

STAFF REPORT

City Council Business Item

DATE: August 7, 2023

TO: Honorable Mayor and Council Members

FROM: Katey Schmidt, Community Development Department

THRU: Merritt Perry, City Manager

SUBJECT: **Public Hearing: For the Approval of a Major Subdivision of Two Parcels, 1.61 Acres in Size, Consisting of 9 Residential Parcels Ranging in Size From 6,014 Square Feet to 14,646 Square Feet; and a 1.77-Acre Remainder Parcel. *Resolution 2023-23***

PROJECT INFORMATION:

Applicant: Tina Christensen
APN: 203-031-018 and 203-031-019
Project Site: 3120 Kenmar Road

STAFF RECOMMENDATION:

Approve the subdivision with the attached conditions of approval.

EXECUTIVE SUMMARY:

Background

The proposed project is a major subdivision of a 1.43-acre and 8,031-square-foot parcel resulting in nine residential parcels, ranging in size from 6,014 square feet to 14,646 square feet; and a 1.77-acre remainder vacant residential parcel. Located on Kenmar Road, this project is phase 2 of a 3-phase subdivision. The previously approved Phase 1 was a minor subdivision of a 3.7-Acre Parcel into one developed single-family parcel (8,901 square feet) and a remainder (151,770 square feet) recorded in August 2021. The Planning Commission voted (6-0) at their hearing on July 11, 2023, to recommend that the Council approve the tentative map for Phase 2 of the subdivision with the attached conditions of approval.

Project Location

The project is located on the south side of Kenmar Road, between Remie Court and Church Street (see Attachment A: Location Map). Mill Creek is located just to the south of the project site on the adjoining property. The site zoning is Residential Single Family (R-1-6). The R-1-6 establishes a minimum lot size of 6,000 square feet. The project is located within the Rohnerville neighborhood, in an area that is developed with single-family residences of similar nature.

Land Use

The General Plan land use designation is Residential Low (RL), with a maximum density of 6.9 units per gross acre. The floor-area ratio (FAR) for residential uses shall not exceed 0.50. The proposed project will provide residential development in a land use district that is intended for and consistent with the proposed use.

Improvements

Kenmar Road is a public roadway with no current sidewalks along the parcel frontage. Frontage improvements will be required along the half of Kenmar Road fronting the subject project. This will include paving half of the Kenmar Road right of way and installing curb, gutter, and sidewalk.

Public utilities, including sewer and water mains, are located within existing public utility easements in the roadway and shall be extended within the project in accordance with the City of Fortuna Improvement Standards.

Natural and Cultural Resources

A Wetland Determination Report was prepared for the site (“Wetland Determination Report for CLK Subdivision, 8/20/2019” by J. Regan) which determined the subject parcel did not contain any areas that meet all three criteria for a jurisdictional wetland.

An archaeological report was prepared by Nick Angeloff, MA, and Abby Barrios-Gonzalez, BA (“A Historic Resource Evaluation of Significance of the Fortuna Christensen Property July 2019”) and determined there were no significant archaeological resources present that would be affected by the project, however, the report recommends inadvertent discovery protocols should be followed.

The City initiated the Tribal consultation process in August 2022. The Wiyot Tribe and the Bear River Band of the Rohnerville Rancheria reviewed the Archaeological Report, and both Tribes were in agreement with the report’s recommendation that inadvertent discovery protocols be followed. Inadvertent Discovery Protocols have been added to the Conditions of Approval.

Environmental

The project is exempt from the California Environmental Quality Act (CEQA) under a Class 32 exemption (CEQA Guidelines Section 15332 - In-Fill Development Projects); the project meets the criteria for infill development projects, as described in Attachment F, Section III, Findings.

Required Findings

The Planning Commission must base its decisions on legal findings, pursuant to the Fortuna Municipal Code, California Government Code, and the California Subdivision Map Act Section 66474 requiring a City to deny approval of a tentative map if the findings to deny are made. The project-specific findings described in Attachment F to the Resolution demonstrate the project’s conformance with City standards, Subdivision Map Act statutes, and public health and safety, and adopted by reference through the resolution for the tentative map.

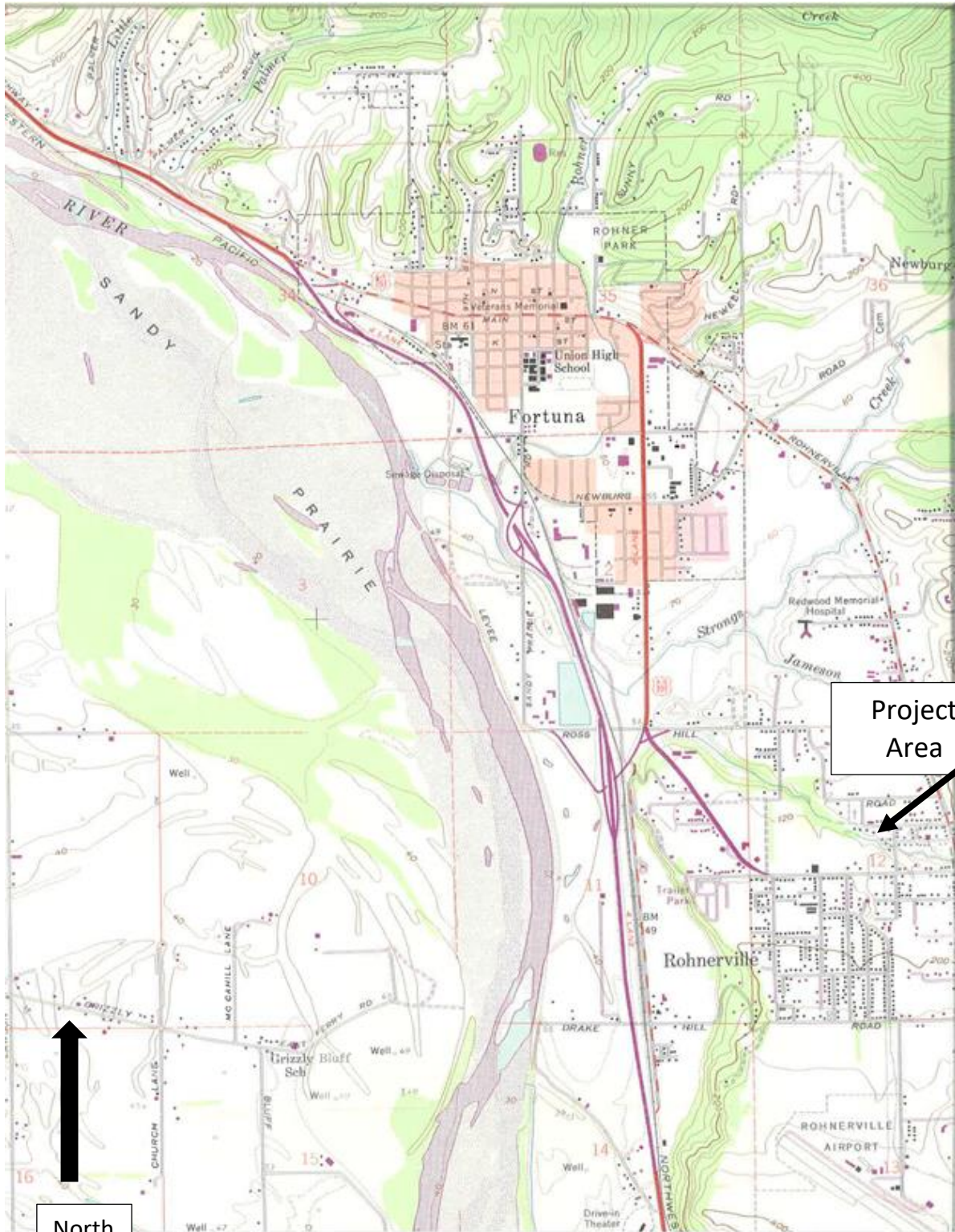
RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review questions with staff.
2. Open Public Comment
3. Close Public Comment
4. Motion to adopt *Resolution 2023-23* and read by title only. Voice vote.

