

Attachment 'D'



City of Kerman Comprehensive Zoning Code Update

Addendum to Program Environmental Impact Report Prepared for the City of Kerman 2040 General Plan

State Clearinghouse No.: SCH #2019049018

Prepared by:

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Introduction and Project Summary

Project Title

City of Kerman Comprehensive Zoning Code Update

Lead Agency/Project Sponsor Name and Address

City of Kerman
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Project Location

The City of Kerman is in the northwest portion of Fresno County in the central San Joaquin Valley. The city is at the junction of State Route (SR) 180 (Whitesbridge Avenue) and SR 145 (South Madera Avenue), approximately 15 miles west of the City of Fresno and 20 miles south of the City of Madera. West Jensen Avenue is located just to the south of Kerman, South Modoc Avenue to the west, and South Goldenrod Avenue to the east. SR 180 runs across the north edge and SR 145 bisects the city. The city is bordered by unincorporated areas of Fresno County. The nearest cities are Fresno to the east, San Joaquin to the southwest, and Madera to the north.

Project Description

The project consists of a comprehensive update to the City of Kerman Zoning Code (herein referred to as “Zoning Code Update” or “project”). The project would bring the City’s Zoning Code into compliance with California Government Code Section 65860(a), which requires that a jurisdiction’s zoning regulations be consistent with its General Plan and subsequent updates to its General Plan. Therefore, the City is proposing to amend its existing Zoning Code to ensure (1) compatibility with its adopted 2040 General Plan (adopted July 2020); (2) create consistency with State housing law and reduce regulatory barriers to the construction of housing; (3) reflect changes in State law; (4) create contemporary zoning provisions; (5) make the Zoning Code easier to use and implement; and (6) implement changes to address issues identified by City staff. The City’s updated Zoning Code would therefore implement the goals and policies of the General Plan by regulating the use of land and structures within the city.

Background

The City of Kerman is considering adoption of the updated Zoning Code (Title 17 of the Kerman Municipal Code). The City has prepared this update to implement the recently adopted 2040 General Plan and comply with new State laws intended to increase housing supply and affordability. Because this action requires City Council approval, and such approval will establish new development regulations, the action is considered a Project under the California Environmental Quality Act. As such, the City is required to make an environmental determination for the Project prior to any action on the Project. To make this determination, the following elements are considered here: the project description, applicable California Environmental Quality Act (CEQA) requirements, relevant State Housing Law, the 2040 General Plan, and the 2040 General Plan program environmental impact report (PEIR or EIR). The Zoning Code Update will amend the Kerman Municipal Code as Title 17.

This Addendum analyzes the changes and potential impacts related to the adoption of Zoning Code Update and Zoning Map amendments. This Addendum is intended to demonstrate the consistency of the project with the existing General Plan to comply with CEQA. The City's 2040 General Plan underwent extensive environmental review in the form of a program environmental impact report, which was certified in July 2020. The EIR for the Kerman General Plan is a comprehensive document and includes discussion of alternatives and growth-inducing impacts associated with urban development in the city at the time it was developed. In particular, and in line with Section 15183 of the CEQA guidelines, pursuant with Public Resources Code Section 21083.3, this Addendum assesses whether the Zoning Code Update, as a policy and programs document, includes impacts not addressed or previously analyzed in the General Plan EIR.

Discretionary Action

Implementation of the Zoning Code Update would require the following discretionary actions by the city of Kerman Planning Commission and City Council:

- Amendment of the Municipal Code to add the updated Zoning Code (Title 17)
- Adoption of this Addendum to the certified EIR

Prior Environmental Document

City of Kerman, 2040 General Plan Environmental Impact Report (General Plan Update EIR). State Clearinghouse Number 2019049018, certified in July 2020.

Location of Prior Environmental Document

City of Kerman, Community Development Department Website:

https://kermangp.com/images/docs/kpgu_general_plan_final_eir_2020_04_rev.pdf

Project Context

City of Kerman General Plan

State law mandates that each city, and county in California adopt "a comprehensive, long-term general plan," for the physical development of its planning area. The Kerman General Plan planning area includes all lands within the city limits and Sphere of Influence (SOI). The purpose of the General Plan is to plan for important community issues such as new growth, housing needs, and environmental protection. Furthermore, the General Plan is used to project future demand for services such as sewer, water, roadways, parks, and emergency services.

The Kerman General Plan, adopted in July 2020, is a long-term document which identifies the community's vision for the future and provides a framework that will guide decisions on growth, development, and conservation of open space and resources in a manner that is consistent with the quality of life desired by the city's residents and businesses.

The General Plan policy document contains the goals and policies that will guide future decisions within the city and identifies action items (implementation measures) to ensure the vision and goals of the General Plan are carried out. The General Plan also contains a revised Land Use Map, which serves as a general guide to the distribution of land uses throughout the city.

