



## STAFF REPORT

**MEETING DATE:** January 22, 2025

**PRESENTER:** Jenna Chilingirian, Contract Planner

**SUBJECT:** Public hearing regarding General Plan Amendment (GPA 2023-03), Rezone (REZ 2023-04), Tentative Subdivision Map (TSM 2023-04), Annexation (ANX 2023-04), and an Environmental Impact Report (SCH No. 2024031008) (ENV 2023-08) pertaining to three (3) parcels located on the north side of Whitesbridge Road (State Route 180) between North Siskiyou and North Madera Avenues (APNs 020-120-29S, 020-120-30S and 020-120-28ST).

### RECOMMENDATION:

The Kerman City Council conduct a public hearing, deliberate, and by motion:

1. Adopt a resolution of the City Council of the City of Kerman (1) adopting the findings required by the California Environmental Quality Act (CEQA) Guidelines, Section 15091; (2) certifying the Environmental Impact Report (SCH No. 2024031008); (3) adopting the proposed Mitigation Monitoring and Reporting Program; (4) adopting a Statement of Overriding Considerations, pursuant to the CEQA (ENV 2023-08); and (5) approving General Plan Amendment 2023-03 to amend the 2040 Kerman General Plan planned land use designations for Assessor's Parcel Numbers (APNs) 020-120-29S (24.24 acres) and 020-120-30S (24.14 acres), to MDR – Medium Density Residential and HDR – High Density Residential, with a corresponding reduction in land designated GC – General Commercial (northwest corner of North Del Norte Avenue and West Whitesbridge Road (State Route 180); and
2. Waive full reading and introduce by title only an ordinance of the City Council of the City of Kerman approving Rezone 2023-04 to amend the official zoning map of the City of Kerman for three (3) parcels identified as Assessor's Parcel Numbers (APNs) 020-120-29S (24.24 acres), 020-120-30S (24.14 acres), and 020-120-28ST (23.91 acres), pre-zoning the parcels consistent with the proposed land use designations, resulting in approximately 38 acres within the Smart Development Combining District – Residential – minimum 5,000 square feet (SD-R-5.0), 10.96 acres within the Two-Family Residential (R-2), four (4) acres within the Multi-Unit Residential (R-3), and 18.95 acres within the General Commercial (CG) zoning districts, totaling approximately 72.29 acres located on the north side of Whitesbridge Road (State Route 180) between North Siskiyou Avenue and North Madera Avenue (Rezone 2023-04).

### EXECUTIVE SUMMARY:

The Holland Group (Applicant/Developer) proposes Annexation (ANX) 2023-04, General Plan Amendment (GPA) 2023-03, Rezone (REZ) 2023-04, Tentative Subdivision Map (TSM) 2023-04, and related Environmental Impact Report (ENV) 2023-08 pertaining to three (3) parcels identified as Assessor's Parcel Numbers (APNs) 020-120-29S (24.24 acres), 020-120-30S (24.14 acres) and 020-

120-28ST (23.91 acres), totaling approximately 72.29 acres located on the north side of Whitesbridge Road (State Route 180) between North Siskiyou Avenue and North Madera Avenue. The Project would result in the annexation of ±72.29 acres from the County of Fresno to the City of Kerman, an amendment to the 2040 Kerman General Plan planned land use designations for ±48.38 acres, an amendment to the official zoning map of the City of Kerman for ±72.29 acres, and the subdivision of ±48.38 acres for future single-family, multi-family, and commercial uses. Future development of the Project site would require additional entitlements, including but not limited to a Development Plan Permit, Site Plan Review, and Conditional Use Permit.

