg Specific Plan.

PUDs (planned residential development)

All development occurring within the NKSP planning area is required to be processed as a planned unit development (PUD). A PUD shall be processed consistent with Chapter 17.76 of the Kingsburg Zoning Ordinance, which is subject to a public hearing before the Planning Commission and notification of surrounding property owners. The PUD must also be reviewed and approved by the City Council. The purpose of a PUD is described in the Kingsburg Municipal Code, Section 17.76.010 as follows:

17.76.010 - Purposes. Planned unit developments (PUD's), involving the careful application of design, are encouraged to achieve a more functional, aesthetically pleasing and harmonious living and working environment within the city which otherwise might not be possible by strict adherence to the regulations of this title. In certain instances, the objectives of the general plan and zoning title may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zone plan or the district regulations prescribed by this title. A planned unit development may include a combination of different dwelling types and/or a variety of land uses, which are made to complement each other and harmonize with existing and proposed land, uses in the vicinity, by design. In order to provide locations for such well-planned developments, the planning commission is empowered to grant use permits for planned unit developments, provided that such developments comply with the regulations prescribed in this article. The commission is also empowered to zone lands for PUD under the provisions of Chapter 17.48 of this title. The approval of a PUD that is not designated by the general plan is intended to be discretionary on the part of the city rather than an entitlement of a landowner.

Under the NKSP the subject property is designated "medium density residential" and is contained within "Neighborhood A" of the Plan. Under the design guidelines of the NKSP, medium-density residential development is required to achieve certain general design standards, some required and some permissive.

Under the PUD process a residential development is allowed to deviate from traditional residential standards. Potentially, these deviations will be reflected in the site plan for the

72-unit apartment complex, however, the project must meet the design guidelines for residential development within the NKSP planning area as provided below.

1. Create a streetscape that provides visual quality and variety.
2. Buildings shall be articulated, avoiding a monotonous style with garages dominating the streetscape. There should be a reasonable mix of single and two-story units.
3. For corner lots, the building materials on the front facade should wrap to a logical termination point on the street side yard elevation.
4. At least half of the houses (apartments) shall have significant single-story elements on the front elevations. Porches and covered entries should be incorporated as part of the architecture.
5. Mechanical equipment is not permitted on the roof.
6. Garages and driveways should not be the primary feature of a house. The residential project should utilize a variety of garage plans. Front-facing three-car garages are discouraged.
7. For corner lots, the garage and driveway are to be placed along the interior side yard, at the rear of the street side yard or with access from the alley. The alternative of providing a side street garage provides the most benefits.
8. A minimum of one-third of the apartments should have porches. Porches must extend along a minimum of 50 percent of the facade, with a minimum depth of five feet.
9. As with roofs, windows and doors shall vary because of the various elevation styles required among house plans.
10. Within a given architectural style, the exterior shall receive a consistent use of materials and colors on all sides.
11. Mechanical equipment shall be located in the rear yard when the side yard setback is less than seven feet.

A site plan application shall be submitted for the apartment complex, along with elevation drawings, once the above listed planning applications have been approved.

Conclusions

Growth Management System

The Growth Management System was enacted as Measure N, Charter Amendment to the City of Kingsburg in November 2004. The ordinance calls for 115 allocations, or rights to build, to be made available at the beginning of each calendar year, with two rounds of applications per year possible. No allocations have been approved for 2020. Therefore, the allocation of 72 apartment units will fall within the annual allocation of 115 units.

Annexation

Annexation initiation of the subject property has already occurred and has tentatively been approved by LAFCO. No further action is required of the Commission or City Council.

Re-Zoning

Upon annexation of the subject property, the territory was to be zoned to a district that was consistent with the land use designation of the NKSP. The NKSP designates the subject property as medium density residential. Originally, the applicant had requested the RM-5.5 district, which was consistent with a proposed 23-lot subdivision. However, when the applicant changed his mind to propose apartments instead of a single family residential subdivision, staff indicated that the property needed to be upzoned to the RM-3 (multi-family residential, one unit per 3,000 square feet) district, which is also consistent with the medium density residential designation of the NKSP.

Planned Unit Development

The NKSP has developed design standards for development within the planning area. The Specific Plan requires all residential development be processed as a planned unit development (PUD). The design standards for the PUD will be implemented through the city's conditional use permit process. Some of these design standards are mandatory and some are permissive but in general the purpose of the design guidelines is to promote a residential development that is attractive, appreciates in value and enhances the quality of life for residents living within the subdivision.

Staff has reviewed some elevation drawings of the apartments proposed for lots in the project, however, they will need to be revised in order to more fully meet some of the design guidelines from the NKSP. The design guidelines pertain to the appearance of the residential unit as it relates to the street. For example, when one drives down a residential street does the driver just see garages or parked cars, or does the driver see the front of the apartments with the garages being recessed? Are all the apartments the same design or is there variation in the design of the apartments (e.g. one story versus two-story, varied setbacks and architectural styles)?

Environmental Review:

The "project" encompasses three planning applications - re-zoning, housing number allocation and a planned unit development (PUD). A negative declaration has been prepared for the project. Staff made the finding that water; traffic, air quality and loss of agricultural land could pose significant impacts; however, these impacts were thoroughly discussed in the EIRs prepared on the Kingsburg General Plan and North Kingsburg Specific Plan. The Kingsburg City Council certified both EIRs and a "Statement of Overriding Consideration" was recorded with the Final EIR.

ATTACHMENTS:

1. Allocation Resolution No. 2020-
2. Zoning Ordinance Resolution No. 2020-
3. Planned Unit Development Resolution No. 2020-
4. Initial Study for Sohal Project and Negative Declaration
5. Exhibit A: Kingsburg Growth Management System

RESOLUTION 2020 -

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG
APPROVING AN AWARD OF ALLOCATION OF 72 HOUSING UNITS UNDER
CHAPTER 16.09, GROWTH MANAGEMENT SYSTEM
OF THE KINGSBURG MUNICIPAL CODE**

WHEREAS, on November 2, 2004 the citizens of the City of Kingsburg did approve Measure N, Charter Amendment 2004-01, amending the City Charter to state that the City shall establish growth control regulations to place a limit on the number of residential permits which may be issued annually; and,

WHEREAS, the City Council adopted Ordinance 2005-05, adding Chapter 16.09 Growth Management System to the City Municipal Code; and,

WHEREAS, the Sohal Inc. is seeking an allocation for 72 multi-family residential lots under the competitive allocation process per 16.09.060 of the Kingsburg Municipal Code, and

WHEREAS, Staff evaluated the project according to the Rating and Ranking Criteria per 16.09.070 of the Kingsburg Municipal Code, and

WHEREAS the public hearing for the Planning Commission's consideration of this process was properly noticed in accordance with applicable law by posting the notice of public hearing at the City of Kingsburg City Hall Bulletin Board, placing the notice of public hearing on the City of Kingsburg website and publishing the notice of public hearing in the Kingsburg Recorder.

WHEREAS, the Amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) and is not considered a project. The issuance of the Units will not result in a direct or indirect physical change in the environment, and

WHEREAS, the Kingsburg Planning Commission held a public hearing on this matter at their August 13, 2020, meeting; received public testimony both for and against; and reviewed the staff report on this matter.