State law requires that every General Plan, at a minimum, address certain subject categories (called "elements"), which include land use, circulation, housing, conservation, open space, noise, safety, and environmental justice. A General Plan may also address other subjects that are of importance to the community future, such as sustainability, community design, and public art. Kerman's General Plan includes the following elements:

- Land Use
- Economic Development
- Circulation
- Housing
- Conservation, Open Space, and Recreation
- Public Health and Safety
- Public Facilities and Services

The City of Kerman 2040 General Plan EIR (herein called the General Plan EIR) addressed the potential environmental effects of the planned buildout of Kerman through the 20-year period and concluded that implementation of the General Plan would result in environmental impacts as detailed in Table 1. Actions and policies were incorporated into the General Plan EIR to reduce potential impacts from project development under the General Plan.

The Land Use Element describes the general distribution, location, and extent of various land uses. It contains a statement of the purpose of the designation, standards for dwelling units density and non-

residential building square footage intensity, types of typical uses, and special development and permit review requirements. Eighteen separate land use designations have been established to provide a mixture of land uses for the city, as shown on the General Plan Land Use Map (Figure 2-4). The 2040 General Plan contemplated that the City will subsequently need to review the Zoning Ordinance, including its Zoning Map, to make sure it is consistent with the new General Plan.

Table 1: Summary of Areas of Potential Impact under the 2040 General Plan EIR

| Impact | Mitigation Measure(s) | Residual Impact |
|---|-----------------------|------------------------|
| Aesthetics | | |
| <p>Impact AES-3. Development facilitated by the proposed 2040 General Plan would incrementally increase the amount of light and glare in Kerman, through the introduction of new development and increased number of vehicles. The effects of this gradual increase would be reduced by the policies in the 2040 General Plan as well as the Kerman Municipal Code. Therefore, the project would have a less than significant impact associated with light and glare that would adversely affect daytime or nighttime views.</p> | None required. | Less than significant. |
| Air Quality | | |
| <p>Impact AQ-2. Construction of new development under the 2040 General Plan would potentially generate significant impacts to air pollutant emissions of ozone precursors, CO, SO₂, PM₁₀, and PM_{2.5}. However, implementation of 2040 General Plan policies would result in compliance with SJVAPCD Guidelines and reduce these impacts to a less than significant level.</p> | None required. | Less than significant. |
| <p>Impact AQ-3. Buildout of the 2040 General Plan may expose sensitive receptors to substantial pollutant concentrations. Construction-related emissions associated with the 2040 General Plan would generate short-term emissions of carbon monoxide and toxic air contaminants, which can contribute to human health hazards. However, implementation of 2040 General Plan policies would reduce sensitive receptors exposure to pollutant concentrations. Impacts would be less than significant (Class II).</p> | None required. | Less than significant. |

Table 1: Summary of Areas of Potential Impact under the 2040 General Plan EIR

| Cultural Resources | | |
|--|---|------------------------------|
| Impact CUL-1. Development facilitated by the 2040 General Plan has the potential to impact historical and unique archaeological resources. However, implementation of 2040 General Plan policies would reduce impacts to a less than significant level. | None required. | Less than significant. |
| Greenhouse Gas | | |
| Impact GHG-1. Implementation of the 2040 General Plan would substantially increase GHG emissions at buildout compared to existing conditions. Implementation of 2040 General Plan policies would not reduce GHG emission impacts to below the projected locally appropriate threshold. Impacts would be significant and unavoidable. | None required. It is highly unlikely implementation of the 2040 General Plan policies specifically for GHG reduction emissions and impacts related to short-term GHG emissions would be capable of a 20 MT CO2e/SP/year reduction to below the locally appropriate threshold. | Significant and unavoidable. |
| Noise | | |
| Impact N-1. Construction-related, operational, and transportation noise generated by development facilitated under the 2040 General Plan would potentially expose sensitive receivers to substantial temporary and permanent increases in ambient noise levels. Implementation of 2040 General Plan policies would be required to reduce impacts to a less than significant level. | None required | Less than significant. |
| Transportation | | |
| Impact T-2. The 2040 Kerman General Plan sets forth VMT as the standard for the evaluating impacts under CEQA (CIRC-2.1) and a VMT significance threshold of 15 percent below baseline conditions based on the FCOG Regional Transportation Model for addressing transportation impacts (CIRC-2.5) for projects within expansion areas. Even with the incorporation of policies to reduce VMT and promoting alternative transportation (Goal CIRC-5). Impacts would remain significant and unavoidable. | None required. Implementation and adherence to 2040 General Plan policies would not reduce VMT impacts to a less than significant level. | Significant and unavoidable. |

Table 1: Summary of Areas of Potential Impact under the 2040 General Plan EIR

| Tribal Cultural Resources | | |
|---|--|------------------------------|
| Impact TCR-2. The 2040 Kerman General Plan sets forth VMT as the standard for the evaluating impacts under CEQA (CIRC-2.1) and a VMT significance threshold of 15 percent below baseline conditions based on the FCOG Regional Transportation Model for addressing transportation impacts (CIRC-2.5) for projects within expansion areas. Even with the incorporation of policies to reduce VMT and promoting alternative transportation (Goal CIRC-5). Impacts would remain significant and unavoidable. | None required. | Less than significant. |
| Utilities | | |
| Impact UTL-4. Development facilitated by the 2040 General Plan would increase demand for solid waste went to landfills. Landfills serving Kerman have adequate capacity to accept additional waste until August 2036. The City has met the target disposal rate under SB 1016 in 2017. It is anticipated that any additional growth would increase the population disposal rate to above allowable levels. This impact would be significant and unavoidable as the City does not have jurisdiction over County landfill operations and therefore cannot mitigate this impact. | No mitigation measures are available as Kerman does not jurisdiction or control over County landfills. | Significant and unavoidable. |

General Plan Assumptions

The General Plan buildout analysis assumes a 20-year horizon to the year 2040. The General Plan will accommodate future growth in Kerman, including new businesses, expansion of existing businesses, and new residential uses.