ATTACHMENTS:

1. Location Map
2. Assessor's Parcel Map
3. Aerial Map
4. Tentative Map
5. Resolution 2023-23, a Resolution of the City Council of the City of Fortuna Approving a Subdivision of Two Parcels, 1.61 Acres in Size, Consisting of 9 Residential Parcels Ranging in Size From 6,014 to 12,383 Square Feet; and a 1.77-acre Remainder Parcel
6. Findings

**ATTACHMENT A:
Location Map**



North

Project Area

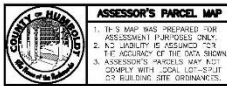
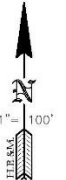
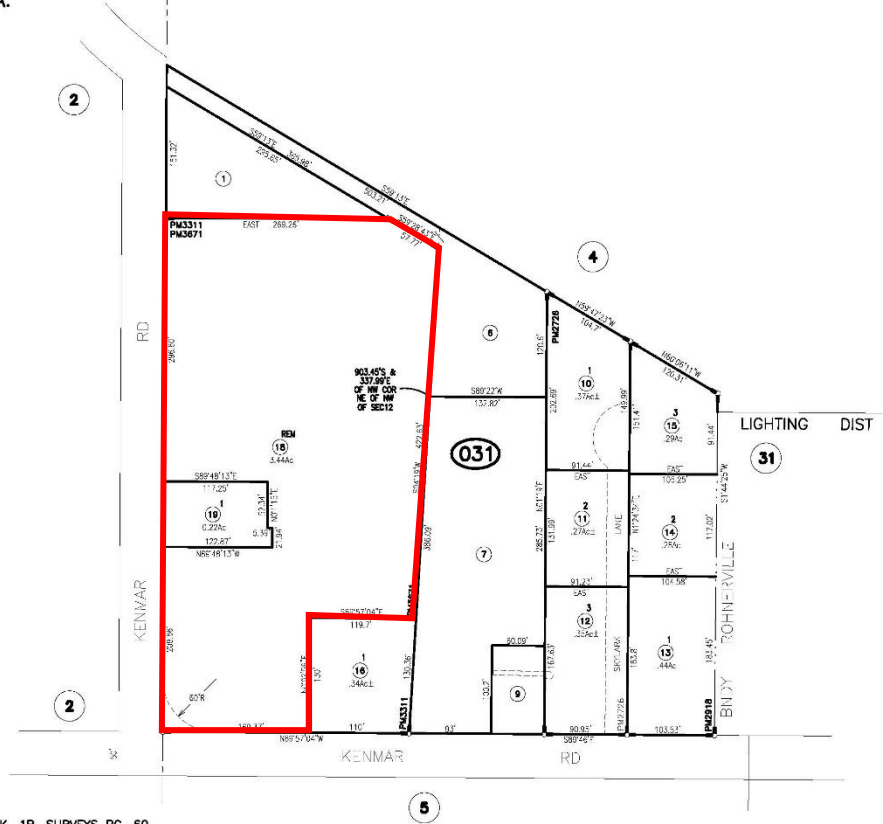
Project Location
USGS Topo Map, Fortuna Quad

ATTACHMENT B: Assessor's Parcel Map

Assessor's Map Bk.203, Pg.3
County of Humboldt, CA.

POR. SECS. 12 T2N R1W

203-03



RS BK. 1B, SURVEYS PG. 60
PM2726 BK.24 OF PARCEL MAPS, PG119
PM2918 BK.26 OF PARCEL MAPS, PG117-118
PM3311 BK.31 OF PARCEL MAPS, PG105-106
PM3671 BK.37 OF PARCEL MAPS, PG 30-31

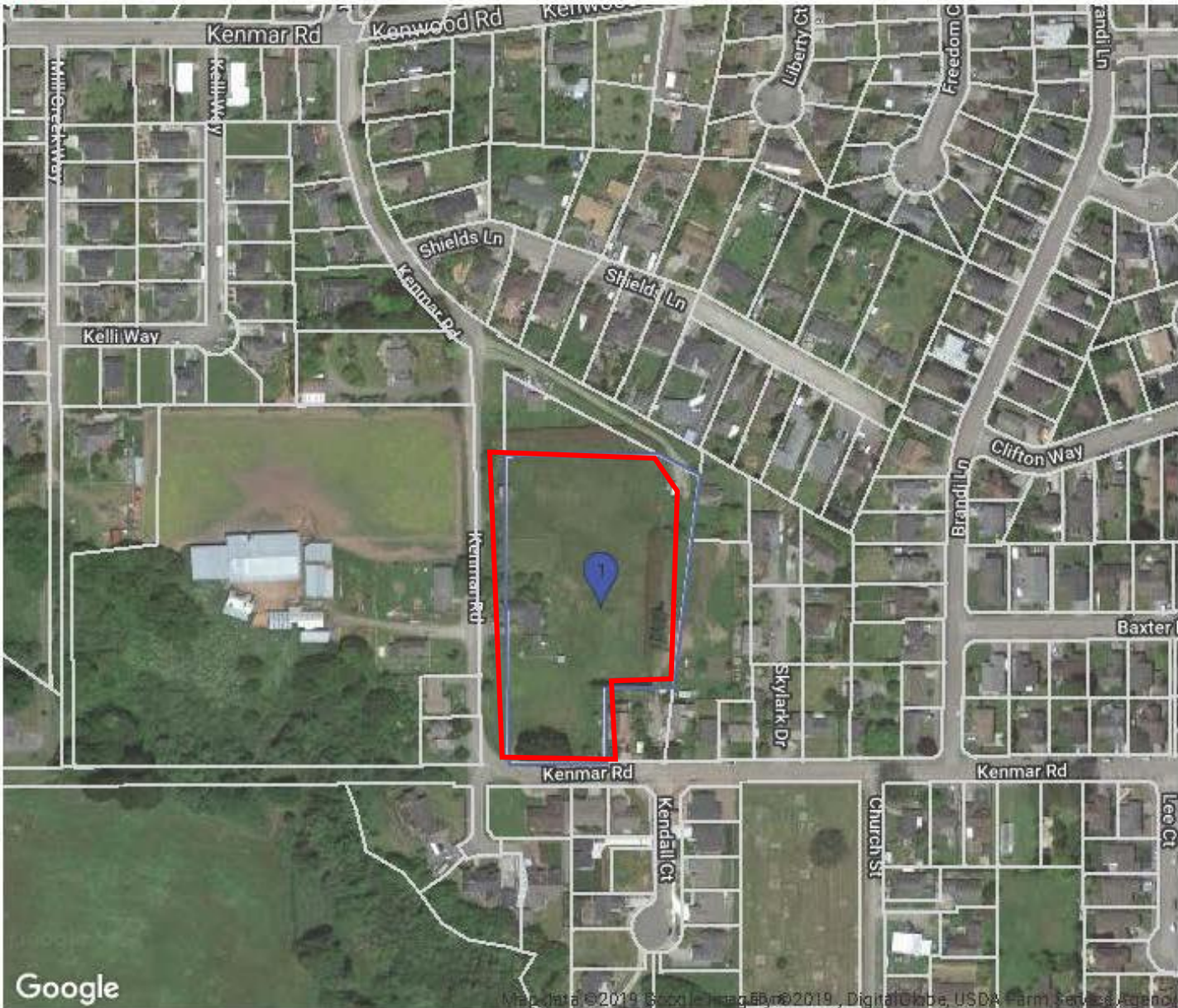
NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles.