NOW, THEREFORE, BE IT RESOLVED that the Kingsburg Planning Commission hereby recommends the Kingsburg City Council approve the allocation of 72 multi-family residential units for the 2020 calendar year pursuant to the Kingsburg's Growth Allocation Program and award of the 72 units to the Sohal Inc. project.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Kingsburg duly called and held on the 13th day of August, 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Secretary

RESOLUTION NO. 2020 -

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG RECOMMENDING APPROVAL TO THE KINGSBURG CITY COUNCIL A PREZONE OF 4.77 ACRES, LOCATED WEST OF 10 TH STREET AND BETWEEN KAMM AVENUE AND HAROLD STREET IN THE NORTHWEST QUADRANT OF KINGSBURG, ERICKSON PROJECT

WHEREAS, Sohal Inc., 135 South Alta Avenue, Dinuba, Ca. 93618, is requesting a reclassification (zoning ordinance amendment) of a property located west of 10th Street between Kamm Avenue and Harold Street, containing 4.77 acres; and

WHEREAS, the Assessors Parcel Number (APN) for the subject property is APN 394-021-015 (4.77 acres), and

WHEREAS, Sohal Inc. is requesting a zone change for approximately 4.77 acres of land currently located in the County of Fresno but proposed for annexation into the City of Kingsburg, and

WHEREAS, as part of a concurrent request for annexation of said 4.77 acres into the City of Kingsburg, ("Sohal Inc. Reorganization"), the applicant is requesting a reclassification of the subject property from Kingsburg's RM-5.5 (multi-family residential, one unit per 5,500 square feet) district to its RM-3 (multi-family residential, one unit per 3,000 square feet) district, and

WHEREAS, the subject territory is currently vacant except for a single-family dwelling; the parcel has been farmed in the past but it is currently fallow, and

WHEREAS, the subject property is surrounded on three sides by land that is inside the city limits of Kingsburg, and

WHEREAS, existing multi-family residential development borders the subject site on the south and a planned single-family residential development on the north (Erickson subdivision), and

WHEREAS, property owners within 300 feet of the subject territory were notified of the meeting and a public hearing notice was published in the Kingsburg Recorder twenty (20) days prior to the Planning Commission's meeting of August 13, 2020, and

WHEREAS, the Planning Department has prepared a staff report and negative declaration on the proposed rezone (zoning ordinance amendment), and

WHEREAS, the Planning Commission held a public hearing on the prezone, reviewed the staff report and Negative Declaration, and accepted public testimony both for and against.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this prezone request:

1. The subject territory is inside Kingsburg's sphere of influence (SOI) and within the planning area of the North Kingsburg Specific Plan.
2. The proposed rezoning to the RM-3.0 district is consistent with the land use designations of the Kingsburg Land Use Element and the North Kingsburg Specific Plan.
3. A Negative Declaration has been prepared on said rezone request indicating that any impacts associated with this "project" have been appropriately analyzed in the Final EIRs prepared on the Kingsburg General Plan and North Kingsburg Specific Plan. Further, a "Statement of Overriding Consideration" was filed with each certified Final EIR.
4. The project will not have an adverse impact on the public's health, safety or welfare.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends approval to the Kingsburg City Council that 4.77 acres, located west of 10th Street between Kamm Avenue and Harold Street, be reclassified from the RM-5.5 to the RM-3.0 district, as shown on Exhibit A.

The foregoing resolution was adopted at a regular meeting of the Kingsburg Planning Commission on the 13th day of August 2020, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mary Colby

Secretary to the Planning Commission

RESOLUTION NO. 2020 - _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING PLANNED UNIT DEVELOPMENT 2020-01 FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT AND ASSOCIATED OPEN SPACE USES, LOCATED ON THE WEST SIDE OF 10TH AVENUE BETWEEN KAMM AND STROUD AVENUES

WHEREAS, Sohal Inc., 135 South Alta Avenue, Dinuba, Ca. 93618, is requesting a planned unit development (PUD), consistent with the North Kingsburg Specific Plan, on property located west of 10th Street between Kamm Avenue and Harold Street, containing 4.77 acres; and

WHEREAS, the Assessor's Parcel Number (APN) for the subject property is APN 394-021-015 (4.77 acres), and

WHEREAS, Sohal Inc. is requesting a PUD for 72 apartment units that will front onto interior private roadways, and

WHEREAS, all apartments are 2-story except the 8-plex building, which contains all single-story apartments, and

WHEREAS, the subject property is surrounded on three sides by land that is inside the city limits of Kingsburg, and

WHEREAS, existing multi-family residential development borders the subject site on the south and a planned single-family residential development on the north (Erickson subdivision), and

WHEREAS, property owners within 300 feet of the subject territory were notified of the meeting and a public hearing notice was published in the Kingsburg Recorder twenty (20) days prior to the Planning Commission's meeting of August 13, 2020, and

WHEREAS, the Planning Department has prepared a staff report and negative declaration on the proposed PUD, and

WHEREAS, the Planning Commission held a public hearing on the PUD reviewed the staff report and Negative Declaration and accepted public testimony both for and against.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating this PUD request:

1. The subject territory is inside Kingsburg's sphere of influence (SOI) and within the planning area of the North Kingsburg Specific Plan.
2. The proposed PUD is consistent with the RM-3 zoning district and the development standards associated with this district, and

3. The proposed PUD is consistent with the North Kingsburg Specific Plan design guidelines as it pertains to streetscape, front elevation building designs, off-street parking, and common open space, and
4. A Negative Declaration has been prepared on said PUD indicating that the PUD will not have a significant impact on the environment. Further, the final EIR prepared on
5. The project will not have an adverse impact on the public's health, safety or welfare.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends approval to the Kingsburg City Council of PUD 2020-01 subject to the following conditions:

1. Residential dwellings constructed within the project area shall comply with the North Kingsburg Specific Plan's Design Guidelines.
2. Landscaping within the project area and on individual lots shall conform to the North Kingsburg Specific Plan's Design Guidelines.
3. Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences and off-street pedestrian corridors, shall conform to the North Kingsburg Specific Plan's Design Guidelines.
4. All conditions of the applicant shall be conditions of approval, except as further modified below, and subject to modifications to conform to applicable City Standards.
5. All conditions of approval contained herein are in addition to those in Section 18 of the City of Kingsburg Improvement Standards.
6. The applicant shall pay all fees as required by existing ordinances and schedules.
7. All water wells(s) and septic systems that served the agricultural property shall be abandoned pursuant to City, County, and State standards.
8. Street widths shall comply with the City of Kingsburg Improvement Standards.
9. Applicant shall provide street dedication to develop the 84' right-of-way section along 10th Avenue.
10. Applicant shall construct frontage improvements along 10th Avenue (including, but not limited to, curb, gutter, sidewalk, landscaping, and street lighting) in accordance with City standards. The new structural section shall be a section approved by the City Engineer.
11. Applicant shall furnish and install street name signage within the project site conforming to City of Kingsburg standards.
12. Applicant shall install minimum 8-inch water mains throughout the project site to provide domestic and fire water service.
13. The Applicant shall provide sewer mains and service facilities as directed by Selma-Kingsburg-Fowler Sanitation District staff and pay all applicable fees.
14. Applicant shall prepare and submit a Grading and Site Improvement Plan for proposed on-site improvements for review and approval by the City Engineer. Applicant shall obtain a Grading and Site Improvement Permit once plans are approved.
15. Project is located in Drainage Zone W. Drainage shall be directed to the existing drainage basin west of the 10th Avenue / Winter Street intersection. Applicant shall install all storm drainage facilities necessary to properly convey water to the drainage basin as determined by the City Engineer.
16. The Applicant shall obtain a NPDES permit from the Regional Water Quality Control Board. The plan shall provide for the mitigation of soil erosion from the project site during the construction and warranty periods and be submitted to the City prior to the start of construction.