The General Plan EIR addresses the buildout scenario to evaluate the reasoned density assumption using actual development intensities that have occurred in the city and not maximum allowable densities. The General Plan could yield up to 5,715 new housing units within the city, 31 acres of new commercial development, and nine acres of new industrial development.

Project Description

The proposed Project is to revise and update the Zoning Code (Title 17 of the Kerman Municipal Code) consistent with the adopted 2040 General Plan. Specifically, this includes the following:

Article 1 – Enactment and Applicability

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured Article 1 consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Zoning Code Enactment and Applicability

- New language further clarifying the applicability of the Zoning Code.
- New language clarifying the relationship between the Zoning Code and General Plan, and their hierarchy. In the event of any inconsistencies, the General Plan shall control.
- Updated language from existing Section 17.02.010 (Adoption of the Zoning Ordinance) to better specify the City’s authority in adopting the revised Zoning Code.
- New language expressing the City’s intent for all provisions established in the Zoning Code to be consistent with the City’s General Plan.
- Included new provision establishing severability and partial invalidation of Zoning Code in cases where portions of the Code are found to be unenforceable.
- Created a new process in which the Community Development Director can make determinations on the classification of land uses that are not classified and/or defined in the Zoning Code. In the event the Community Development Director makes a determination, that determination is to be considered final and official unless appealed to the Planning Commission.
- Clarified the City’s Uncertainty of Boundary process to be consistent with current City staff procedures.
- Added a provision describing the purpose and intent of the headings and illustrations provided in the Zoning Code. Illustrations are inserted as a matter of convenience and are for illustrative purposes only and in no way define, limit, or enlarge the scope or meaning of the Zoning Code or its provisions. Should a conflict arise between the Zoning Code text and any diagram, illustration, or image contained in the Zoning Code, the text shall govern.
- Revised the zone classifications table accordingly:
 - Updated the Zoning Map symbols based on changes to zoning districts.
 - Updated the names of zoning districts based on General Plan direction.
 - Updated minimum and maximum density and nonresidential intensity standards in compliance with the General Plan.
 - Updated the list of corresponding General Plan land use designations.
- Created new language that adopts the Zoning Map.

Article 2 – Zones, Allowable Uses, and Development Standard

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the entire Article.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.
- Reorganized and restructured Article consistent with the approved Master Table of Contents.
- Updated the allowed density range for every zoning district where applicable per the 2040 General Plan.
- Updated the purpose statements for all zoning districts to include the maximum density and intensity standards established in the 2040 General Plan.
- Created a tabular list of allowable land uses and associated permit requirements.
- Above ground fuel tanks require a Conditional Use Permit in all zone districts.

Residential Zone Districts

- Deleted agriculture as an allowed land use in the RR zone.
- Eliminated R-1 as a standalone zone.
- Single-unit dwellings now require the approval of a Conditional Use Permit in the R-2 and R-3 zone districts.
- Removed the 7-foot wall requirements when R-2 and R-3 projects are adjacent to alleyways.
- Created a new Rural Residential (RR) Zone to be consistent with the General Plan's RR land use designation.
- Modified permit requirements to eliminate constraints to housing development.
- Added new housing types to encourage missing middle housing.
- Included new State mandated land uses and established permit requirements consistent with State law:
 - Accessory dwelling units
 - Junior accessory dwelling units
 - Employee housing
 - Agricultural employee housing
 - Community care facilities
 - Emergency shelters
 - Low barrier navigation centers
 - Supportive and transitional housing
 - Single-room occupancy
 - Facades
- Relocated the Smart Residential Development Combining District development standards with other residential zoning districts.
- Updated the R-2 zone density from one unit per 3,500 sq. ft. to one unit per every 2,250 sq. ft.

- Eliminated the required space between buildings development standard, allowing the California Building Code to govern the separation.

Commercial, Office, and Mixed-Use Zones

- Combined Chapters 17.48, 17.46, 17.50, 17.44, and 17.45.
- Removed “lumber yards” from the feed and fuel stores, lumber yards, garden supply stores, and nurseries; section of CS zone allowed uses.
- Added a requirement for a Conditional Use Permit for twenty-four hour uses next to, or within 200 feet of residential uses.
- Added a requirement for a Conditional Use Permit for drive-thru land uses in all commercial zones.
- Twenty-four-hour drive-thru land uses are prohibited adjacent to residential uses.
- Commercial zone setbacks are now measured from property line after any dedications, not a distance from the centerline of the street.
- Removed the Commercial Specific Plan requirement.
- Added a requirement for a Conditional Use Permit for self-wash car washes.
- Eliminated “All required yards may be used for parking, loading or access driveways.”
- Created a standard 10-foot front setback for all Commercial General parcels. Exceptions for parcels along Madera and Whitesbridge Roads remain.
- Removed the allowance for parking, loading, and driveways in all yard areas.