As noted in the Recommendations above, at this meeting the Council is asked to approve the resolution regarding the environmental impact report (CEQA) and General Plan Amendment and to introduce the ordinance amending the Zoning Map. At the next meeting, Council will be asked to approve the following:

1. A resolution to approve the Del Norte Estates subdivision of two (2) parcels identified as Assessor's Parcel Numbers (APNs) 020-120-29S (24.24 acres) and 020-120-30S (24.14 acres) into 200 single-family lots ranging in size from 5,000 square feet to 10,972 square feet, one (1) multi-family lot (± 3.64 acres), four (4) commercial lots ranging in size from 0.69 acres to 1.88 acres (± 4.99 acres total), and five (5) outlots, totaling approximately 48.38 acres located on the northwest corner of North Del Norte Avenue and West Whitesbridge Road (State Route 180) (Tentative Subdivision Map 2023-04); and
2. A resolution to initiate annexation of three (3) parcels identified as Assessor's Parcel Numbers (APNs) 020-120-29S (24.24 acres), 020-120-30S (24.14 acres) and 020-120-28ST (23.91 acres), totaling approximately 72.29 acres located on the north side of Whitesbridge Road (State Route 180) between North Siskiyou Avenue and North Madera Avenue (Annexation 2023-04).

#### **APPLICABLE CODES AND PROCEDURES:**

KMC Title 16 – Subdivisions  
KMC 17.10 – Residential Zones  
KMC 17.12 – Commercial, Office, and Mixed-Use Zones  
KMC 17.18 – Combining Zones  
KMC 17.20 – General Site Planning and Development Standards  
KMC 17.98 – CEQA Procedures  
KMC 17.112 – Amendments  
KMC 17.116 – Public Notices and Hearings  
Public Resource Code – 21000 et seq.

#### **BACKGROUND:**

##### Site Location

The Project site is currently in the jurisdiction of the County of Fresno, California. The site is located on the north side of Whitesbridge Road (State Route 180) between North Madera and North Siskiyou Avenues, consisting of three (3) parcels that total approximately 72.29 acres. The site is identified by the Fresno County Assessor as Assessor's Parcel Numbers (APNs) 020-120-29S (24.24 acres), 020-

120-30S (24.14 acres), and 020-120-28S (23.91 acres). The Project Vicinity Map is shown in **Attachment A**.

#### Setting and Surrounding Uses

As referenced in **Table 1**, the Project site is surrounded by agricultural land to the north, residential uses to the south and west and a new school facility to the east. The properties to the north, northeast and northwest are planned for residential use within the City of Kerman Sphere of Influence. Properties to the west and south are existing single-family residential properties. The Aerial Photograph and Physical Setting of the Project site is shown in **Attachment B**.

**Table 1. Existing Land Use, General Plan Designation, and Zone District of Surrounding Properties**

Direction from site	Existing Land Use	General Plan Designation	Zone District
North	Agriculture	MDR - Medium Density Residential	AL – 20, Agriculture Limited - 20 Acre (County)
East	KUSD - School Site	Schools/Institutional (S/I)	UR – Urban Reserve & CG – General Commercial
South	Single-Family	MDR - Medium Density Residential	R-1-7, Single-Family Residential (7000 SF Min. Lot)
West	Single -Family	MDR - Medium Density Residential	SD-R-5.0, SD Residential (5000 SF Min. Lot)

#### General Plan Land Use Designation

The Project site has City of Kerman 2040 General Plan land use designations of MDR – Medium Density Residential (46.84 acres) and GC – General Commercial (25.45 acres). Acreages of land use designations by APN are shown in **Table 2**. The General Plan Land Use Map for the Project site is shown in **Attachment C**.

**Table 2. Acreages of Existing Land Use Designations by APN**

APN	General Plan Land Use Designation (Acres)	
	MDR – Medium Density Residential	GC – General Commercial
APN 020-120-28ST	10.96	12.95
APN 020-120-29S	24.24	0
APN 020-120-30S	11.64	12.50
<b>Total</b>	<b>46.84</b>	<b>25.45</b>

#### Zone District

The Project site is located within the City’s Sphere of Influence but since it is outside City limits, the site is zoned by the County. The site is within the County of Fresno’s Agricultural Exclusive – 20 Acres (AE-20) and Limited Agricultural – 20 Acres (AL-20) zone districts. The Zoning Map for the Project site is shown in **Attachment D**.