17. The Applicant shall provide and install 15-gallon street trees with root barriers to City Standards in the parkway in front of each lot as well as one tree per side yard on corner lots. All parkways shall be planted with street trees that are approved by the city planner. Parkway shall not contain turf but shall be covered with mulch.
18. A landscaping and irrigation plan shall be prepared and submitted for review by the City Engineer for proposed on-site and off-site (within the City right-of-way) landscaping. Landscape and irrigation shall be low water consumption designs consistent with AB 1881 and City of Kingsburg ordinances.
19. All existing overhead utilities adjacent to the project site shall be undergrounded, including transformers.
20. All electric, cable TV, telephone, internet, etc. services shall be provided to the project site and shall be undergrounded (including conveyance facilities).
21. The Applicant shall provide a streetlight plan for review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. Streetlights shall be LED and be provided by the developer and maintained by the City pursuant to PG&E rate schedule LS2C.
22. The Applicant shall work with PG&E for the preparation of a utility plan, subject to the review and approval by the City Engineer prior to approval of the improvement plans and prior to the start of construction. All work shall be completed such that no street surface need be reopened for service.
23. All the land within the subdivision shall be annexed into and become part of a Community Facilities District (“CFD”) to be enacted by the City of Kingsburg pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California. In conjunction with the creation of the CFD, the applicant and its successors and assigns shall consent to the annexation of all the land within the project site into the CFD and consent to any tax imposed upon the land within the project site used to fund and finance authorized services eligible to be funded and financed by the CFD.

The foregoing resolution was adopted at a regular meeting of the Kingsburg Planning Commission on the 13th day of August 2020, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mary Colby

Secretary to the Planning Commission

INITIAL ENVIRONMENTAL STUDY
1.0 PROJECT OVERVIEW

BACKGROUND

Applicant: Sohal Inc., 135 South Alta Avenue, Dinuba, Ca. 93618.

Location:

The subject property is located west of 10th Street between Kamm Avenue and Harold Street, containing 4.77 acres. The Assessors Parcel Number (APN) for the subject property is APN 394-021-015 (4.77 acres).

Request:

The applicant, Sohal Inc., is seeking approval of a number of planning applications. Together, these planning applications constitute a "project" under the California Environmental Quality Act (CEQA). The subject property contains 4.77 acres and is located west of 10th Avenue (Academy Avenue) and north of Harold Street in Kingsburg.

The applications are as follows:

- 1. Inclusion of 72 multi-family residential units to the 2020 housing unit allocation as per Kingsburg's Growth Management process, and forward said recommendation to the Kingsburg City Council under the procedure outlined in Kingsburg Municipal Code 16.09.020.**
- 2. Approval of rezoning the subject site from Kingsburg's RM-5.5 (single family residential, one unit per 5,500 square feet) to its RM-3 (multi-family residential, one unit per 3,000 square feet) district.**
- 3. Approval of a Planned Unit Development (PUD) 2020-01 (Sohal Inc.) and approving the necessary findings consistent with Chapter 17.76 of the Zoning Ordinance and subject to conditions.**

Staff has determined that the subject property is within the planning area of the Kingsburg General Plan and the North Kingsburg Specific Plan (NKSP). The proposed project is consistent with the land use designations of each plan.

The Specific Plan, which is like a detailed general plan, sets forth certain processing and design requirements for development occurring within the NKSP planning area. Staff must process each tentative site plan as a PUD (planned unit development). The NKSP requires that a PUD be processed in a manner consistent with Kingsburg's conditional use permit process detailed in the Kingsburg Zoning Ordinance. The NKSP requires that the design of the subdivision and the individual homes proposed for lots within these

subdivisions are consistent with the design guidelines of the NKSP. This particular PUD request involves a 72-unit apartment complex.

Zone:

The subject property is zoned RM-5.5.

General Plan:

The North Kingsburg Specific Plan classifies the property as "medium density." The proposed zoning (RM-3) is consistent with the Kingsburg General Plan and North Kingsburg Specific Plan.

Site:

The subject property contains a single-family home with surrounding acreage that is vacant. Surrounding land uses are as follows:

- North: currently vacant but has received approval for a single-family residential development
- East: single family residential subdivision
- West: vacant land and agriculture
- South: multi-family dwellings

Water:

Water will be provided to the site by the City of Kingsburg.

Sewer:

The SKF County Sanitation District will provide sewer collection and treatment.

Storm Drainage:

Storm water management is provided by the City of Kingsburg through a system of curbs and gutters, drop inlets, storm water lines and retention basins. All storm water emanating from the subdivision will be diverted to a retention basin.

Police and Fire Services:

Police protection and fire suppression will be provided by the City of Kingsburg.

4.0 DISCUSSION OF POTENTIAL ENVIRONMENTAL IMPACTS

This section of the Initial Study analyzes potential impacts of the proposed project. For each topic issue a determination of the magnitude of the impact is made (via checklist) and then the impact is analyzed and discussed. Where appropriate, mitigation measures are identified that will reduce or eliminate an impact.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- Would the project:

1. Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will have an adverse impact on the visual environment because eventually 4.77 acres of open space will be urbanized, however, this impact was acknowledged in the EIRs prepared for Kingsburg's General Plan and North Kingsburg Specific Plan. The Kingsburg City Council for both planning documents adopted a "Statement of Overriding Consideration" when the Final EIR was certified.

2. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There are not any significant scenic resources on the subject property including trees, rocks or historic buildings.

3. Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will be consistent with the visual character of the immediate neighborhoods in that residential uses bound the subject territory on two sides. The proposed residential development will be an extension of the type of residential development that exists immediately south of the subject property – apartments.

4. Create a new source of substantial light or glare that would adversely

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The only new source of light that will be introduced into the area will be street lighting that will be installed when the apartment complex is constructed. There will be new lighting associated with each new residence constructed, however, this will be compatible with light produced by adjacent residential uses that currently bound the subject properties on two sides.

II. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

1. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project will urbanize approximately 4.77 acres of land that was previously used for agriculture. The environmental impact of this urbanization was acknowledged in the EIRs prepared for the Kingsburg General Plan and North Kingsburg Specific Plan. A "Statement of Overriding Consideration" was adopted for each of these environmental documents, when the Final EIR was certified by the Kingsburg City Council.

2. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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Discussion: The proposed subdivision is not under an agricultural preserve contract nor will it adversely impact existing agricultural operations since land on two sides of the subject territory are currently urbanized. Land north of the subject property is currently vacant and a tentative subdivision map was recently approved for the property.

3. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?

Discussion: The subject property is not zoned for forestry and is not forested.

4. Result in the loss of forest land or conversion of forest land to non-forest use?

Discussion: The subject territory is not forested and the project will not impact forest land.

5. Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?

Discussion: The project will result in the conversion of farmland to non-farmland uses. The impact of this conversion was discussed in the EIRs prepared on the Kingsburg General Plan and the North Kingsburg Specific Plan. A "Statement of Overriding Consideration" was approved for each EIR that acknowledged the environmental impact of converting farmland to non-farmland uses.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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1. Conflict with or obstruct implementation of the applicable air quality plan?