**CLK Subdivision
Assessor's Parcel Map**

**ATTACHMENT C:
Ariel Map**

PARCELOQUEST



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**CLK Subdivision
Aerial Map**

ATTACHMENT E:

RESOLUTION 2023-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA
APPROVING A SUBDIVISION OF TWO PARCELS, 1.61 ACRES IN SIZE,
CONSISTING OF 9 RESIDENTIAL PARCELS RANGING IN SIZE FROM 6,014 TO
12,383 SQUARE FEET; AND A 1.77-ACRE REMAINDER PARCEL**

WHEREAS, Tina Christensen has applied for approval of a tentative map to subdivide two parcels, 1.61 acres in size, consisting of 9 residential parcels ranging in size from 6,014 square feet to 14,646 square feet; and a 1.77-acre remainder parcel.; and

WHEREAS, the project is exempt from the California Environmental Quality Act as a Class 32 in-fill development (Sec. 15332); and

WHEREAS, the proposed project, and its design and improvements, conform to the applicable local policies, ordinances, and the Fortuna General Plan, as discussed in the staff report and the “Findings for the CLK Kenmar Subdivision” (Exhibit 1); and

WHEREAS, the Planning Commission has considered this project at a duly noticed public hearing and approved the tentative map on July 11, 2023;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fortuna that the subdivision shown on the tentative map dated March 17, 2023, is hereby approved, subject to the following conditions being satisfied and improvements being installed or secured in accordance with the Fortuna General Plan, Fortuna Municipal Code, Fortuna Improvement Standards and Specifications, and other applicable regulations, prior to recordation of the subdivision map:

I. PLANNING DIVISION:

1. Control Measures. Shall comply with grading and erosion control measures, including the prevention of sedimentation and damage to off-site property, as set forth in the standard improvement specifications, or as specified by the city engineer (FMC §16.44.020).
2. Improvements. The subdivider shall construct all required improvements both on- and off-site according to approved standards specified in FMC §16.16.030 (FMC §16.16.010(A)), §16.12.040, §16.16.050 and §16.16.060 (FMC §16.16.020(B)).
3. Standards. The standards for required improvements shall be those stated in the standard improvement specifications as prepared by the city engineer, recommended by the planning commission, and adopted by the city council by resolution (FMC §16.08.080).
4. Agreements. If the subdivision improvements have not been completed prior to filing the final map, parcel map, or instrument of waiver, the owner or owners of the subdivision

shall enter into an agreement with the city agreeing to have the required improvements completed and post security in accordance with FMC §16.16.070 (FMC §16.16.040).

5. Completion. The subdivision improvements shall be completed by the developer within 12 months, or such time as approved by the city engineer or public works director, not to exceed a period of 18 months, from the recording of the final map unless an extension is granted by the city council (FMC §16.16.060(A)).
6. Failure. Should the subdivider fail to complete the improvements within the specified time, the city may by resolution of council, and at its option, cause any or all uncompleted improvements to be completed, and the parties executing the surety or sureties shall be firmly bound for the payment of all necessary costs therefor before the acceptance of the improvements. (FMC §16.16.060(A)).
7. Permits. No permit or other grant of approval for the development of any of the lots in the subdivision can be issued or granted until the improvements are completed, or until an improvement agreement is entered into with the city (FMC §16.16.020).
8. Map Act. Final maps, and procedures in connection therewith, shall conform to the Subdivision Map Act, Section 66433 et seq., and ordinances of the city (FMC §16.08.050).
9. Expiration. The approval or conditional approval of a tentative map shall expire two years from the date the map was approved or conditionally approved (FMC §16.08.070(A)).
10. Extension. The person filing the tentative map may request an extension of the tentative map approval or conditional approval by written application to the planning commission, such application to be filed at least 30 days before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension (FMC §16.08.070(B)).
11. Time Limit on Extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed an additional 18 months (FMC §16.08.070(C)).
12. Effect of Map Modification on Extension. Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by this section (FMC §16.08.070(D)).
13. Fees. Every person submitting a tentative, parcel, or final map, or petition for reversion to acreage shall pay a processing fee in an amount prescribed by resolution of the city council (FMC §16.08.090).
14. Drainage Fees. Drainage fees shall be collected prior to the filing of any parcel map or final map.

15. Dedication. The subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements including, but not limited to, access to public natural resources pursuant to Section 66478.1 et seq., of the Subdivision Map Act (FMC §16.24.010).
16. Street Access Waiver. Any dedication or offer of dedication of a street shall include a waiver of direct vehicular access rights to such street from any property shown on a final or parcel map as abutting thereon, and that if the dedication is accepted, such waiver shall become effective in accordance with its provisions (FMC §16.24.020).
17. Monuments. Monuments shall be set on all corners unless this requirement is waived by the city engineer (FMC §16.40.010(A)).
18. Monument Standards. At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey (FMC §16.40.020(A)).
19. Additional Monuments. The engineer or surveyor shall also set any additional monuments required by the standard improvement specifications, or as required by the city engineer. All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recording the final map (FMC §16.40.020(B)).
20. Agreement. The agreement shall be prepared and signed by the public works director and approved as to form by the city attorney and shall provide for:
 - i. Construction of all improvements per the approved plans and specifications (FMC §16.18.080(A)).
 - ii. Completion of improvements within the time specified by FMC §16.12.040, §16.16.050, and §16.16.060 (FMC §16.18.080(B)).
 - iii. Right by city to modify plans and specifications (FMC §16.18.080(C)).
 - iv. Warranty by subdivider that construction will not adversely affect any portion of adjacent property (FMC §16.18.080(D)).
 - v. Payment of inspection fees in accordance with the city's resolution establishing fees and charges (FMC §16.18.080(E)).
 - vi. Payment of drainage district or area fees, if required (FMC §16.18.080(G)).
 - vii. Improvement security as required by FMC §16.16.090 (FMC §16.18.080(H)).
 - viii. Maintenance and repair of any defects or failures and causes thereof (FMC §16.18.080(I)).