## ANALYSIS:

### Annexation 2023-04

Annexation (ANX) 2023-04 would initiate the annexation process for three (3) parcels identified as APNs 020-120-29S (24.24 acres), 020-120-30S (24.14 acres) and 020-120-28ST (23.91 acres), totaling approximately 72.29 acres located in the City of Kerman Sphere of Influence, on the north side of Whitesbridge Road (State Route 180) between North Siskiyou Avenue and North Madera Avenue from the County of Fresno to the City Limits of the City of Kerman, in addition to adjacent right-of-way, and detach the annexation area from the Kings River Conservation District and into the Fresno Irrigation District. The Annexation Boundary is shown in **Attachment J**.

The annexation application will be considered by the Fresno County Local Agency Formation Commission (LAFCO) for approval. Per LAFCO, the annexation is required to comply with LAFCO policies and objectives. Pursuant to the Second Amendment and Restated Memorandum of Understanding (MOU) between the County of Fresno and City of Kerman, the City must issue a notice of intent to annex and request a finding of consistency with the MOU, at least 30 days prior to filing any annexation proposal with the Fresno County LAFCO.

### General Plan Amendment 2023-03

General Plan Amendment (GPA) 2023-03 would amend the Kerman 2040 General Plan planned land use designations for the parcels identified as APNs 020-120-29S and 020-120-30S as shown in **Table 3**. GPA 2023-03 would result in approximately 38 acres of MDR – Medium Density Residential, 4 acres of HDR – High Density Residential, and 6 acres of GC – General Commercial land use designations, representing an increase in acreages of MDR and HDR land use designations, and decrease in acreage of the GC land use designation. No amendment is proposed for the parcel identified as APN 020-120-28ST; the parcel would remain MDR and GC as currently exists.

**Table 3. Existing and Proposed Land Use Designations for APNs 020-120-29S and 020-120-30S**

General Plan Land Use Designation	Existing Acreages	Proposed Acreages
MDR – Medium Density Residential	35.88	38.88
HDR – High Density Residential	0	4
GC – General Commercial	12.50	6

The definition and description of the MDR, HDR, and GC land use designations per the General Plan, and an analysis of the project’s consistency with the General Plan are described below.

- **MDR – Medium Density Residential Land Use Designation:** The MDR land use designation “allows for residential development at a density of 5 to 12 units per gross acre. Development in this category could include a mix of single-family and multifamily residences, including duplexes, triplexes, fourplexes, and mobile homes.” The MDR land use designation is compatible with the R-1-7, R-1-12, R-2, SD-R-5, SD-R-4.5, SD-R-3.5, PD-R-7, and PD-R-12 zoning districts. Typical uses of this land use designation include single-family detached dwellings, small-lot multifamily dwellings including duplexes, triplexes, fourplexes, and mobile homes, accessory dwelling units, and compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools).



The project proposes 200 single-family lots, “Del Norte Estates,” on the portion of the site proposed to be planned for MDR. The number of proposed lots equate to a residential density of 5.2 units per acre (200 lots divided by 38 acres equals 5.2 dwelling units per acre) and would be within the density requirements for the MDR land use designation (5.0 to 12.0 dwelling units per acre). The project also proposes a rezone, which would pre-zone/rezone the MDR portion of the site to the SD-R-5.0 zone district. The SD-R-5.0 zone district is a zone district that is compatible with the MDR land use designation.

- **HDR – High Density Residential Land Use Designation:** The HDR land use designation allows for a minimum density of 20 units per gross acres and a maximum density of 24 units per gross acre. Development in this category could encompass apartment complexes, senior housing, and condominiums.” The HDR land use designation is compatible with the R-3, SD-R-2.5, and PD-R-2.5 zoning districts. Typical uses of this land use designation include large-lot multifamily dwellings, including apartment complexes, senior housing, and condominiums, accessory dwelling units, and compatible public and quasi-public uses (e.g., churches, daycare centers, community centers, parks, and schools).

The project proposes one (1) multi-family lot on the portion of the site proposed to be planned for HDR. The project also proposes a rezone, which would pre-zone/rezone the HDR portion of the site to the R-3 zone district. The R-3 zone district is a zone district that is compatible with the HDR land use designation. The HDR land use designation and the R-3 zone district allows a density range of 20.0 to 24.0 dwelling units per acre, which would allow between 72 and 87 multi-family units on the site. Future development would be subject to compliance with applicable development standards contained in KMC Section 17.10.030 Residential Zones Development Standards in addition to Chapter 17.46 Multi-Unit Dwelling Objective Design Standards and other applicable sections of the Zoning Code. Compliance with these standards would be ensured through the entitlement review process.