Industrial Zones

- Eliminated automotive repair land uses as allowed in the Light Industry zone.
- Added a requirement for a Conditional Use Permit for twenty-four hour uses within 300 feet of residential zones or land uses.
- Add a Site Plan Review requirement for new uses proposed for a site that does not have adequate parking or site improvements or which will increase in occupancy intensity.
- Renamed the zones to be consistent with Zoning Map. The current Zoning Code refers to the M-1 as the Light Industry District, and the M-2 as the General Industry District.
- Removed the existing allowable land use classification system for the General Industry Zone which uses the Executive Office of the President’s Standard Industrial Classification Manual.

Public and Quasi-Public Zones

- Combined Chapters 17.32 and 17.34.
- Added “Community Composting” as allowed with a Conditional Use Permit in the O and UR zones per State law and Ordinance No. 22-01. This use was also added to the land use definitions list.

Article 3 – Regulations Applicable to All Zones

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.

- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

General Development Standards

- Created new clear vision triangle safety standards for parcels containing or abutting a right-of-way easement, intersection, private drive, or alley. Structures, signs, objects, and landscaping are limited to three feet in height when located in a clear vision triangle.
- Removed Section 17.62.020 (Definitions) and prepared new Article 8, Definitions.
- Moved Section 17.62.080 (Satellite Dish Antenna) to Article 4 under the wireless telecommunications section.
- Specified that attached garages and carports shall comply with zone development standards and are not considered an accessory use.
- Added a requirement for a Conditional Use Permit for fences in excess of seven feet in height.
- Seven-foot block walls may be required by the Community Development Director between a MU zone and a residential zone or use to mitigate noise impacts.

Landscaping Provisions

- Created provisions for the use of artificial turf, including:
 - Locations allowed
 - Materials and style
 - Installation requirements
 - Appearance and maintenance
- Referenced the Model Water Efficient Landscape Ordinance Municipal Code Section and specified the provisions of this Chapter are in addition to the requirements in the Model Water Efficient Landscape Ordinance.
- Specified that applicants may be required to pay additional fees for deferred landscaping in the R1 district at the Community Development Director's discretion upon making findings.

Parking Provisions

- Combined the provisions in Chapter 17.74 (Parking) and Section 17.78.030 (off-Street Parking).
- Updated the list of allowed land uses to reflect the uses established in the land use definitions and Article 2.
- Clarifying language requiring all off-street parking to be provided on the same site as the land use for which the parking is being provided unless otherwise allowed by an exception approved by the Community Development Director.
- Reduced the number of employee parking spaces to one for each employee for any given shift, as opposed to one space for every employee, for the following land uses:
 - Childcare facilities
 - Day care centers
 - General industrial and processing uses
 - Warehousing and distribution
 - Commercial stables
 - Outdoor sales

- New language requiring applicants to provide accessible parking in compliance with Title 24 of the California Building Code.
- Create additional development standards regarding the allowance of common parking facilities for accessible parking spaces.
- New restriction on RV parking:
 - Recreational vehicles shall not be connected, either on a permanent or temporary basis, to any utility services, such as electrical (including extension cords), water, or sewer connections for the purposes of living or sleeping for any period of time, unless explicitly permitted by the City.
 - Recreational vehicles shall not be stored on any property that does not have a legal residential structure.
 - Reformatted all parking requirements into a tabular format for ease of use and updating.

Sign Standards

- Updated all sign regulations to remove restrictions on sign copy in compliance with State and Federal law.
- Added a requirement for a Conditional Use Permit for electronic reader board signs.
- Vehicle fueling station signs required to be posted at fuel stations pursuant to California Business and Professions Code Sections 13530 et seq.
- Added a requirement that freestanding vehicle service station price signs shall not exceed six feet in height and shall have a maximum sign area of 30 square feet per side.
- On-structure identification signs shall be allowed for frontages with public entrances. Each business frontage having a public entrance shall be permitted on-building identification signs.
- Created a tabular format for specific use signs for ease of use and readability.
- Created new regulations regulating projecting signs and specified that such signs shall not project into the property line or public sidewalk over two feet.