- ix. Release of the city from all liability incurred by the development, and payment of all reasonable attorney's fees that the city may incur because of any legal action arising from the development (FMC §16.18.080(J)).
 - x. Any other deposits, fees, or conditions as required by city ordinance or resolution and as may be required by the public works director (FMC §16.18.080(K)).
21. Security Bond. A performance bond or security in the amount of 100 percent of the estimated construction cost to guarantee the construction or installation of all improvements shall be required of all subdivisions (FMC §16.16.090(A)) and shall be approved by the city engineer including:
- i. Not less than five percent nor more than 10 percent of the total construction cost for contingencies (FMC §16.16.090(B)(1)).
 - ii. Increase for projected inflation computed to the estimated midpoint of construction (FMC §16.16.090(B)(2)).
 - iii. All utility installation costs or a certification acceptable to the city engineer from the utility company that adequate security has been deposited to ensure installation (FMC §16.16.090(B)(3)).
 - iv. Setting of all street monuments and property corners as set forth on the final map (FMC §16.16.090(B)(4)).
 - v. An additional amount of 50 percent of the estimated construction cost shall be required to guarantee the payment to the subdivider's contractor, subcontractors, and to persons furnishing labor, materials, or equipment for the construction or installation of improvements (FMC §16.16.090(A)).
22. Warranty Security. Upon acceptance of the subdivision improvements by the city council, the subdivider shall provide security in the amount as required by the city engineer to guarantee the improvements throughout the warranty period of one year from the date of acceptance by the city of the subdivision improvements (FMC §16.16.100).
23. Performance Security. The performance security shall be released only upon acceptance of the improvement by the city council and on an approved warranty security that has been filed with the city engineer (FMC §16.16.120(A)).
24. Material and Labor Security. Security given to secure payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment may, six months after the completion and acceptance of the improvements by the city council, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the city council. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given (FMC §16.16.120(B)).

25. Warranty Security. The warranty security shall be released upon satisfactory completion of the warranty period (FMC §16.16.120(C)) provided:
 - i. All deficiencies appearing on the final deficiency list for the subdivision have been corrected (FMC §16.16.120(C)(1)).
 - ii. Not less than 12 months have elapsed since the acceptance of the improvements by the city council (FMC §16.16.120(C)(2)).
26. Construction. Construction shall not commence until required improvement plans have been approved by the city engineer (FMC §16.16.130(B)).
27. Construction Methods. The construction methods and materials for all improvements shall conform to the standard specifications of the city as adopted by council resolution (FMC §16.16.130(A)).
28. Construction Standards. The general provisions of the city's standard specifications shall apply to the developer where applicable (FMC §16.16.130(B)).
29. Inspections. All improvements are subject to inspection by the city engineer or authorized personnel in accordance with the city's standard specifications (FMC §16.16.140).
30. Final Inspection. Upon completion of the subdivision improvements, the developer shall apply in writing to the city engineer for final inspection (FMC §16.16.150(A)).
31. Supplemental Improvements. The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity, or number for the benefit of property not within the subdivision as a condition prior to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public (FMC §16.36.030).
32. Sewer Facilities. The subdivider shall construct sanitary sewer trunk lines and provide sanitary facilities as necessary to connect to the existing system without causing any manner of overloading (FMC §16.36.011(D)).
33. Construction of Off-Site Drainage Improvements. Storm drainage improvements shall be constructed in conformance with the city's 1982 Storm Drainage Master Plan and Improvements Standards and Specifications (FMC §16.36.011(B)).
34. Building Permit. The proposed project shall comply with the terms and conditions of the building permit (FMC §17.07.050(B)(2)).
35. In conjunction with review and approval of the subdivision improvement plans, an Inadvertent Discovery Plan shall be prepared and approved by the Community Development Department, pursuant to California Title 14 CCR 15064.5 (f), if

concentrations of prehistoric or historic-period materials are encountered as a result of ground-disturbing activity attributable to the project, all work in the immediate vicinity shall halt until a qualified archaeologist can evaluate the finds and make recommendations. The recommendations of the archaeologist shall be implemented. Prehistoric materials could include obsidian and chert debitage or formal tools, grinding implements, (e.g., pestles, hand stones, bowl mortars, slabs), locally darkened midden, deposits of shell, faunal remains, and human burials. Historic materials could include ceramics/pottery, glass, metal, can and bottle dumps, cut bone, barbed wire fences, building pads, structures, and trails/roads. If human remains are inadvertently discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC and the Wiyot and Bear River Tribes. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or failed to make a recommendation.

II. ENGINEERING DIVISION:

Final Map/Dedications:

36. The applicant shall submit to the City Engineer a final map prepared by a Land Surveyor or Civil Engineer, licensed in the State of California to practice Land Surveying, that is substantially the same as the approved Tentative Map dated March 17, 2023, for review, approval, and recordation with the County Recorder, within two years of the approval date of the Tentative Map. All existing easements and interests shall be shown and/or noted on the final map. Upon city approval and prior to recordation, an Autodesk-compatible electronic file of the final map shall be delivered to the City Engineer.
37. The applicant shall dedicate upon the final map, the following easements to the City of Fortuna:
 - a. An easement for rights-of-way to the back of sidewalk for all internal access roads within the subdivision as shown on the tentative map.

- b. An area(s) shall be set aside, and easements dedicated, if necessary, for a postal Cluster Box Unit (CBU). Such area shall be approved by the Postmaster or the Postmaster's representative of the City of Fortuna, and written verification shall be provided.
 - c. A public utility easement 10 feet in width along the frontage of all parcels. Such easement shall be used for undergrounding utilities and the placement of utility poles and/or street lights.
 - d. Additional drainage easements, as required for drainage improvements outside of the street right-of-way, as noted in the Storm Drainage and Improvement Plan sections below.
 - e. A one-foot non-vehicular access strip shall be dedicated to the City along the portions of parcels 1 and 8 that front Kenmar Road.
 - f. Any other easements not anticipated at this time, as may be required to facilitate the construction of improvements shown on the final improvement plans, as approved for construction by the City Engineer.
38. City Council authorization to accept the required dedications and improvements and to record the final map, shall be required prior to submittal of the final map to the County Recorder for recordation.

Roads and Streets:

39. The following improvements shall be constructed or secured in accordance with the City of Fortuna's Standard Improvement Specifications and Subdivision Ordinance prior to recordation of the parcel map or final map:
- a. The internal access roads shall be constructed to the standards of a High Density Collector Road (Exhibit A). Road structural sections will be based upon R-value tests of the subgrade soils, utilizing Traffic Index values approved by the City Engineer. Typical sections shall be shown on improvement plans for all street improvements. Sidewalks, driveways, and handicapped ramps shall be constructed as a contiguous pour with curb and gutter, at the time of roadway construction.
 - b. The road width within the access road shall be 50-feet, measured from back of sidewalk.
 - c. A cul-de-sac having a minimum radius of forty (40) feet to the face of curb shall be required at any dead-end public street.