Discussion: The project will have little if any impact on the Air District's Air Quality Plan. Given that the project is an urban infill project, the VMT generated by this project will be significantly less than a similar residential project constructed on the fringe of the community. Further, because the apartment complex is close proximity to urban services in Kingsburg, local schools and parks, many persons will walk to these destinations rather than drive. Further, under the North Kingsburg Specific Plan each new development is required to design for pedestrian accessibility to adjacent subdivisions and streets that bound each development. This reduces the dependency on cars when making short trips to neighbors, local parks and schools, or neighborhood shopping centers.

In addition, the urbanization of the North Kingsburg Specific Plan planning area and its impact on air quality was discussed in the Final EIR that was certified by the Kingsburg City Council. The City Council adopted a "Statement of Overriding Consideration" when the Final EIR was certified.

1. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Discussion: The project will not violate any air quality standards. Air emissions will be generated during the construction phase of the project but the Air District's fugitive dust rules will ensure that the project will not violate the District's standards for dust emissions.

2. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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Discussion: The proposed project will not generate significant criteria pollutants for which the region is non-attainment nor will emissions exceed thresholds established by the SJVAPCD for ozone precursors. The impact of urban development within the project area on air quality was discussed in the EIRs prepared for the Kingsburg General Plan and North Kingsburg Specific Plan. A "Statement of Overriding Consideration" was adopted for both Final EIRs.

The North Kingsburg Specific Plan provides design guidelines that promote both connectivity in regards to street patterns and pedestrian access to adjacent neighborhoods, parks and other destination points. These design standards reduce vehicle miles traveled thereby mitigating the impact residential development has on local air quality.

3. Expose sensitive receptors
substantial pollutant concentrations?
-

Discussion: Residents that live in the proposed subdivisions will not be exposed to any substantial pollutant concentrations - two sides of the subject territory are occupied by residential development. West of the subject territory land will remain under agricultural production but residential uses will be buffered from this use by a 6-foot block wall and a rear yard setback area behind each apartment building.

4. Create objectionable odors affecting
a substantial number of people?
-

Discussion: The project is not expected to result in odors that will affect residents on or adjacent to the site. The construction of the subdivisions will not create any odors that will be obnoxious to surrounding residents. In fact, agriculture that recently existed on the sites generated more odors than the proposed residential subdivision.

IV. BIOLOGICAL RESOURCES --
Would the project:

1. Have a substantial adverse effect,
either directly or through habitat
modifications, on any species
identified as a candidate, sensitive,
or special status species in local or
regional plans, policies, or
regulations, or by the California

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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Department of Fish and Game or
U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project will not have an adverse impact on special status species - plants or animals. Because the subject property was intensively farmed for over 40 years, the likelihood of any special status species inhabiting the sites is remote especially given the cultural practices associated with farming - spraying, picking, hedging, irrigating and mowing/discing.

2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There is no riparian woodland that exists within the neither subject territory nor are there any sensitive natural communities within the subject area or nearby. The territory is currently fallow and therefore any native habitat was removed in favor of agricultural crops.

3. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The subject property does not contain a wetland as defined by Section 404 of the Clean Water Act. Further, the territory does not contain any soil types that are associated with wetlands, called hydrophytic soils.

4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The proposed project will not impede the migration of fish or wildlife species. The territory is currently fallow and does not contain any watercourses or native habitat.

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: There are no local policies or ordinances in Kingsburg protecting biological resources.

6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: There are no adopted habitat conservation plans that apply to the project area.

V. CULTURAL RESOURCES --

Would the project:

1. Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There are no historical structures on the site nor has the site been identified by the Southern San Joaquin Valley Archaeological Information Center as a site that contains a historical resource. The proposed project will not have an adverse impact on historical resources according to the EIRs prepared for the Kingsburg General Plan and

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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North Kingsburg Specific Plan. A "Statement of Overriding Consideration" was adopted for both Final EIRs.

2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?

Discussion: Although there are no known archaeological resources located within the subject territory, the proposed project could result in disturbance of subsurface archaeological resources during excavation and/or grading. If this occurs, the developer will comply with the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources, if during the course of development on the sites archeological or human remains are encountered.

3. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Discussion: Although there are no known paleontological resources located in the study area, the proposed project does have the potential to directly or indirectly destroy a paleontological resource. If any cultural or paleontological materials are uncovered during project activities, work in the area shall halt until a professional cultural resources evaluation and/or data recovery excavation can be planned and implemented.

4. Disturb any human remains, including those interred outside of formal cemeteries?

Discussion: Due to past disturbance of the site’s soils it is unlikely that any human remains exist within the subject territory. However, should any human remains be discovered during grading and construction, the Fresno County Coroner must be notified immediately. *(The Coroner has two working days to examine the remains and 24 hours to notify the Native American Heritage Commission [NAHC] if the remains are Native American. The most likely descendants then have 24 hours to recommend proper treatment or disposition of the remains, following the NAHC guidelines).*

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS -- Would the project:

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: While Kingsburg is located in an area that is subject to ground shaking from earthquakes, the distance to faults that will be the likely cause of ground motions is sufficient so that potential impacts are reduced. The City requires all new structures to be built in Kingsburg be consistent with Zone II seismic standards of the Uniform Building Code.

2. Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: With incorporation of Zone II seismic standards, the potential for significant impacts on residential development due to seismic ground shaking will be minimal.

3. Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The sandy loam soils located throughout the project area are not subject to liquefaction.

4. Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project area occupies level ground and therefore the potential for landslides is remote.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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5. Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project area occupies level ground and the project area soils do not contain erosive qualities. Therefore, the potential for soil erosion or loss of topsoil is remote.

6. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: Soils on the project site (Delhi loamy sand) are considered to be stable. Further, the project area occupies relatively level ground and therefore the potential for unstable construction conditions are less than significant.

7. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is not located on expansive soils.

8. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed subdivisions will be required to connect to the city's sewer system when residential construction commences.

Potentially Significant <u>Impact</u>	Less Than Significant with <u>Mitigation</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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VII. GREENHOUSE GAS

EMISSIONS: Would the project:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Discussion: Greenhouse gas emissions (GHG) are emissions of various types of gases that are believed to be causing an increase in global temperatures, which is affecting the world’s climate patterns. Scientists recognize GHG resulting from human activities, particularly the use of machinery that burns fossil fuels for power. Key greenhouse gases include carbon dioxide, methane, nitrous oxide, and hydro fluorocarbons.

Greenhouse gas emissions will occur primarily during the construction of the project, generated by the operation of motorized equipment. Each multi-family unit will also generate green house gases primarily from home heating and cooling and the operation of motorized vehicles. The volume of GHG generated by 4.77 acres of 72 apartments is insignificant when compared to emissions generated by the City of Kingsburg or the Valley as a whole. Due to energy conservation regulations (Title 24) implemented throughout the State, motorized vehicles becoming more fuel efficient, installation of solar panels on single-family residential dwellings, and incorporation of pedestrian friendly design features as per the North Kingsburg Specific Plan, apartment dwellings of today will generate less GHG than dwellings that were built 10 or 20 years ago.

2. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

Discussion: The Kingsburg General Plan does not have any plans, policies or regulations pertaining to the regulation of greenhouse gas emissions, however, design standards contained in the North Kingsburg Specific Plan do attempt to create a pedestrian-friendly living environment thereby promoting walking and biking and less dependence of motorized vehicles. Further, recent updates to the 2016 Building Code will increase the "R" Factor in the walls of the residential dwellings that will be constructed after January 1, 2017.