Article 4 – Standards for Specific Land Uses

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Standards for Specific Land Uses

- Overhauled the accessory dwelling unit and junior accessory dwelling unit provisions to ensure compliance with State housing law.
- Added new provisions and operational standards for recycling facilities, including:
 - Reverse vending machines
 - Small collection facilities
 - Large collection facilities
 - Recycling processing facilities
- Updated emergency shelter development and operations standards to ensure compliance with State law.
- Clarified that any public or private improvement within a mobile home park shall comply with State law and City of Kerman engineering standards.
- Eliminated landscaping requirements for mobile office structures.
- Rescinded the Interim Agricultural Ordinance.
- Overhauled the wireless telecommunication standards in compliance with Federal regulations and co-location requirements.
- Updated the density bonus provisions in compliance with State law.
- Created comprehensive objective residential design standards for qualifying mixed-use and multi-unit dwelling projects. Design standards include:
 - Structure orientation and location (e.g., vehicular entries, staggered setbacks, separation between structures)
 - Entries and stairwells (e.g., entryway design, exterior stairwells, entry connections)
 - Parking and circulation (e.g., vehicular circulation, parking facility screening, carports, parking area landscaping)
 - Lighting (e.g., type and color, shielding and spill, fixture height)
 - Utility and service areas (e.g., screening, refuse enclosures)
 - Open space (i.e., amount required, passive amenities, active amenities)
 - Massing and articulation (e.g., façade design, blank walls)
 - Colors and materials
 - Windows and door design
 - Fences and walls

Article 5 – Nonconformities

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Nonconforming Procedures

- Clarified and refined the purpose and intent statements.
- Added an applicability statement that specifies to what parcels, structures, and uses the nonconforming use provisions apply.
- Added new provisions for the establishment and determination of nonconformities.
- Specified the Community Development Director makes the determination of nonconforming status that can be appealed to the Planning Commission.
- Increased the discontinuance period for legal nonconforming parcels from 90 days to 12 months.
- Clarified and created new standards for nonconforming parcels.
- Added new procedures for the continuation and maintenance of legal nonconforming land uses (e.g., determination process, time frames, types of activities allowed).

Article 6 – Permit Processing Procedures

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Zoning Code Administration.

- Added a new ministerial entitlement: Administrative Use Permit (AUP). The AUP entitlement allows certain projects to be reviewed and approved by City staff, resulting in a more time and cost-efficient development process.
- Added new reasonable accommodations standards to ensure compliance with State law.
- Added new permit processing procedures for Development Plan Review Permits.
- Temporary Use Permits (TUP) are now allowed up to six months.
- Added new Temporary Use Permit standards, allowed at the discretion of the Community Development Director, including:
 - Limit to four times per year.
 - Limited to private property.
- Temporary uses located in the public right-of-way shall also require the approval an Encroachment Permit.

Article 7 – Zoning Code Administration

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

Administrative Responsibilities

- Clarified the role of the Development Review Committee (DRC)
 - Establishment
 - Composition and number of members
 - Actions and responsibilities
 - Rules and procedures
- Clarified that a Zone Amendment by application may only be submitted for the purpose of a zone change on real property, and not for an amendment to the language of the Zoning Code.

Article 8 – Definitions

General

- Implemented new Zoning Code template and format style.
- Updated all in-text cross references throughout the Article.
- Reorganized and restructured the Article consistent with the approved Master Table of Contents.
- In text amendment and resolution references were removed since the Code will be adopted in its entirety.

New Definitions

| | | |
|-----------------------------------|---|--|
| Accessory dwelling unit | Commercial Recreation and Entertainment Facility, Indoor | Office |
| Accessory dwelling unit, junior | Commercial Recreation and Entertainment Facility, Outdoor | Outdoor dining and sales |
| Accessory structure | Community care facility | Parcel line |
| Agriculture, Animal Husbandry | Community composting | Personal service, general and restricted |
| Agriculture, Dairies | Community treatment facility | Place of assembly |
| Agriculture, Horticulture | Cottage food operation | Printing shop |
| Agricultural Processing | Day care center | Produce stand |
| Agriculture Service Establishment | Drive-through sales and service | Public and quasi-public uses |
| Airport | Electric Vehicle Charging Station or Charging Station | Recycling collection facility |
| Alcohol beverage sales | Electronic Submittal | Retail sales, general and restricted |
| Ambulance service | Equipment Sales and Rental Facility | Retail Sales, Grocery or Supermarket |

| | | |
|---|------------------------------------|---|
| Animal hospital | Farmers Market | Retail Sales, Neighborhood Market |
| Assisted living facility | Food Commissary | Retail Sales, Nursery and Garden Supply |
| Association | Frontage Street | Retail Sales, Secondhand |
| Athletic club | Fueling Station | Retail Sales, Wholesale. |
| Auction establishment | Hospital | School |
| Automated Vending and Dispensing Machine | Hotel/Motel | Sight Distance Triangle |
| Bank and financial institution | Industrial, Major | Single Room Occupancy (SRO) |
| Beekeeping | Industrial, Minor | Single-Unit Dwelling |
| Brewery, Distillery, Microbrewery, and Winery | Interim agriculture | Solar Energy Generation Facility |
| Broadcasting and Film Recording Studio | Kennel | Storage facility |
| Building Material Sales and Storage | Low-barrier navigation center | Transitional Housing |
| Bungalow Court | Manufactured Home Sales and Repair | Vehicle Rental Facilities |
| Business | Mobile food vendor | Vehicle Repair and Service |
| Campground | Mobilehome park | Veterinary Clinic. |
| Caretaker's residence | Multi-Unit Dwelling | Warehousing and Distribution |
| Child day care home | Nonconforming Status, Illegal | |