- **GC – General Commercial Land Use Designation:** The GC land use designation identified areas generally located along Madera Avenue and Whitesbridge Road that are appropriate for shopping centers, retail uses, and offices. Development with this designation will have the following distinguishing features: landscaping, construction of off- street parking, regulated signs, and site plan review of new uses or extensive expansion of existing uses. Projects in these areas are required to comply with the design standards of the Kerman Zoning Ordinance's design districts. The GC land use designation is compatible with the CG, CSP, and CS zoning districts. The minimum Floor Area Ratio (FAR) is 0.30.

The project proposes four (4) commercial lots on the portion of the site proposed to be planned for GC. The project also proposes a rezone, which would pre-zone/rezone the GC portion of the site to the CG zone district. The CG zone district is a zone district that is compatible with the GC land use designation. The GC land use designation allows a minimum FAR of 0.30 and the CG zone district allows an intensity range of 0.30 to 1.0 FAR. Future development would be subject to compliance with the applicable development standards contained in KMC Section 17.12-2 Development Standards – Commercial, Office, and Mixed-

Use Zones and other applicable sections of the Zoning Code. Compliance with these standards would be ensured through the entitlement review process.

#### Rezone 2023-04

Rezone (REZ) 2023-04 would pre-zone approximately 72.29 acres (APNs 020-120-29S, 020-120-30S, and 020-120-28ST) to zoning districts consistent with the underlying General Plan land use designations. The pre-zone would include 38.88 acres to the Smart Development Combining District – Residential – minimum 5,000 square feet (SD-R-5.0), 4 acres to the Multi-Unit Residential (R-3), 10.96 acres to Two-Family Residential (R-2), and 18.95 acres to the General Commercial (CG) zoning districts, as shown in **Attachment H**. Because the site is outside City limits, proposed development would require annexation and a pre-zone of the site to a zoning district consistent with the City of Kerman 2040 General Plan planned land use designation.

The purpose of each proposed zone district as described by the Kerman Municipal Code (KMC), in addition to an analysis of the project, is as follows.

- **Smart Residential Development (SD) Combining Zone District:** The purpose of the Smart Residential Development (SD) combining zone is to promote development designs that respond to significant planning-related issues facing the San Joaquin Valley, including urbanization of agricultural land, air pollution, housing affordability, traffic, aesthetics, and neighborhood deterioration. This new approach to development design has been popularized by the term "smart growth" and its purpose is to achieve the average density goals set forth by each zone.

The SD combining zone is structured to encourage a comprehensive development that is superior to traditional development of the recent past by increasing walkability and connectivity while achieving the higher net density and preservation of open space goals set forth by the General Plan. To the greatest extent possible, attention shall be given to greater design details and the average density set forth by each individual zone shall be achieved through a mix of residential housing types and sizes. The SD combining zone implements the Low Density Residential (LDR), Medium Density Residential (MDR), High Density Residential (HDR), Quasi-Public (QP), and Schools (S) land use designations in the General Plan.

The project proposes 200 single-family lots, "Del Norte Estates," which would equate to a residential density of 5.2 units per acre (200 lots divided by 38 acres equals 5.2 dwelling units per acre) and would be within the density requirements for the MDR land use designation (5.0 to 12.0 dwelling units per acre) and the SD-R-5.0 zone district (maximum of 12.0 dwelling units per acre). Future development would be subject to compliance with applicable development standards contained in KMC Section 17.18.030 Smart Residential Development Combining Zone (SD) Standards and Regulations. Compliance with these standards would be ensured through the entitlement review process. Projects within SD zone districts are subject to a Development Plan Permit.