VIII. HAZARDS AND HAZARDOUS

MATERIALS: Would the project:

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will not involve the transport, use or disposal of hazardous materials. Kamm and 10th Avenues may periodically be used for the transportation of hazardous materials; however, the likelihood of spills occurring adjacent to the subject subdivisions is very remote.

2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project does not involve the handling, storage or transportation of hazardous materials.

3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project does not involve the handling, storage or transportation of hazardous materials.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is not included on any list of known hazardous materials sites compiled pursuant to Government Code Section 65962.5.

4. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The subject area is not adjacent to a public or private airport.

5. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The subject area is not adjacent to a public or private airport.

6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed subdivision is not adjacent to a roadway, highway or freeway that serves as a major route for the movement of emergency vehicles. Should these types of vehicles utilize 10th Avenue on the east side of the apartment complex, traffic exiting this apartment complex would be restricted from entering these roadways until emergency vehicles have cleared the intersections along this roadway.

7. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: There are no wildlands on the project site that might be the source of a fire.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY -- Would the project:

1. Violate any water quality standards or waste discharge requirements?
-

Discussion: There will be no discharge of runoff into any surface waters. Storm water runoff will be diverted to drop inlets throughout the subdivision and this runoff will be diverted to nearby storm water basin.

2. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
-

Discussion: The apartment complex will assist in the depletion of the local aquifer because each residence will consume on average about 750 gallons per day - less in winter months and more in summer months. The city now requires water meters for all new residential development. This metering will serve to reduce water consumption; however, the entire Kings River Basin is in an overdraft condition and therefore any pumping of water from the underlying aquifer in the Kingsburg area aggravates the overdraft condition.

Based on the above water consumption figures, the project will not have a significant impact on the ground water environment, but it will have a cumulative impact on the Kings River Water Basin's aquifer. Metering of water usage and complying with the State's mandate for reduced water consumption will reduce the project's impact on the cumulative impact of ground water consumption.

The EIRs prepared for the Kingsburg General Plan and North Kingsburg Specific Plan acknowledged the impact of development on the Kings River Water Basin aquifer. A Statement of Overriding Consideration was prepared for each EIR and was certified by the Kingsburg City Council.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?

Discussion: The project area's drainage patterns will not be significantly altered. All the drainage that emanates from the subdivision sites will be diverted to Kingsburg's storm drainage system through a series of drop inlets and storm drainage pipes.

4. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

Discussion: Surface runoff will be transported from the site by means of the project's storm water drainage system, which is composed of gutters, drop inlets and storm drainage pipes. Through this system storm water will be diverted to Kingsburg's system of storm drainage ponds.

5. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Discussion: All storm water runoff will be retained in Kingsburg's storm water retention basins. This basin system has the capacity to accommodate the additional runoff that will be generated by the proposed subdivision.

6. Otherwise substantially degrade water quality?

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: No aspect of the project is expected to degrade water quality. No water from the site will enter any adjacent surface water systems and therefore water quality will not be degraded.

7. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The subject territory is not within a 100-year floodplain.

8. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The subject territory is not within a 100-year floodplain and therefore floodwaters will not be impeded by structures built in the project area.

9. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project site is located downstream from Pine Flat Dam, which holds back the Kings River. A break in the dam could potentially flood the subject property depending upon what time of year the dam would break, and more importantly, the amount of water behind the dam. The probability of a dam break is extremely low.

10. Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project is located about 100 miles inland from the Pacific Ocean, the closest source of a seiche or tsunami. There are no aspects of the project that reasonably present the danger of a mudflow.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING -

Would the project:

1. Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The proposed project will not physically divide the Kingsburg community. The site is located in the northwest quadrant of the community and represents a logical extension of the urbanized part of the city.

2. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project is consistent with the Land Use Element of the General Plan as well as the North Kingsburg Specific Plan, which designates the property for "medium density residential" uses. The proposed apartment complex will be constructed consistent with the design guidelines of the North Kingsburg Specific Plan, Neighborhood A.

3. Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project site is not subject to any habitat or natural community conservation plans.

XI. MINERAL RESOURCES -- Would the project:

1. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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Discussion: The site is not known to harbor mineral resources that would be valuable to the region. The site is not on a floodplain, which is an area that normally supports sand and gravel resources.

2. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Discussion: The site is not known to harbor mineral resources that would be valuable to the region.

XII. NOISE -- Would the project result in?

1. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Discussion: The proposed project will not generate any excessive noise nor will it expose persons to excessive noise levels. Because the apartment complex is generally bounded by existing residential uses, the likelihood of future residents being exposed to excessive noise levels is remote. Further, roadways that surround the subject property do not have significant levels of car or truck traffic to generate a significant amount of roadway noise.

2. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

Discussion: There is no significant ground borne vibrations in the project area or on surrounding properties.

3. A substantial permanent increase in ambient noise levels in the project

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The proposed project will not increase ambient noise levels on lands adjacent to the subject property. The transition of the subject properties from fallow land to multi-family development will reduce the level of noise being generated from the sites. Farming practices are generally noisier than single-family subdivisions in that they operate larger equipment.

4. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: Construction activities associated with residential development creates very little noise compared to construction associated with commercial or industrial development. As individual homes, roads and infrastructure are being constructed, noise beyond ambient levels will be generated, however, this increase in noise levels will only occur during day-time hours and will only last for the period of time that it takes to complete the apartment project. When all construction within the development has been completed the project will have a less than significant impact on the noise environment.

5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project site is not within an airport land use plan and therefore will not be subjected to any noise generated by air traffic.

6. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project site is not located within the vicinity of any private airstrips.

XIII. POPULATION AND HOUSING

-- Would the project:

1. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project is not considered to be growth-inducing but growth-accommodating. Some households will relocate to Kingsburg to take advantage of the newer housing that will be provided by the project while other households will move into these new apartments from existing apartments in the community. The construction of 72 new multi-family dwellings is deemed an insignificant growth-inducing project when compared to Kingsburg's population of 11,685 and its housing unit count of 4,115 units.

The growth-inducing impacts associated with the adoption of the Kingsburg General Plan and North Kingsburg Specific Plan were discussed in the EIRs prepared for each of these documents. A "Statement of Overriding Considerations" was approved for the two documents when each EIR was certified by the Kingsburg City Council.

2. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: There are no dwelling units on the subject property.

3. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Discussion: There are no dwelling units on the subject property.

Potentially Significant <u>Impact</u>	Less Than Significant with <u>Mitigation</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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XIV. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Discussion: The project area is served by the City of Kingsburg’s fire department. The Department has one full-time Fire Chief, three-full time Captain/Paramedics, six full-time Firefighter/Paramedics, and up to 20 Paid Call Firefighters who are responsible for responding to emergency situations and respond to both fire and emergency medical service. This Department is fully staffed 24 hours a day 365 days a year. A city fire station located at 1460 Marion Street is 1.5 miles from the subject territory. The subject territory is within a 5-minute response time of the Marion Street fire station.

Each apartment unit in the project area will be assessed a public safety impact fee. These funds will be used to purchase equipment to respond to growth and development in the community. Under the Uniform Building Code all residential dwelling are required to install sprinkler systems. Fire hydrants will be required to be installed throughout the subdivision. The public safety impact fee plus the installation of sprinklers and fire hydrants will reduce the project's impact on fire safety to a less than significant level.