Existing Definitions which were revised:

| | | |
|-------------|-------------------------|----------------------------|
| Abandonment | Commerce | Minor Modification |
| Adjacent | Community plan | Nonconforming Parcel |
| Agriculture | Conflict of interest | Parcel |
| Alcohol use | Contractor storage yard | Parcel coverage |
| Annexation | Court | Power generation |
| Antique | Density | Recycling unit |
| Apartment | Development standard | Reverse Vending Machine(s) |
| Auto mall | Front wall | Senior Citizen |

| | | |
|--------------------------------|-------------------------|--------------------------|
| Bar | Furrier | Significant Buildings |
| Bed and breakfast | Garage sales | Sorority |
| Boarding house | Government agency | Specialty Marketplace |
| Buildable area | Grade | Street |
| Building | Gross area | Subdivision Sales Office |
| Building height | Group home | Temporary Dwelling |
| Car wash | Height, maximum | Trailer Coach |
| Cemetery | Home occupation | Trailer Park |
| Certificate of occupancy | Homeowner's association | Unique natural feature |
| Change of use | Industrial park | Uses, Permitted. |
| Coin operated cleaning service | Island | Wall |
| College, trade | Landscape mound | |

CEQA Requirement

At its base, CEQA requires public agencies to evaluate the potential physical impacts of proposed projects prior to approving the Project and, if necessary, impose feasible mitigation measures to reduce significant Project impacts to a less than significant level. Once a proposed action is determined to be a Project as defined by CEQA, a Lead Agency can make one of four basic determinations: the project is statutorily or categorically exempt; the Project impacts have already been addressed as a part of another project impact analysis; prepare a negative declaration or mitigated negative declaration; or prepare an environmental impact report (for which there are several sub-categories).

If the City determines the proposed Project is part of a larger project (e.g., the 2040 General Plan) it must make certain additional determinations. When an EIR has been certified or a negative declaration adopted for a project, in this case the 2040 General Plan PEIR, no subsequent EIR or Negative Declaration needs to be prepared for that project unless the lead agency makes one of more of the following determinations:

1. Substantial changes are proposed in the Project which will require major revisions of the previous EIR or negative declaration;
2. Substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration; or
3. New information of substantial importance shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment.

The City has prepared this Addendum Evaluation, pursuant to CEQA Guidelines Sections 15162 and 15164, to evaluate whether the project's environmental impacts are covered by and within the scope of the City of Kerman 2040 General Plan Final EIR (certified July 2020, State Clearinghouse Number 2019049018). The following Addendum Evaluation details any changes in the project, changes in circumstances under which the project is undertaken, and/or "new information of substantial importance" that may cause one or more effects to environmental resources.

The responses herein substantiate and support the City's determination that the Zoning Code update policies and programs are within the scope of the General Plan EIR, do not require subsequent action under CEQA Guidelines Section 15162 and, in conjunction with the EIR, adequately analyze potential environmental impacts.

Environmental Effects and Determination

Environmental Areas Determined to Have New or Substantially More Severe Significant Effects Compared to Those Identified in the Previous EIR

The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances, or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

- NONE
- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire
- Mandatory Findings of Significance

Determination

Based on this analysis:

Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUBSEQUENT or SUPPLEMENTAL EIR is required.

■ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously certified EIR is adequate and this evaluation serves as an ADDENDUM to the 2040 General Plan Final Environmental Impact Report (General Plan FEIR). State Clearinghouse Number 2019049018 dated July 2020.

Jesus R. Oroszco
 Signature

March 7, 2024
 Date

Jesus R. Oroszco
 Printed Name

Community Development Director
 Title

Addendum Evaluation

In order to make a determination for the appropriate CEQA analysis for the proposed Project, the City has considered the adopted 2040 General Plan and Program EIR, which are described here. The Zoning Code Update, in and of itself, does not propose specific development projects, but rather codifies zoning rules, processes, and procedures that guide future growth in Kerman. The General Plan contemplated the update to the zoning ordinance as a later activity, which was also contemplated by the PEIR prepared for the General Plan. As such, under CEQA Guidelines Section 15168(c) the Zoning Code Update may rely on the PEIR as it is furtherance of the plans and other general criteria established by the General Plan.

Each future development project would be subject to separate review to determine potential impacts on the environment related to each project as potential impacts are location-specific and cannot be assessed in a meaningful way until a project site and development proposal are identified. When a specific development proposal is considered for approval, that project would be subject to adopted development standards and be required to incorporate applicable mitigation measures and alternatives developed in the 2040 General Plan EIR certified in 2020 (in accordance with CEQA Guidelines Section 15168[c][3]). If a subsequent activity (in this case a specific development proposal that requires discretionary approval) would have effects not identified in the program EIR (the 2040 General Plan EIR and this Addendum), the lead agency must prepare additional CEQA documentation.