- **Multi-Unit Residential Zone District:** The purpose of the Multi-Unit Residential Zones (R-3) is to provide areas in the City that allow a range of medium and high-density residential development and other compatible uses. Development in these zones is to be designed in a manner which does not conflict with surrounding land uses and does not overburden local streets. The multi-unit

residential zones are categorized by maximum density as follows: R-2 and R-3. The multi-unit zones implement the Medium Density Residential (MDR), High Density Residential (HDR), Quasi-Public (QP), and Schools (S) land use designations in the General Plan.

The project proposes one (1) multi-family lot totaling  $\pm$  3.64 acres which would meet the minimum parcel size required for the R-3 zone district (7,000 square feet). The R-3 zone district and HDR land use designation allow a density range of 20.0 to 24.0 dwelling units per acre, which would allow between 72 and 87 multi-family units on the site. Future development would be subject to compliance with applicable development standards contained in KMC Section 17.10.030 Residential Zones Development Standards in addition to Chapter 17.46 Multi-Unit Dwelling Objective Design Standards and other applicable sections of the Zoning Code. Compliance with these standards would be ensured through the entitlement review process.

- **General Commercial Zone District:** The purpose of the General Commercial (CG) zone is to provide areas of the City that allow a wide range of commercial, and office uses which are diverse, visually pleasing, convenient in terms of parking and access, attractive, and used by citizens and visitors. The CG zone implements General Commercial (GC), Regional Commercial (RC), and Office (O) land use designations in the General Plan.

The project proposes four (4) commercial lots ranging in size from 0.69 acres to 1.88 acres, totaling  $\pm$  4.99 acres, and would meet the minimum parcel size required for the CG zone district (6,000 square feet for newly created parcels). The CG zone district allows a development intensity range of 0.30 to 1.0 Floor Area Ratio (FAR). The GC land use designation allows a minimum FAR of 0.30. Future development would be subject to compliance with the applicable development standards contained in KMC Section 17.12-2 Development Standards – Commercial, Office, and Mixed-Use Zones and other applicable sections of the Zoning Code. Compliance with these standards would be ensured through the entitlement review process.

#### Tentative Subdivision Map 2023-04

Tentative Subdivision Map (TSM) 2023-04 would subdivide the two (2) parcels identified as APNs 020-120-29S and 020-120-30S into 200 single-family lots ranging in size from 5,000 square feet to 10,972 square feet, one (1) multi-family lot, four (4) commercial lots ranging in size from 0.69 acres to 1.88 acres, and five (5) outlots including a pedestrian trail (**Attachment I**). The lot areas conform to the standards of development as defined by the Zoning Ordinance for the applicable development zone districts. No development is currently proposed.

The project proposes 200 single-family lots, “Del Norte Estates,” which would equate to a residential density of 5.2 units per acre (200 lots divided by 38 acres equals 5.2 dwelling units per acre) and would be within the density requirements for the MDR land use designation (5.0 to 12.0 dwelling units per acre) and the SD-R-5.0 zone district (maximum of 12.0 dwelling units per acre). Future development would be subject to compliance with applicable development standards contained in KMC Section 17.18.030 Smart Residential Development Combining Zone (SD) Standards and Regulations. Compliance with these standards would be ensured through the entitlement review process. Projects within the SD zone districts are subject to a Development Plan Review Permit.

The project proposes one (1) multi-family lot totaling  $\pm$  3.64 acres which would meet the minimum parcel size required for the R-3 zone district (7,000 square feet). The R-3 zone district allows a density range of 20.0 to 24.0 dwelling units per acre, which would allow between 72 and 87 multi-family units on the site. Future development would be subject to compliance with applicable development standards contained in KMC Section 17.10.030 Residential Zones Development Standards in addition to Chapter 17.46 Multi-Unit Dwelling Objective Design Standards and other applicable sections of the Zoning Code. Compliance with these standards would be ensured through the entitlement review process.

The project proposes four (4) commercial lots ranging in size from 0.69 acres to 1.88 acres, totaling  $\pm$  4.99 acres, and would meet the minimum parcel size required for the CG zone district (6,000 square feet for newly created parcels). The CG zone district allows a development intensity range of 0.30 to 1.0 Floor Area Ratio (FAR). Future development would be subject to compliance with the applicable development standards contained in KMC Section 17.12-2 Development Standards – Commercial, Office, and Mixed-Use Zones and other applicable sections of the Zoning Code. Compliance with these standards would be ensured through the entitlement review process.