40. Prior to recording of any parcel map, final map, or issuance of any building permit, the applicant shall pay Traffic Impact or Road Extensions and Expansions fees noted below, in accordance with City of Fortuna Resolution No. 2007-12:
 - a. Prior to filing of any parcel map or final map, the applicant shall pay a fee for Arterial and Collector Road Extensions and Expansions in the amount of \$305 for each new undeveloped parcel. Such fee shall be placed in the "Collector and Arterial Street Improvement Fund."
 - b. Prior to the issuance of any building permit, the applicant shall pay a fee for Arterial and Collector Road Extensions and Expansions in the amount of \$610.00 for each new dwelling. A credit will be given for any fees paid under section a) directly above (per Resolution 2007-12, section 7.b).
41. Street name signs shall be installed at the intersections of Kenmar Road, and stop signs and stop bars, and crosswalk markings shall be installed, where applicable. New street names shall be submitted and approved prior to submittal of improvement plans or final map, in accordance with the Planning Department requirements.
42. A Street light shall be installed at the intersection of the access road and Kenmar Road. The street light shall be constructed in accordance with City Standard Details, page R-111, and dedicated to the City. The applicant will be required to coordinate installation and activation with PG&E.
43. Red curb paint shall be installed along the face of curb of the cul-de-sac if the minimum radius dimension is proposed.
44. Frontage improvements will be required along the half of Kenmar Road fronting the subject project. This will include paving half of the Kenmar Road right of way (as shown on the approved tentative map), and installing curb, gutter, and sidewalk.

Soils Reports (Soils, Drainage, Geology, Traffic)

45. A Soils Report shall be prepared for the development, in accordance with Section 66490, et. seq., of the California Government Code. All construction shall comply with the recommendations contained in the report and any subsequent updates, revisions, or additions. The measures recommended in this report(s) shall be incorporated into any and all improvement plans, site development plans, or building permits (if applicable) on the property unless a more detailed report has been prepared for a specific site. A note to this effect shall be placed on the improvement plan drawings.
46. Provisions of the Drainage and Soils Report(s) must be complied with during construction of any improvements in order to ensure site stability and that drainage issues are addressed. In order to ensure compliance with the findings of the geologic/soils and drainage report(s)

during building permit stage, a copy any report(s) shall be placed on file with the Fortuna Building Department. Site-specific soils/slope stability and drainage issues noted by the city inspector, at the time of construction, shall be mitigated prior to acceptance of the construction improvements

Water System

47. A hydraulic analysis to determine the ability of the city's existing water facilities to serve the project will be required. The analysis shall determine whether adequate domestic pressure and minimum fire flows can be provided within the project. If the analysis determines that adequate domestic pressure or minimum fire flows cannot be provided by the city's existing water facilities, the applicant shall upsize the existing water line(s) serving the project, as needed, so that adequate pressure and flows can be provided; or provide other means, acceptable to the City Engineer, to supply adequate water pressure and fire flows to the project. If the applicant is required to oversize, improve, or extend the city's existing water facilities, a rebate agreement may be considered in accordance with Fortuna City Council Policy "Rebate Agreements for Water and Sewer Extensions and/or Facilities" dated June, 2004.
48. Water mains, as sized by the developer's engineer, and approved by the City Engineer, shall be extended within the project in accordance with the City of Fortuna Improvement Standards, Section V-3, page 15.
49. Fire hydrants shall be installed every 500 feet within residential areas, and 300 feet within commercial areas, at locations approved by the Fortuna Volunteer Fire District and City of Fortuna Improvement Standards, Section V-3, page 15. A letter of approval from the fire department, including a schematic diagram of approved fire hydrant locations, shall be provided prior to approval of the improvement plans.
50. Water valves shall be installed in accordance with City of Fortuna Improvement Standards, Article V – Water Systems.
51. All dead end mains shall be provided with a standard blow off or other acceptable means of flushing in accordance with the City of Fortuna Improvement Standards, Article V – Water Systems.
52. Backflow prevention shall be provided at all landscape irrigation and fire service connections.
53. Provide easements to any on-site fire hydrant required by FVFD.

Sewer System:

54. A hydraulic analysis to determine the ability of the city's existing sewer facilities to serve the project may be required, (at the discretion of the City Engineer). The analysis shall determine whether adequate capacity is present within the existing city facilities, including collection, pumping, and treatment facilities (if necessary); downstream of the project, to provide adequate service to the project. If the analysis determines that adequate service cannot be provided by the city's existing sewer facilities, the applicant shall upsize the existing collection, pumping and/or treatment facilities serving the project, as needed, so that adequate sewer service can be provided; or provide other means, acceptable to the City Engineer, to supply adequate sewer service to the project. If the applicant is required to oversize, improve, or extend the city's existing sewer facilities, a rebate agreement may be considered in accordance with Fortuna City Council Policy "Rebate Agreements for Water and Sewer Extensions and/or Facilities" dated June 2004.
55. Sewer mains, as sized by the developer's engineer, and approved by the City Engineer, shall be extended within the project in accordance with the City of Fortuna Improvement Standards, Article VI – Sanitary Sewers.
56. Minimum size of sewer mains shall be 8", except for final runs within cul-de-sacs, or other area where there is no possibility of future extension of the sewer main. No sewer main shall be smaller than 6". Sewer manholes shall be installed at a maximum spacing of 300 feet. Sewer cleanouts to grade may be installed at the end of final runs within cul-de-sacs, other areas where there is no possibility of future extension of the sewer main, or at the end of a sewer main that will likely be extended in the future. Sewer cleanouts to grade can be installed no further than 150 feet from a manhole.

Storm Drainage:

57. All development shall comply, to the extent reasonably possible, with the recommendations of the 2005 Storm Drain Master Plan prepared by Winzler and Kelly, a copy of which is available for purchase at City Hall. Drainage Reports and/or calculations shall specifically include consideration of the recommendations within this report. If recommendations per the Master Plan are not included within the proposed development design, the Drainage Report and/or calculations must address specific justification for omission thereof. Specific provisions that should be incorporated into any development design, and/or addressed within the project Drainage Report include, but are not necessarily limited to:
 - a. Incorporate onsite and regional storm drainage detention.
 - b. New development shall not increase the estimated existing peak runoff rate from the site due to the 25-year 24-hour storm. Any increase beyond the 25-year event peak resulting from new development shall be retained or detained at the expense of the developer/owner.