Police protection?

Discussion: The subject property receives police protection services from the Kingsburg Police Department. The Department is headquartered in facilities located at the Kingsburg Police Department located at 1300 California Street in Kingsburg. The project site is within the current patrol area of the police department to respond to new residential growth occurring in the community.

<u>Potentially Significant Impact</u>	<u>Less Than Significant with Mitigation</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
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New residential development is required to pay Kingsburg’s public safety impact fee. A portion of this fee helps purchase equipment and vehicles for the police department.

Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The construction of 72 multi-family dwellings will generate approximately .5 school-aged children per unit, or about 36 school-aged students once the subject territory is fully developed.

Kingsburg's school system includes public and charter schools. Within the greater Kingsburg area there are six elementary schools, five middle schools and two high schools. Assuming that these 36 students are equally distributed over these 13 schools, each school would need to accommodate between two and three additional children once the subject territory has been build-out. This number of additional students is insignificant when compared to the total number of students in each school. Further, this influx of school-aged children will most likely occur over a three to five-year period.

New residential development is required to pay school impact fees. These funds finance future school construction and/or expansion that result from student growth from new residential development. The payment of school impact fees will reduce the project's impact on the local school district to a less than significant level.

Parks?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The construction of 72 multi-family dwellings will not have a significant impact on Kingsburg's park system in that the system can absorb additional persons on the grounds and within the buildings of Kingsburg's park and recreation system.

New residential development is required to pay park impact fees. These funds finance future park construction or expansion.

Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will not have any impact on other public facilities in the area.

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XV. RECREATION --

1. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Discussion: There might be a slight increase in the number of persons using local parks, however, the proposed subdivision will pay a park impact fees, which will mitigate the project's impact on Kingsburg's park system.

2. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Discussion: The proposed residential project will pay park impact fees. The long-term maintenance of the landscaping within the subdivision will be the responsibility of a landscaping and lighting district.

XV. TRANSPORTATION/TRAFFIC

-- Would the project:

1. Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

Discussion: A less than significant impact is expected. The subject territory, when fully developed, will generate approximately 504 trips per day, most of which, will occur during the peak hours of 6 to 9 am and 4 to 6 pm. Approximately 64 trips would be

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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generated during the peak morning hours and 50 trips during the peak evening hours. 10th Avenue is operating at a LOS of B. The additional traffic from the proposed subdivision would not cause a significant impact on this roadway - reducing their LOS.

1. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Discussion: Traffic generated by the project is not expected to conflict with Fresno County’s Congestion Management Program because of the minimal amount of traffic that will be added to local streets by the build out of the project area. The County's Management Program generally focuses on major roadways that cross the county not local Kingsburg streets.

2. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Discussion: The project is not expected to affect air traffic patterns.

3. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Discussion: The project will not have an adverse impact on the level of service (LOS) of 10th Avenue. There maybe some delays at the intersection of 10th Avenue and the two streets that provide access to the Sohal apartment project.

4. Result in inadequate emergency access?

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project area can easily be accessed by emergency vehicles given that there are two points of access.

- Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The project will not conflict with any policies, plans, or programs supporting alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project will not generate a significant amount of wastewater because only 72 multi-family homes are proposed for construction within the project area. These apartments will be constructed over a two-year period. The amount of effluent that will be generated from the project area upon build out will be approximately 26,000 gallons per day, which is only .006 percent of the current flow into the SKF plant.

The SKF treatment plant has ample capacity to handle the additional effluent that will be generated by this project. The effluent will be typical residential wastewater. Presently, the SKF is operating at 50 percent of plant capacity. The plant has a treatment capacity of 8.0 million gallon per day; the plant is currently treating 4.1 million gallons per day.

- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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Discussion: The project will not generate a significant amount of wastewater because only 72 apartments are proposed for construction within the project area. These apartments will be constructed over a two- year period. The amount of effluent that will be generated from the project area upon build out will be approximately 26,000 gallons per day, which is only .006 percent of the current flow into the SKF plant.

The SKF treatment plant has ample capacity to handle the additional effluent that will be generated by this project. The effluent will be typical residential wastewater. Presently, the SKF is operating at 50 percent of plant capacity. The plant has a treatment capacity of 8.0 million gallon per day; the plant is currently treating 4.1 million gallons per day.

3. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Discussion: The proposed subdivision is designed to channel storm water runoff into the subdivision's gutter system, which will be conveyed to a storm water retention basin. The project will not have an adverse impact on the city's storm drainage system.

4. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Discussion:

Kingsburg's water system is composed of six wells, pulling water from depths that range from 500 to 800 feet, and a transmission system that is composed of pipes of varying diameters and fire hydrants. According to the city engineer, the City has an ample water supply to accommodate the water needs of the proposed subdivision.

The proposed subdivisions will be connected to the city's water system. The city has ample water and pressure to serve this subdivision. The city will require the installation of water meters, which will assist in reducing water consumption. Currently, Kingsburg residents use about 350 gallons per day per person. With the installation of meters and

Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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the public's heightened awareness about the "drought" this per capita figure should fall in the coming years.

- Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Discussion: The wastewater generated by the proposed subdivision will be treated at the SKF Wastewater Treatment Plant. The Plant can easily accommodate the type and volume of effluent generated by the subdivision; the plant is operating at 50 percent capacity.

- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Discussion: The City of Kingsburg contracts with Mid-Valley for solid waste collection and recycling services. The proposed subdivision will be integrated into Mid-Valley's pick up routes, which already include adjoining properties.

- Comply with federal, state, and local statutes and regulations related to solid waste?

Discussion: All construction waste will be recycled or disposed of properly.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

- Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to

	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<p>drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>2. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>3. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CHECKLIST PREPARED BY:

Gregory F. Collins, contract city planner
Name

7/14/2020
Date

RESOLUTION 2020-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KINGSBURG APPROVING A NEGATIVE DECLARATION FOR THE SOHAL PROJECT APPLICATIONS INCLUDING A PLANNED UNIT DEVELOPMENT, ZONING ORDINANCE AMENDMENT AND HOUSING UNIT ALLOCATION

WHEREAS, Sohal Inc., 135 South Alta Avenue, Dinuba, Ca. 93618, is requesting a reclassification (zoning ordinance amendment), a planned unit development and a housing unit allocation on property located west of 10th Street between Kamm Avenue and Harold Street, containing 4.77 acres; and

WHEREAS, the Assessor's Parcel Number (APN) for the subject property is APN 394-021-015 (4.77 acres), and

WHEREAS, A Negative Declaration has been prepared on the above project indicating that any impacts associated with this "project" have been appropriately analyzed in the Final EIRs prepared on the Kingsburg General Plan and North Kingsburg Specific Plan. Further, a "Statement of Overriding Consideration" was filed with each certified Final EIR.