This Addendum Evaluation is intended to demonstrate the project's consistency with the existing Kerman 2040 General Plan and Final EIR to satisfy the requirements of CEQA. In particular, and in compliance with Section 15183 of the CEQA guidelines, pursuant with Public Resources Code Section 21083.3, this Addendum Evaluation assesses whether the updated Zoning Code, as a policy and programs document, includes impacts not addressed or analyzed as significant effects in the certified EIR.

2040 General Plan Policies and Programs

Since a key purpose of this Zoning Code update is to implement the 2040 General Plan, it is important to confirm that the Project is consistent with that Plan. According to the General Plan, the City of Kerman Zoning Code is the primary method of implementing the General Plan. Adoption of the 2040 General Plan required a review and possible revision of the Zoning Code and Zoning Map to ensure consistency with the updated General Plan. This revision would incorporate any changes to land use, density or intensity, and design and development standards from the 2040 General Plan. There are several policies and two implementation programs that are addressed by the Zoning Code update.

Policies

LU-1.2: Location of Neighborhood Commercial Sites. The City shall designate neighborhood commercial sites in proper locations so that they meet the needs of the neighborhood and do not negatively impact adjacent residential uses.

LU-1.3: Mixed Use Development. The City shall provide for the establishment of offices in existing residential structures, adjacent to Madera Avenue in the original historic townsite.

LU-1.5: High Density Residential Development Near Goods and Services. The City shall encourage the development of high-density residential uses near commercial uses, parks, and schools.

LU-3.5: Increase Density and Intensity within City Limits. The City shall prioritize increasing overall residential densities and building intensities within current City limits to prevent development on surrounding agricultural lands.

LU-3.6: Infill and Renovation. The City shall encourage infill of vacant commercial properties and renovation of existing commercial structures to reduce the rate at which surrounding agricultural land is urbanized and to provide for a more efficient use of existing infrastructure.

LU-4.1: Agricultural Land Preservation. The City shall preserve and protect agricultural lands by directing development to areas within City limits that are designated for urban-level development, and away from agriculturally designated land to preserve open space and agricultural areas.

LU-5.4 New Incompatible Land Uses. The City shall prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas.

Programs

Land Use Element Program A, Zoning [Code] Consistency. The City shall update the Zoning [Code] to ensure consistency with the General Plan Land Use Map and the policies in the General Plan.

Public Safety Element Program G, Zoning Code Update. The City shall update the Zoning Code to include standards that mitigate noise through site and building design features, such as building location and orientation, setbacks, natural barriers and vegetation, and building construction.

2040 General Plan Program Environmental Impact Report

The City prepared a Program Environmental Impact Report (PEIR) for the 2040 General Plan to assess the potential significant environmental impacts that could result from implementation of the General Plan. The PEIR evaluated the existing environmental resources in the vicinity of the City, analyzed potential impacts on those resources due to the General Plan, and identified mitigation measures that could avoid or reduce the magnitude of those impacts. The PEIR has subsequently been used to evaluate the direct and indirect environmental effects of development under the General Plan (i.e., residential development, rezones, commercial structures, park sites, recreation facility development, and infrastructure improvements).

The 2040 General Plan PEIR analyzed potential environmental impacts of General Plan implementation. That analysis included an evaluation of the impacts of implementing the policies and programs related to, among other subjects, land use, housing, traffic, air quality, noise, cultural resources, and natural resources. These subjects are typically associated potential impacts of new development projects, including projects that may be facilitated by the adoption and implementation of the proposed Zoning Code. The PEIR thoroughly analyzed these impacts, identified policies and programs that contributed to impact mitigation, included additional mitigation measures, and in two instances, concluded impacts to

be significant and unavoidable. In those instances, subsequent City action includes findings and statements of overriding circumstances. Consistent with one of its stated purposes, the PEIR serves as the primary environmental analysis for subsequent City actions.

Based on a review of the Zoning Code Update considering the PEIR, no additional environmental documentation needs to be prepared as none of the criteria of CEQA Guidelines Section 15168(c) have been met in that:

- The update would not have effect that were not examined in the PEIR;
- Under CEQA Guidelines sections 15162 and 15164, none of the findings for a subsequent EIR would be required;
- Any feasible mitigation developed in the PEIR were incorporated in the zoning ordinance update, or there were no applicable mitigation;
- The Zoning Code Update does not involve site-specific operations for which evaluation of a checklist would be warranted, as the ordinance is of City-wide effect; and
- The update of the Zoning Code was a specifically planned activity to implement in the General Plan.

Conclusion

As noted previously, the Lead Agency can make one of four basic determinations for a Project as to the appropriate action to comply with CEQA:

1. the project is statutorily or categorically exempt;
2. the Project impacts have already been addressed in an environmental analysis as a part of a larger project;
3. prepare a negative declaration or mitigated negative declaration; or
4. prepare an environmental impact report (for which there are several sub-categories).