58. Design of all Storm Drainage Facilities shall incorporate Low Impact Development (LID) practices, and shall comply with all requirements of the Humboldt County Low Impact Development Manual (V3.0).
59. A Drainage Report shall be prepared for the project by a properly licensed professional. All of the measures recommended in these reports shall be incorporated into any and all improvement plans, site development plans, or building permits (if applicable). Improvement plans shall include a signature block for consultant(s) that have prepared the drainage report(s) for the project, stating the appropriate plans have accurately reflected the recommendations contained therein. In the event that the Drainage Report is prepared by the same engineer or firm that prepares the Improvement Plans, a separate signature block acknowledging the Drainage Report shall not be required. In this case, a general note shall be included on the title sheet of the plans, acknowledging the Drainage Report by title and date, and confirming that the plans have accurately reflected the recommendations contained therein.
60. 25. Prior to recording of any parcel map, final map, or issuance of any building permit, the applicant shall pay Storm Drainage fees noted below in accordance with City of Fortuna Resolution No. 2007-12:
- a. Prior to filing any parcel map or final map, the applicant shall pay a drainage assessment fee of \$600/vacant parcel.
 - b. Parcels developed prior to 1985 shall pay a drainage fee of \$0.32/square foot for all existing impervious surface coverage on the parcel.
 - c. Prior to issuance of any building permit, the applicant shall pay a drainage fee of \$0.32/square foot of impervious surface coverage created.
 - d. A drainage fee calculated upon the issuance of a building permit shall be reduced by the amount of the drainage fee paid prior to the filing of a parcel or final map, per section a) above (per Resolution 2007-12, section 4.a.ii).
61. Storm Drainage Improvements, as determined necessary by the Drainage Report, and as shown on the Improvement Plans, shall be extended within the project in accordance with the City of Fortuna Improvement Standards, Article IV – Drainage Improvements. Appropriate easements to accommodate maintenance and repair of the improvements shall be provided on the final map. Specific storm drainage improvements required include, but may not be limited to the following:
- a. Storm drain pipes and structures to deliver project storm water runoff to the nearest existing City-owned facility.

- b. Lot grading (as shown on the Improvement Plans) to ensure post-project runoff does not flow to adjacent lots of the project.
 - c. Lot grading (as shown on the Improvement Plans) to ensure off-site flows not routed through the project's storm drainage system do not change in character, location, or volume.
 - d. Mitigation of stormwater runoff flows as noted above to prevent post-development flows from exceeding pre-development flows.
62. All public storm drain inlets are to be marked with “No Dumping—Drains to River” using brass markers purchased from the City of Fortuna Public Works Division, or other supplier approved by the Public Works Division.
63. As well as being shown on the final map, a “Notice of Special Development Conditions” shall be recorded noting the need for any private storm drainage easements to be created on any of the lots of this development, as determined by the approved final grading and drainage plan. The Notice shall state that no structures, uses, or modification of ground elevations shall be allowed that obstruct storm water runoff within the drainage easement(s).
64. The drainage culverts front the project along Kenmar Road shall be replaced all of the way to the drainage inlet near the intersection of Kenmar Road and Remie Court. Drainage inlets shall be provided as needed to meet general engineering practices. All existing drainage path utilizing the frontage of the property shall be maintained, including any drainage pipes crossing Kenmar Road.

Improvement Plans:

65. Prior to performing any work on the improvements, an Improvement Plan shall be submitted to the City Engineer, and approved and signed by the City Engineer, Director of Public Works, City Planner, City Compliance Coordinator, Pacific Gas and Electric, AT&T, Optimum, U.S. Postal Service, the Fortuna Building Official, and the Fortuna Fire District Chief. Once approved, an Autodesk compatible electronic file shall be delivered to the city. After completing the work, a complete set of “Record Drawings” including reproducible improvement plan drawings shall be filed with the City documenting all as-built improvements. It shall be the responsibility of the Design Engineer who prepares the Improvement Plans to certify the Record Drawings as being accurate and complete.
66. Improvement Plans shall include full design data for all improvements proposed to be constructed in conjunction with the development, including any required off-site improvements. Improvement plan drawings shall be reasonably organized and presented with a title sheet showing a location map, general notes, and sheet index. Plan sheets shall include match lines and references to adjacent sheets. If off-site improvements are required

as a part of the development, the location and sheet number for these improvements shall be clearly shown and identified on the title sheet. Improvement plans for required off-site improvements shall be an integral part of the improvement plans prepared for the development, unless specifically approved otherwise by the City Engineer.

67. A Construction Cost Estimate, prepared by a Registered Civil Engineer, showing estimated quantities and unit prices based upon prevailing wage labor rates, shall be provided for all work included on the final approved Improvement Plans.
68. Improvement Plans shall include a grading plan clearly showing existing contours and finish grade elevations, including all cut and fill slopes, and cut and fill daylight lines. The general location of finished building pads and finish pad elevations shall be shown for each parcel. Detailed location, finished grade elevations, and grading shall be provided for all flag lots to be created (if applicable). Maximum driveways slope shall be 15% . All of the improvements required by the Conditions of Approval, and shown on the grading plan shall be installed prior to the filing of the final map, unless appropriate agreements and bonding have been executed. All lots shall be graded so that the surface water runoff shall drain to the street or other drainage facility approved by the City Engineer adjacent to the parcel. Surface water runoff shall be directed to the street whenever possible. Designation of rear lot drainage on an approved Tentative Map shall not be interpreted as a tacit approval to provide rear lot drainage in conjunction with the final grading plan. Extraordinary, extenuating, and compelling conditions must exist before rear lot drainage will be allowed. All drainage facilities outside the street right-of-way shall be installed in pipe. Drainage outfalls may require Best Management Practices to reduce storm water contamination, as determined by the Public Works Director, City Engineer, and/or jurisdictional regulatory agencies. All grading plans shall consider the surface flow of waters in the event that proposed storm drainage facilities fail for any reason, minimizing the potential for flooding of buildings or other damage.
69. All improvement plans shall be prepared using the NAVD88 vertical datum. The improvement plans shall include a note acknowledging how the datum was established on the project site (which benchmarks were used to establish the elevation datum). A temporary benchmark shall be provided for the city inspector's and contractors' use within 100' of the limits of the development. The location, description, and elevation of the TBM shall be clearly shown on the improvement plans.
70. Prior to any grading on the site, Improvement Plans shall be prepared for the project, reviewed, and approved by the City Engineer. Improvement plans shall include an erosion control plan identifying construction site BMP's. The erosion control plan must be approved prior to issuance of any grading permit (including rough grading), or prior to signing the Improvement Plans, and ongoing inspections will be conducted by the City Engineer or appointed designee. If grading is started on the project prior to approval of improvement plans or issuance of a grading permit, or receipt of a Waste Discharge

Identification Number (WDID) from the Regional Water Quality Control Board (if required), the City will immediately issue a Stop Work Notice, the contractor shall be subject to fines and penalties as specified in Municipal Code, and the City Manager may elect to request the City Council or Planning Commission to consider rescinding approval of the development.