WHEREAS, Sohal Inc. is requesting a zone change for approximately 4.77 acres of land from Kingsburg's RM-5.5 (multi-family residential, one unit per 5,500 square feet) district to its RM-3 (multi-family residential, one unit per 3,000 square feet) district, and

WHEREAS, Sohal Inc. is requesting a planned unit development for 72 apartment units that will front onto a private access road, and

WHEREAS, the subject territory is currently vacant except for a single-family dwelling; the parcel has been farmed in the past, but it is currently fallow, and

WHEREAS, the subject property is surrounded on three sides by land that is inside the city limits of Kingsburg, and

WHEREAS, existing multi-family residential development borders the subject site on the south and a planned single-family residential development on the north (Erickson subdivision), and

WHEREAS, property owners within 300 feet of the subject territory were notified of the meeting and a public hearing notice was published in the Kingsburg Recorder ten (10) days prior to the Planning Commission's meeting of August 13, 2020, and

WHEREAS, the Planning Department has prepared a staff report and negative declaration on the proposed rezone (zoning ordinance amendment) and planned unit development for 72 apartment units, and

WHEREAS, the Planning Commission held a public hearing on the zoning ordinance amendment and planned unit development, reviewed the staff report and accepted public testimony both for and against the Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after considering all the evidence presented, determined the following findings were relevant in evaluating the Negative Declaration prepared on said planning applications.

1. The project will not have an adverse impact on the environment including air quality, infrastructure, green-houses gases, and Kingsburg's circulation system
2. The project will not have an adverse impact on the public's health, safety or welfare.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves a Negative Declaration prepared on the Sohal project.

The foregoing resolution was adopted at a regular meeting of the Kingsburg Planning Commission on the 13th day of August 2020, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mary Colby

Secretary to the Planning Commission

CITY OF KINGSBURG

NEGATIVE DECLARATION

KINGSBURG PLANNING

1401 DRAPER STREET

KINGSBURG, CA. 93631

(559) 897-5328

Project Title: SOHAL INC.

Lead Agency Name and Address: City of Kingsburg
1401 Draper Street
Kingsburg, Ca. 93631

Contact Name and Phone Number: Greg Collins, Contract City Planner
Collins & Schoettler, Planning Consultants
(559) 734-8737

Project Location: The subject property is located west of 10th Street between Kamm Avenue and Harold Street, containing 4.77 acres. The Assessors Parcel Number (APN) for the subject property is APN 394-021-015 (4.77 acres).

Applicant's Names and Addresses: Sohal Inc., 135 South Alta Avenue, Dinuba, Ca. 93618.

General Plan Designation: The subject property is designated "Medium Density Residential" by the North Kingsburg Specific Plan.

Zoning: The subject property is zoned RM-5.5.

Project Description:

The applicant, Sohal Inc., is seeking approval of a number of planning applications. Together, these planning applications constitute a "project" under the California Environmental Quality Act (CEQA). The subject property contains 4.77 acres and is located west of 10th Avenue (Academy Avenue) and north of Harold Street in Kingsburg.

The applications are as follows:

- 1. Inclusion of 72 multi-family residential units to the 2020 housing unit allocation as per Kingsburg's Growth Management process, and forward said recommendation to the Kingsburg City Council under the procedure outlined in Kingsburg Municipal Code 16.09.020.**
- 2. Approval of rezoning the subject site from Kingsburg's RM-5.5 (single family residential, one unit per 5,500 square feet) to its RM-3 (multi-family residential, one unit per 3,000 square feet) district.**

3. **Approval of a Planned Unit Development (PUD) 2020-01 (Sohal Inc.) and approving the necessary findings consistent with Chapter 17.76 of the Zoning Ordinance and subject to conditions.**

Other Public agencies whose approval is required (e.g. permits, financing approval or participation agreement): Fresno County Local Agency Formation Commission for final annexation.

FINDINGS OF NO SIGNIFICANCE:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2. The project does not have the potential to achieve short-term economic gain, to the disadvantage of long-term environmental goals.
3. The project does not have the potential to have impacts that are individually limited but cumulatively considerable.
4. The project will not cause substantial adverse effects on people, either directly or indirectly.

DETERMINATION:

On the basis of an initial environmental assessment and the findings mentioned above, the City of Firebaugh determines that the project will not have a significant impact on the environment.

City Planner

Date Adopted

Exhibit A

Kingsburg Growth Management System

Description:

The Growth Management System was enacted as Measure N, Charter Amendment to the City of Kingsburg in November 2004. The ordinance calls for 115 allocations, or rights to build, to be made available at the beginning of each calendar year, with two rounds of applications per year possible. The Growth Management System was brought about by concerns about too much unplanned and uncoordinated growth in the City, and a system to rank and review projects was adopted, with as many as seven different projects proposed during the housing boom in 2007. With the downturn in the market, allocations for housing units continued to accrue, resulting in a Council resolution in 2013 to allow units to accumulate for a period of three years.

As described in the ordinance, under circumstances where there are a number of proposed projects in the same year that exceed the number of allocation units available, a rating and ranking criterion is applied to each project (16.09.070) with the use of a 100-point scoring system. A number of criteria are considered, from suitability of location, availability of utility services to architectural design and aesthetic considerations.

As the number of accrued allocation units exceed the number of units applied for at this time, the ranking and rating process is not needed for this cycle, however, staff has ranked this project to give the Commission a sense of how this project ranks when the growth management criteria is applied.

The scoring system is be based on the following criteria:

SUITABILITY OF LOCATION UP TO 25 POINTS

The City promotes compact and efficient development. Concentric patterns of growth are preferred. Infill development within the Urban Limit Boundary is encouraged. Leapfrog development and irregular boundaries are discouraged. Islands or corridors of unincorporated territory are to be avoided. Projects will not be considered if the property identified in the application is not sufficiently contiguous to the City limits to allow for a logical and reasonable extension of the City limits as determined by the City.

(Documentation may include a map and verbal description of location)

- | | |
|-----------|--|
| 25 POINTS | Property is within City limits |
| 20 POINTS | Infill project and is substantially surrounded by urban development |
| 15 POINTS | Property is bordered by the City on more than one side |
| 10 POINTS | Property is adjacent to the City, within the Urban Limit Boundary, allowing for logical growth |
| 5 POINTS | Property is adjacent to the City but outside the Urban Limit Boundary |
| 0 POINTS | Property is outside the Sphere of Influence and annexation is required |
-

The project site is outside the city limits but is slated for annexation and the territory is surrounded on three sides by lands inside the city limits of Kingsburg. The surrounding properties have or will be developed to residential uses. **20 POINTS**

INCLUSIONARY HOUSING UP TO 15 POINTS

The adopted Housing Element of the Kingsburg General Plan has an inclusionary housing policy calling for at least 15 percent of the housing units provided by each project to be affordable to low-income or very low-income households. If the affordable units are not incorporated into the project, the developer may be able to comply with the policy by assisting the City in providing an equal number of affordable housing units elsewhere in the City by dedicating appropriate land or paying an in-lieu fee amount acceptable to the City. For each percentage point of affordable housing included in or provided for by a project, one scoring system point will be awarded up to a maximum of 15 points.

(Documentation must include a detailed written commitment to provide the affordable housing described in the application. It must include calculation of the probable rental or mortgage costs of the housing units in the project proposed; calculation of the housing costs a low-income household can afford (which can be based on 80 percent of the median household incomes for Fresno County for the current year as provided by the California Department of Housing and Community Development); and an explanation of how any “gap” is the basis for determining an appropriate in-lieu fee, or an appropriate value for land to be dedicated for affordable housing purposes. If third-party subsidies are proposed through use of governmental grant funds or partnership with non-profit affordable housing organizations, the commitment on the part of any third-party entity must be documented in writing.)