Considered here is whether the 2040 General Plan PEIR addressed the potential environmental effects of the proposed Project – adoption of the updated Zoning Code. While the proposed Project subject to this present analysis is not a “subsequent development project,” it is both a subsequent project governed by the General Plan and will enable subsequent development projects subject to the new Zoning Code. And since some these subsequent projects will not be subject to discretionary review and therefore, not subject to additional CEQA analysis, the question is whether the 2040 General Plan PEIR adequately addresses the potential Project environmental impacts. The proposed Project is consistent with and implements the 2040 General Plan. General Plan policies call for the City to:

- Designate neighborhood commercial sites in proper locations so that they meet the needs of the neighborhood and do not negatively impact adjacent residential uses (Policy LU-1.2);
- Provide for the establishment of offices in existing residential structures, adjacent to Madera Avenue in the original historic townsite (Policy LU-1.3);

- Encourage the development of high-density residential uses near commercial uses, parks, and schools (LU-1.5);
- Prioritize increasing overall residential densities and building intensities within current City limits to prevent development on surrounding agricultural lands (LU-3.5);
- Encourage infill of vacant commercial properties and renovation of existing commercial structures to reduce the rate at which surrounding agricultural land is urbanized and to provide for a more efficient use of existing infrastructure (LU-3.6);
- Preserve and protect agricultural lands by directing development to areas within City limits that are designated for urban-level development, and away from agriculturally designated land to preserve open space and agricultural areas (LU-4.1);
- Prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas (LU-5.4);
- Update the Zoning [Code] to ensure consistency with the General Plan Land Use Map and the policies in the General Plan (Land Use Element Program A); and
- Update the Zoning Code to include standards that mitigate noise through site and building design features, such as building location and orientation, setbacks, natural barriers, and vegetation, and building construction (Public Safety Element Program G).

Findings

The City of Kerman, acting as the lead agency, has determined that an addendum to the certified EIR is the appropriate environmental document under CEQA because the proposed project is a later activity specifically contemplated by the 2040 General Plan, which was assessed by the General Plan EIR, and would not require revisions to the certified General Plan EIR due to the involvement of new significant environmental effects or substantial increases in the severity of significant effects previously identified in the General Plan EIR.

There are no changed circumstances or new information that meet the standards requiring further environmental review under CEQA Guidelines Section 15162. These circumstances and information would not result in new or more severe impacts beyond what were addressed in the General Plan EIR and would not meet any other standards under CEQA Guidelines Section 15162(a)(3). No additional analysis is required based on the discussions throughout this addendum. The proposed Zoning Code Update would not involve development in areas not assumed for development in the General Plan EIR, nor would it result in population growth and density beyond what was analyzed in the General Plan EIR. The project would not result in significant or substantially more severe impacts that were not discussed in the General Plan EIR.

The potential environmental impacts of all the 2040 General Plan policies, as well as the implementation of those policies, were addressed in the 2040 General Plan PEIR. The proposed Project is consistent with the 2040 General Plan and directly implements several of the Plan policies and programs. Based on this analysis, the 2040 General Plan PEIR fully and adequately addresses the potential environmental impacts of the proposed Project. With regard to CEQA Guidelines sections 15162,

- No subsequent review is required given that since that time no substantial changes have been proposed in the project which will require major revisions of the previously approved EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- Likewise, no substantial changes have occurred since that time with respect to the circumstances under which the zoning ordinance update is undertaken which will require major revisions of the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- There is also no new information, which was not known and could not have been known at the time of the PEIR was prepared that the Project will have significant effect not discussed in the PEIR.

Based on these findings, it is recommended City Council adopt an Addendum for the project and find that the Zoning Code Update has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines sections 15162, 15162, and 15168, and no further action or review is required under CEQA.

Finally, based on the forgoing analysis, none of the circumstances described in CEQA Guidelines Section 15162 have occurred that would require the preparation of a subsequent EIR or Negative Declaration. There are no substantial changes proposed in the original project (the 2040 General Plan). This proposed Project serves as implementing several General plan policies and programs. No substantial changes will occur with respect to the circumstances under which the Project will be undertaken. Finally, no new information has become available that would indicate new or more severe impacts would occur as a result of the project.

Recommendation

It is recommended that the City Council find that:

1. The proposed Zoning Code update (Project) was contemplated by, is consistent with, and is a specifically planned activity to implement the 2040 General Plan;
2. The 2040 General Plan PEIR fully addresses the potential environmental impacts of the proposed Project, all potentially significant environmental impacts can be mitigated to a less than significant level or are subject to overriding social or economic considerations;
3. The Zoning Code Update does not involve site-specific operations for which evaluation of a checklist would be warranted, as the ordinance is of City-wide effect; and

4. Under CEQA Guidelines sections 15162 and 15164, none of the findings for a subsequent EIR would be required;
5. No substantial changes are proposed as a part of the Project which will require major revisions of the 2040 General Plan PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
6. No substantial changes will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the 2040 General Plan PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
7. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the 2040 General Plan PEIR was certified as complete, that would show any of the following:
 - a. The Project would have one or more significant effects not discussed in the 2040 General Plan PEIR;
 - b. Significant effects previously examined would be substantially more severe than shown in the 2040 General Plan PEIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the Project; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment measure or alternative; and
8. No further environmental analysis for the proposed Project is required.

Based on the foregoing it is recommended that the City Council adopt this Addendum to the Environmental Impact Report prepared for the City of Kerman 2040 General Plan for the Project.