71. Projects that involve grading or disturbance of soil shall comply with the requirements of the State of California State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES No. CA S000002 (General Order). This General Order became effective on July 1, 2010. If proposed construction activity will disturb less than one (1) acre of land, BMP's shall be implemented to eliminate, minimize and/or treat stormwater discharges from the site. These BMP's shall be monitored for effectiveness throughout construction activities. If proposed construction activity will disturb one (1) acre of land or more, the General Order requires that the Legally Responsible Person (LRP) (usually the property owner or leasehold interest) is required to obtain permit coverage under the General Permit through the submittal of Permit Registration Documents (PRD's) prior to the commencement of construction activities. Permit Registration Documents include, but are not limited to, a Notice of Intent (NOI) and a Storm Water Pollution Prevention Plan (SWPPP) prepared by a Qualified SWPPP Developer (QSD), certified by the State Water Resources Control Board (the Board). The General Order requires all PRD's to be electronically submitted and the appropriate fee paid to the Board prior to the Board issuing a Waste Discharge Identification Number (WDID). The WDID shall be provided to the City Engineer in conjunction with improvement plan review and checking, and must be confirmed by the City Engineer prior to the approval of the improvement plans.
72. A note shall be added to the Improvement Plans, stating "This project is required to meet all requirements of the State of California State Water Resources Control Board National Pollutant Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ, NPDES No. CA S000002 (General Order) regarding storm water erosion control. All mass grading shall be completed between May 1st and October 15th unless otherwise specifically approved by the City Engineer. If project construction activity is anticipated to extend beyond October 15th, the developer and/or contractor shall submit written notice to the City Engineer by September 15th of each year, requesting approval of wet weather construction activities. Wet weather construction activities may not be approved for sensitive sites. The project site shall be adequately winterized, and all Best Management Practices (BMP's) shall be in place, and all disturbed areas adequately stabilized, before the onset of seasonal rains which may produce runoff or erosion, or no later than October 15th of each year, whichever occurs first. The City may issue Stop Work Notice and/or notify the Board of any violations of these provisions."

If construction activity is proposed on the site during wet weather periods, the written notice required directly above shall request a meeting with City staff prior to October 1st to review anticipated construction activities during wet weather periods. The site's SWPPP, and the project site's calculated risk level, as determined in the PRD's, will be evaluated to determine whether construction activity during wet weather periods will be permitted. In the event that construction activities within wet weather periods are allowed, an additional general note shall to be included on the improvement plans, as follows:

- a. All site inspections (including pre- and post-storm inspections) required by the General Order shall be faithfully performed and properly documented. In the event any erosion control provision fails to perform adequately, or as intended; or there is any observed erosion on, or sediment transport from, the project site, all construction activities shall immediately cease on the project, and notice provided to the Legally Responsible Person, the designated Qualified SWPPP Developer or Practitioner (QSD/QSP as designated in the project's PRD's), and the City Engineer. The QSD/QSP shall provide direction for the repair of any failed erosion control BMP measure(s), and/or additional erosion/sediment control BMP's recommended to prevent further erosion or sediment transport. No additional new work shall be completed on the project until the failed erosion control BMP measures have been repaired to the satisfaction of the QSD/QSP and the City of Fortuna, and/or additional recommended erosion/sediment control BMP's have been properly installed. The QSD/QSP shall prepare a letter or memo to the City, acknowledging that repairs and/or additional BMP's have been completed to the QSD/QSP's satisfaction, prior to work resuming on the project.
73. All permits from outside agencies (if applicable) will be required prior to the approval of the improvement plans.

Miscellaneous Requirements:

74. A cement pad for a Cluster Box Unit (CBU) shall be poured, location to be approved in writing by the Post Office. The CBU shall be installed, or receipt showing payment of it shall be provided. If necessary, additional easements for the placement of the CBU shall be shown and dedicated on the final map.
75. Public utilities, including sewer, water, electricity, cable TV, gas, and telephone, shall be installed within the right-of-way within the subdivision and laterals shall be installed to each parcel, when necessary, in accordance with each utility's rules and regulations. Utility poles and/or street lights shall be placed within the 10-foot wide utility easement. If necessary, any existing utility poles shall be relocated. The installation of public utilities shall be coordinated with and approved by the applicable utility. All laterals shall be marked for easy identification. Prior to the filing of the final map, the developer shall

provide proof that financial arrangements have been made for installation of all public utilities to each lot of the subdivision.

76. If existing utility poles or street lights are located within widened roadway areas, the City will determine whether any necessary relocations will be relocated at the expense of the utility or the developer, in accordance with the Public Utilities Code, § 6297. Minimum ADA accessibility requirements shall be strictly maintained around all existing utility poles or street lights located within proposed sidewalk areas, either by granting additional easement or right-of-way, or fee simple dedication; and transitioning the sidewalk around the existing utility pole such that ADA requirements are met. If existing utility poles or street lights are required to be relocated to maintain ADA accessibility requirements within proposed sidewalk areas, or for public safety concerns, these relocations shall be completed at the sole expense of the developer. The City Engineer shall determine whether sidewalk transitions can be made in lieu of relocation of utility poles or street lights.

77. The applicant shall obtain a Demolition Permit from the City of Fortuna Building Department prior to demolition of any existing buildings on the project site.

PASSED AND ADOPTED on this 7th day of August 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Tami Trent, Mayor

Siana Emmons, City Clerk

Attachment F
Findings for the CLK Kenmar Subdivision

I. The Fortuna Zoning Code, Section 16.08.060 requires that the approval of a parcel map be based on certain findings. Parcel maps may be approved only if they conform to the ordinances of the City. The following discussion presents the project in relation to the City's ordinances:

A. *The parcel map conforms to the General Plan:*

The project is consistent with the General Plan because the General Plan land use map designates this area for single-family residential development of the type that is being proposed. The proposed project conforms to the General Plan policies in terms of land use, road standards and other infrastructure, environmental constraints, and health and safety issues and there are no other General Plan policies in conflict with this subdivision.

Fortuna General Plan Goals, Policies & Programs

Land Use Designation

Residential Low (RL)

This designation provides for single-family detached homes, secondary residential units, public and quasi-public uses, limited neighborhood-serving commercial uses, and similar and compatible uses. Residential densities shall be in the range of 3.0 to 6.9 units per gross acre. The FAR in this district shall not exceed 0.50.

Goal LU-1.5 Land Use Balance: The City shall promote the development of a healthy balance of residential, commercial, open space, institutional, and industrial businesses within the city.

Public Facilities & Services

Goal PFS-1: To ensure the efficient and cost-effective delivery of services and well-maintained infrastructure systems, commensurate with the City's ability to finance and operate.

Goal PFS-1.2 Adequate Public Facilities to Serve New Development: The City shall ensure through the development review process that adequate public facilities and services are available to serve new development when required.

Goal PFS-14: The City shall continue to implement a Storm Drainage Master Plan and Flood Protection Master Plan to assure adequate protection for residents and property.

All sections of the Fortuna General Plan were reviewed for this project, and it has been determined that there are no General Plan policies in conflict with this subdivision.

B. *The parcel map conforms to the Zoning Ordinance:*

The zoning is Residential Single Family (R-1-6), which allows the creation of 6,000 square foot minimum lot sizes. The lots ranging between 6,014 square feet to 14,646 square feet, and a 1.77-acre remainder parcel meet the R-1-6 zone minimum lot size. The project also meets the standards of the R-1-6 zone in terms of minimum lot depth (60 feet) and minimum lot width (60 feet). The proposed development represents the principally permitted use allowed in this zone.

C. *The parcel map conforms to the City's Improvement Standards and Specifications:*

With the improvements and easements required in the attached conditions of approval, the project will conform to the City's Improvement Standards and Specifications.