The project is not proposing to provide any affordable housing units, however, because the proposed residential development proposes 72 apartment units it is very likely that some of the renters will fall into the low-income household category. **10POINTS**

MEETING SPECIAL NEEDS, DEMONSTRATED MARKET DEMANDS AND

COMMUNITY OBJECTIVES UP TO 20 POINTS

The City’s adopted Housing Element emphasizes the accommodation of special-needs populations. Points will be awarded for projects that provide housing for populations that are underserved or have special needs that are not generally met in other projects. Examples include, without limitation, handicapped-accessible units or housing for senior citizens or large families. ***(Documentation may include descriptions of existing housing inventory and market conditions, demographics, explanations of challenges confronted by the developers, description or drawings of proposed housing features, etc.)***

Points will be awarded to projects that:

1. Provide housing for populations that are underserved or have special needs that are not generally met in other projects, such as handicapped-accessible units or housing for senior citizens or large families.

2. Expand the range of housing choices available in the community by offering configurations, densities and/or price ranges that are not otherwise readily available.
3. Satisfy demonstrated market demands (e.g. large lots, or senior housing).
4. Utilize properties that have been bypassed because they are challenging to develop.

Check any appropriate category and provide details

Handicapped accessible units Senior citizen housing
 Large family housing Difficult property to develop

This 72-unit apartment complex will provide housing products that could serving larger families and some units may be designed with handicapped accessibility features.

15 POINTS

INFRASTRUCTURE AND SERVICES UP TO 25 POINTS

Preference will be given to projects that have the most positive impacts and/or the least negative impacts on infrastructure and services provided by the City and other service entities that operate within or provide services to the City. *(Documentation of infrastructure considerations and property dedications can take the form of written descriptions and commitments, maps and diagrams. Conservation features can also be documented with industry or manufacturer data and literature.)*

Scoring shall be based on the following criteria:

1. Proximity to existing infrastructure systems.
2. The extent of extension or expansion needed to increase the capacity of existing infrastructure to serve the proposed development and, if appropriate, future development.
3. The willingness of the developer to enter into a reimbursement agreement if the project involves construction of master-planned facilities and such an agreement is appropriate.
4. Agreement to construct and install new oversized infrastructure and/or construct and install new infrastructure that extends beyond the developer’s project in order to service future growth, with reimbursement to developer pursuant to a reimbursement agreement providing for reimbursement by future development connecting to the oversized and/or extended infrastructure.
5. Dedication of real property to the City to improve systems and services, including, without limitation, rights-of-way for streets, alleys or green belts, or sites for water wells, lift stations, drainage basins, (in accordance with the Storm Drain Master Plan) parks, and schools’ sites, etc.
6. Incorporation of resource conservation features, including, without limitation, active or passive solar systems, water conservation features, drought-tolerant landscaping and energy-efficient appliances.

Check the appropriate category and provide details

- Existing infrastructure
- Reimbursement agreement
- Dedication of property for systems and services
- Some infrastructure needed
- Resource conservation features

The proposed project will extend sewer, water, and storm drainage improvements west from 10th Avenue (Academy Avenue) to the west side of the subject property. The subject property is considered to be an urban in-fill project because infrastructure and Kingsburg's public services (police, fire and solid waste) is provided to properties north, south and east of the subject property.

25 POINTS

ARCHITECTURAL DESIGN AND AESTHETIC CONSIDERATIONS UP TO 15 POINTS

Kingsburg continues to project an image as “The Swedish Village” which gives the City a unique identity. Residential housing should include distinctive design, quality construction and accompanying amenities. *(In addition to written descriptions, diagrams and maps, such documentation as elevations, renderings, floor plans and photographs of similar developments may help to illustrate the proposed project. In the case of walled and gated communities, aesthetics and amenities that are generally viewed by and available to residents and selected guests exclusively will not be considered in scoring in this Architectural Design and Aesthetic Considerations category. Only those features that are visible to the general citizenry outside of the walled and gated community will be evaluated.)*

Features that will receive points through the scoring system include:

1. Custom homes or customized features on tract homes that prevent houses in the same development from appearing repetitious.
2. Fostering of neighborhood character.
3. Compatibility with neighboring developments (for example lot sizes and square footage of homes).
4. Utilization of alleys for garage access from the rear.
5. Variable front yard setbacks.
6. Landscaping of street medians and parkways.
7. Green belts with pathways for pedestrians, skaters and bicyclists.
8. Pedestrian-friendly design.
9. Bicycle lanes in appropriate locations.
10. Preservation of existing trees.
11. Open space and recreation facilities.

Check the appropriate categories and provide details.

- Custom homes or features on tract homes that keep them from appearing repetitious
- Landscaping of medians and parkways

- Fostering of neighborhood character
- Compatibility with neighboring developments
- Utilization of alleys for rear access
- Variable front yard setbacks
- Greenbelts with pathways for pedestrians, skaters, and bicyclists
- Bicycle lanes in appropriate locations
- Preservation of existing trees
- Open space and recreation facilities
- Pedestrian-friendly design

Because this multi-family residential development will be required to conform to the development and design standards of the North Kingsburg Specific Plan most of the design features and objectives detailed above will be complied with. These design requirements and development standards will be enforced through conditions of approval that will be attached to the tentative subdivision map and PUD.

15 POINTS

CITY OF KINGSBURG

NEGATIVE DECLARATION

KINGSBURG PLANNING

1401 DRAPER STREET

KINGSBURG, CA. 93631

(559) 897-5328

Project Title: SOHAL INC.

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Project Location: The subject property is located west of 10th Street between Kamm Avenue and Harold Street, containing 4.77 acres. The Assessors Parcel Number (APN) for the subject property is APN 394-021-015 (4.77 acres).

Applicant's Names and Addresses: Sohal Inc., 135 South Alta Avenue, Dinuba, Ca. 93618.

General Plan Designation: The subject property is designated "Medium Density Residential" by the North Kingsburg Specific Plan.

Zoning: The subject property is zoned RM-5.5.

Project Description:

The applicant, Sohal Inc., is seeking approval of a number of planning applications. Together, these planning applications constitute a "project" under the California Environmental Quality Act (CEQA). The subject property contains 4.77 acres and is located west of 10th Avenue (Academy Avenue) and north of Harold Street in Kingsburg.

The applications are as follows:

- 1. Inclusion of 72 multi-family residential units to the 2020 housing unit allocation as per Kingsburg's Growth Management process, and forward said recommendation to the Kingsburg City Council under the procedure outlined in Kingsburg Municipal Code 16.09.020.**
- 2. Approval of rezoning the subject site from Kingsburg's RM-5.5 (single family residential, one unit per 5,500 square feet) to its RM-3 (multi-family residential, one unit per 3,000 square feet) district.**

3. **Approval of a Planned Unit Development (PUD) 2020-01 (Sohal Inc.) and approving the necessary findings consistent with Chapter 17.76 of the Zoning Ordinance and subject to conditions.**

Other Public agencies whose approval is required (e.g. permits, financing approval or participation agreement): Fresno County Local Agency Formation Commission for final annexation.

FINDINGS OF NO SIGNIFICANCE:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
2. The project does not have the potential to achieve short-term economic gain, to the disadvantage of long-term environmental goals.
3. The project does not have the potential to have impacts that are individually limited but cumulatively considerable.
4. The project will not cause substantial adverse effects on people, either directly or indirectly.

DETERMINATION:

On the basis of an initial environmental assessment and the findings mentioned above, the City of Firebaugh determines that the project will not have a significant impact on the environment.

City Planner

Date Adopted