Ten (10) foot public utilities easements are proposed throughout the development in the rights-of-way at the front of each lot. An eight (8) foot landscape easement and a six (6) foot high block wall is proposed in North Del Norte Avenue. A six (6) foot high block wall is also proposed along the backyards and/or sideyards of all single-family lots adjacent to the outlots designated for trail purposes (Outlots A through D) the multi-family residential lot, and commercial lots. A 7.5-foot-high block wall is proposed at the backyard of those single-family lots backing up to Whitesbridge Road.

Development of the project will also include the continuation of a Fresno Irrigation District (FID) water line easement that is also used as a pedestrian trail. The project will incorporate a 25-foot-wide FID easement and pedestrian trail from Isabella Drive northbound to the northwest limit of Del Norte Estates. In addition to this easement, the City has required an additional 25-foot-wide trail easement that will connect to the FID easement and continue along the northern boundary of the subdivision and connect the pedestrian trail to Del Norte Avenue and is listed as Outlot A and Outlot B on TSM 2023-04. Outlots C and D will also be used for development of pedestrian trails/paths to provide access from the single-family lots to the commercial lots. Since no park space will be provided as part of this project, the project will be required to pay an in lieu fee at the time of construction.

#### Land Use Plans and Policies

The 2040 General Plan includes policy recommendations related to the various physical development aspects of the community. The policies are supported by a set of goals and objectives. The City Council shall refer to the General Plan's policies, goals, and objectives when deciding on this request. Through the Project and development review process and in collaboration with other City departments and outside agencies, the Project has been designed to comply with the City's General Plan goals, policies, and objectives. As proposed, the Project will be consistent with the Kerman 2040 General Plan goals and objectives related to land use and the urban form. Below are excerpts from the General Plan that are germane to this Project, with discussion of the Project's consistency.

***General Plan Policy LU-1.4. Limit Residential Development Along Highways: The City shall limit residential development from fronting State Highway 145 and State Highway 180 to ensure public***

*safety. Residential development along these facilities shall be designed and buffered to reduce noise and air pollutant impacts to the maximum extent reasonably feasible and consistent with CEQA review.* The project as proposed is consistent with General Plan Policy LU-1.4. The project site is located on the north side of Whitesbridge Road (State Route 180) between North Madera and North Siskiyou Avenues. The project site is currently planned for MDR and GC land use designations. The portions of the site planned for GC land uses are concentrated toward the intersection of Whitesbridge Road and Del Norte Avenue, with some planned residential on Whitesbridge Road.

Although the project proposes a General Plan Amendment to amend the planned land use designations for two (2) parcels (APNs 020-120-29S and 020-120-30S), GC planned portions of the site would remain concentrated toward the intersection of Whitesbridge Road and Del Norte Avenue. Future residential development of the portions of the site planned for residential use would be subject to compliance with the applicable development standards for the underlying zone district, including setbacks, landscaping, fences, walls, and hedges, etc. which help to ensure adequate buffers between uses to ensure public safety.

In addition, environmental impacts of the project, including the General Plan Amendment and Rezone, have been analyzed in accordance with the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) was prepared to evaluate the potential impacts associated with the project. Based upon review of the EIR, air pollutant impacts were found to be less than significant; however, noise-related impacts were found to be potentially significant for transportation noise sources. Calculations were prepared to identify how the facilities should be designed and buffered to reduce impacts, indicating that a sound wall along Whitesbridge Road at the residential lots adjacent to the roadway shall be constructed to a minimum height of 7.5 feet above project site grade, which would result in exterior noise levels below levels of significance. Future residential development would be subject to compliance with this mitigation measure.

Overall, through compliance with the applicable development standards and with the noise-related mitigation measure, the project as proposed would be designed and buffered to reduce impacts to the maximum extent reasonably feasible and consistent with CEQA review, and therefore would be consistent with General Plan Policy LU-1.4.