CITY STANDARD:	PROJECT COMPLIANCE:	DISCUSSION/FINDING:
Road standards		
High-Density Collector Road	The new interior access road is proposed to be developed with a 50-foot ROW.	City of Fortuna Improvement Standards and Specifications Sec. III.5.C., page 9.
Fire Department		
Fortuna Fire District is satisfied with the fire safety provisions of the proposed development, as indicated in their referral comments dated 2/27/23. The Fire District will have approving authority on the Improvement Plans, pursuant to Condition 49.		
Utilities		
Waterline installation	A hydraulic analysis to determine the ability of the city's existing water facilities to serve the project will be required.	Water mains, as sized by the developer's engineer, and approved by the City Engineer, shall be extended within the project in accordance with the City of Fortuna Improvement Standards, Section V-3, page 15"
Sewerline installation	A hydraulic analysis to determine the ability of the city's existing sewer facilities to serve the project may be required, (at the discretion of the City Engineer).	Sewer mains, as sized by the developer's engineer, and approved by the City Engineer, shall be extended within the project in accordance with the City of Fortuna Improvement Standards, Article VI – Sanitary Sewers.
PG&E & SBC utility installation	The existing system is located in PUE and conforms to utility standards. Utility companies responded to the City referral and	Utility companies are to sign improvement plans to confirm that the final plans conform to their standards.

	have no additional issues of concern.	
Preliminary Soils Report	A Soils Report shall be prepared for the development, in accordance with Section 66490, et. seq., of the California Government Code. Provisions of the Drainage and Soils Report(s) must be complied with during the construction of any improvements in order to ensure site stability and that drainage issues are addressed.	Under the Fortuna General Plan section HA-5.7, soils reports are required for all subdivisions. The Map Act allows soils reports to be waived with tentative maps if based on neighboring developments, it is determined that there is no known soils hazards.

II. Findings for All Tentative Maps.

A. *State Government Code 66473.1. “The design of the subdivision for which a tentative map is required pursuant to 66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision”.*

The proposed subdivision will not interfere with future passive or natural heating or cooling. The proposed parcels will allow for and accommodate the design and orientation of buildings such that passive or natural heating or cooling opportunities exist.

B. *State Government Code 66473.5. “No local agency shall approve a tentative map, or parcel map for which a tentative map is not required, unless the legislative body finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan ...”.*

The proposed project is consistent with the policies of the Fortuna General Plan, as discussed in section I.A.

C. *In compliance with the Subdivision Map Act (California Government Code § 66474), if any of the following findings found in can be made, the tentative map shall be denied:*

a. *That the proposed map is not consistent with applicable general and specific plans as specified in Sec. 66451.*

The proposed project is consistent with the policies of the Fortuna General Plan, as discussed in Section I.1.

b. *That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.*

The proposed project is consistent with the policies of the Fortuna General Plan, as discussed in Section I.1.

c. That the site is not physically suitable for the type of development.

The project site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The project site is a developed part of the city, with adequate provision of public services and utilities. All access and services will remain the same. The site is relatively level, has no creeks, wetlands, or other sensitive communities, and is suitable for the development of a single-family residence.

d. That the site is not physically suitable for the proposed density of development.

The project is a subdivision on a relatively level lot and will result in 9 residential lots and a remainder. Development of the lots will meet the standards of the Fortuna Zoning Code, and as such will comply with density standards as reflected in minimum setbacks and building height. As shown on the tentative map, there is adequate room setbacks, access, and utilities.

e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The parcel is located on a level lot, in an area of residential development. There are no unique wildlife features located on the site. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that all public services to the area will remain the same. The proposed project is in the public interest as there will be a community benefit in the economic/residential opportunities.

f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.

The proposed development will not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that all public services to the area will remain the same. The proposed project will result in 9 new single-family parcels for the purpose of residential development.

There is no potential for the proposed subdivision to result in serious public health problems. The project has been reviewed by the City Planning, Building, Engineering, and Public Works departments. The project has also

been reviewed by the Fortuna Fire District and the County Environmental Health Department. There were no significant concerns regarding the proposed project. Applicable departmental conditions have been included in the Conditions of Approval.

- g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.*

The approximate location of existing and proposed easements are shown on the parcel map. The tentative map has been reviewed by the City Engineer and the City Surveyor to confirm the location of existing and proposed public services and existing and proposed easements. The project site will not conflict with any existing public easements.

III. Environmental Finding required pursuant to CEQA: This project is subject to environmental review in accordance with the California Environmental Quality Act (CEQA), and qualifies for the exemptions described below.

Section 15332 - In-Fill Development Projects

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.(c) The project site has no value, as habitat for endangered, rare or threatened species.(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.(e) The site can be adequately served by all required utilities and public services.

A. The subdivision is consistent with the Fortuna General Plan land use designation of Residential Low density (RL).

The General Plan allows the proposed uses at the proposed densities because the General Plan land use map designates this area for single-family residential development.

B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project is located on a 1.43-acre parcel and an 8,031-square-foot parcel within the City of Fortuna and is substantially surrounded by urban residential uses. The project site does not include any Prime or Unique Farmland, or Farmland of Statewide Importance, as shown on any maps prepared pursuant to the California's Farmland Mapping and Mitigation Program. Zoning for the site and surrounding neighboring land is Residential Single Family

C. *The project site has no value as habitat for endangered, rare, or threatened species.*

The existing property is primarily open land/pasture land within a residential neighborhood. The project will not impact any riparian habitat, wetlands, or other sensitive natural communities. Grassy vegetation found on the site may be habitat to various species, but no species have been identified as special status.

D. *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*

The project consists of a subdivision of two parcels, 1.61 acres in size, consisting of 9 residential parcels parcel 9 is developed with a single-family residence.

1. Traffic: Phase 2 of this project will add approximately 8 additional single-family residences to the existing residential area, however, it is not expected to have a significant impact on the performance of any transportation system.
2. Noise: The addition of eight residences and the existence of the single-family residence will not result in a significant increase in noise or air quality. Residential uses are not considered to be significant noise generators.
3. Air Quality: The North Coast Air Basin is non-compliant with regard to 24-hour and annual average particulate matter smaller than 10 microns in size (PM10). During construction, the project would generate a minor and temporary amount of particulate emissions in the form of dust, and vehicle and equipment emissions. The project would not result in any long-term increase in the emissions of particulate matter or other air pollutants. To reduce potential impacts to air quality, the City of Fortuna General Plan includes construction emission reduction measures.
4. Water Quality: Due to the size and nature of the project, it will require conformance with Section E.12 of the MS4 General Permit. Design measures will be implemented to ensure post-construction site stormwater runoff will be minimized using the County of Humboldt's Low Impact Development Stormwater Manual V2.0. Stormwater is expected to be retained on site and will not result in the construction of new or expansion of existing stormwater drainage facilities.

E. *The site can be adequately served by all required utilities and public services.*

The project is located in a developed area of the City where utilities and public services are existing and will be extended to the new lots within the new roadway and utility easements.

15300.2(c) Significant Effect.

A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no unusual circumstances on the site, as it is a vacant field that has been utilized and maintained for decades as a grazing pasture. The site is located within a heavily developed residential neighborhood, and is substantially surrounded by urban uses and populated areas.