***General Plan Policy 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.* The project as proposed is consistent with General Plan Policy LU-1.5. Although the site is not currently planned for High Density Residential (HDR), the project proposes a General Plan Amendment to amend the planned land use designations for two (2) parcels (APNs 020-120-29S and 020-120-30S), which would result in four (4) acres of HDR adjacent to six (6) acres proposed for commercial uses. Future high-density residential uses would also be near other commercial uses (North Madera Avenue and West Whitesbridge Road), parks (Katey's Kids Park), and schools (Kerman High School plus future KUSD facilities on the east side of Del Norte Avenue). Therefore, as proposed, the project would encourage the development of high-density residential uses near commercial uses, parks, and schools, and would be consistent with General Plan Policy LU-1.5.

***General Plan Policy LU-1.6. Agricultural Buffers:*** *The City shall require non-agricultural land uses adjacent to active agricultural uses to incorporate adequate buffers (e.g., setbacks, fences) to protect*

*public health and limit conflicts with adjoining agricultural operations and pesticide applications.* The project site is adjoined by agricultural land use to the north. Potential conflicts between urban and agricultural uses were analyzed in the EIR prepared for the project in accordance with CEQA. In order to reduce potential conflicts between uses, the EIR requires implementation of the following measures: 1) potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase/lease of property within the development, 2) a right-to-farm covenant shall be recorded on each residential tract map or be made a condition of each tract map to protect continued agricultural practices in the area, and 3) potential residents shall be informed of the right-to-farm covenant at the time of purchase/lease of property within the development. Future residential development would also be subject to compliance with the applicable development standards for the underlying zone district, including setbacks, landscaping, fences, walls, and hedges, etc. which help to ensure adequate buffers to protect public health and limit conflicts. Overall, through compliance with the mitigation measures and applicable development standards, the project as proposed would incorporate adequate buffers to protect public health and limit conflicts with adjoining agricultural operations and pesticide applications, and therefore would be consistent with General Plan Policy LU-1.6.

***General Plan Policy LU-3.2 Urban Form:*** *To maintain the City's compact form, the City shall maintain growth management controls by managing changes to the City's Sphere of Influence and incorporated City limits. Future changes to the City's Sphere of Influence will be managed by two growth lines, shown on [General Plan] Figure 3-2.)*

- *The City may consider requests to amend the current Sphere of Influence and City limits into Area 1 (shown on Figure 3-2) based on the ability of the City to provide services to the area.*
- *The City may consider requests to amend the current Sphere of Influence and City limits into Area 2 (shown on Figure 3-2) if Area 1 has reached the 80 percent infill criteria (for residentially designated lands). The City Council may, at that time, consider allowing development beyond the Area 1 Growth Boundary Line.*
- *For any change in the Sphere of Influence or City limits, the following considerations will be used:*
  - *80 percent of Area 1's residentially designated land has been developed or has approved development plans.*
  - *Residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing.*
  - *Community needs such as open space, recreational facilities, parks, schools, etc.*
  - *Obstacles to growth such as cost of infrastructure, Williamson Act properties, etc.*
  - *Economic development needs.*

The project site is outside City limits but is within the City's Sphere of Influence. The project requires annexation and therefore would result in a change in City limits. The project as proposed would meet the considerations of General Plan Policy LU-3.2 Urban Form. Specifically, the project would facilitate future residential units which would help meet the city's residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing. The project would also facilitate future open space (multi-family development), recreational facilities (pedestrian trail), and schools (KUSD facility), meeting several community needs. The project would not result in obstacles to growth because future development would be able to connect to City services. The project would also result in infrastructure improvements, including roadway and circulation improvements. Although the project site is subject to the Williamson Act, non-renewal and cancellation efforts are

underway concurrently. Lastly, the project would facilitate future commercial uses which would serve the city's economic development needs. Based on these considerations, the project as proposed maintains growth management controls and is consistent with General Plan Policy LU-3.2.

***General Plan Policy LU-3.3 Prevent Sprawl Development:*** *The City shall direct new development to areas that are contiguous to existing or approved development and prevent sprawl development.* The project site is contiguous to existing and approved development within City Limits. Thus, the project does not encourage sprawl and is therefore consistent with General Plan Policy LU-3-3.

***General Plan Policy LU-3.4 Leapfrog Development:*** *The City shall require the Planning Commission and City Council to make a finding before approving new subdivisions that are more than 1/8 mile from existing urban development.* The project site is contiguous to existing urban development and thus would not constitute leapfrog development.

***General Plan Policy LU-4.5. Right-to-Farm Disclosure:*** *The City shall require that property owners and applicants within 1,000 feet of agricultural land or agricultural operations sign and record a deed of notification to document that they were informed of the potential agricultural operations and agricultural conditions in the area.* The project is within 1,000 feet of agricultural land and operations. A right-to-farm disclosure is required for the project through the Conditions of Approval. All future property owners and applicants are required to sign and record a deed of and notification to document that they were informed of the potential agricultural operations and agricultural conditions in the area. In addition, the EIR requires implementation of the following measures: 1) potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase/lease of property within the development, 2) a right-to-farm covenant shall be recorded on each residential tract map or be made a condition of each tract map to protect continued agricultural practices in the area, and 3) potential residents shall be informed of the right-to-farm covenant at the time of purchase/lease of property within the development. Therefore, the project is consistent with General Plan Policy LU-4.5.

***General Plan Policy LU-5.4 New Incompatible Land Uses:*** *The City shall prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas.* The project site is currently planned for residential and commercial uses. The properties to the north, northeast and northwest of the site are planned for residential use within the City of Kerman Sphere of Influence. Properties to the west and south are existing single-family residential properties. Although the project proposes a General Plan Amendment and Rezone, the proposed land use designations and zone districts would remain residential and commercial. Therefore, the project would not introduce new incompatible land uses and environmental hazards into existing residential areas. The project is consistent with General Plan Policy LU-5.4.

#### Access, Circulation, and Off-Site Improvements

Vehicular access to the site would be provided from West Whitesbridge Road (State Route 180). North Del Norte Avenue and North Siskiyou Avenue near the project site are designated as collectors in the General Plan Circulation Element. Internal circulation within the site would be provided by public streets and pedestrian walkways.

The Project would also result in off-site improvements along West Whitesbridge Road (State Route 180) and North Del Norte Avenue including concrete curb, gutter, sidewalk, paving, median island and landscaping per City of Kerman Public Works Standards. The City will also require an extension of the Class II Bikeway along West Whitesbridge Road (State Route 180) that would connect to the existing Class II facility to the east and west of the site. These improvements will be consistent with the General Plan and Active Transportation Plan.

A traffic impact study was prepared for the project by Ruettgers and Schuler Civil Engineers dated November 2024. The study evaluated projected trip generation based upon the trip generation rates and potential impacts associated with development occurring on the subject property in accordance with the proposed project. The project trip generation was determined by using trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) for daily, weekday AM (7:00-8:00 am), and PM (4:30-5:30 pm) peak hours. The residential units are anticipated to generate approximately 2,625 average daily trips including single family and multi-family uses. The General Commercial uses are anticipated to generate 4,135 trips when they are built out. The weekday AM peak hour trips generated for the Project is estimated to be 473 trips including all residential and commercial uses. The weekday PM peak hour trips generated for the units is estimated to be 525 trips.

The analysis contained in the traffic impact study indicates that roadway improvements may be desirable to support the implementation of the project as well as to accommodate other traffic increases expected in the study area in 2044 scenarios. All intersections currently operate at an acceptable level of service and are anticipated to do so through 2044, prior to and with the addition of project traffic. Therefore, no improvements are required.

#### Public Utilities and Service Systems

The project will be tied into existing municipal water, sewer, and storm drain systems through the extension of existing systems. A sanitary sewer service would be provided through connection to existing services in North Del Norte Avenue. Domestic water service will be provided through an existing 12-inch line located near Whitesbridge Road and Del Norte Avenue and in Sapphire Avenue. Sewer and water lines will connect to each lot throughout the site. Associated electric, natural gas, and related infrastructure is available and will serve the project site as needed.

#### Other Department Comments

The project proposal was reviewed by various other City Departments and affected outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report. Comments are standard and can be found in **Attachment E**.

#### Conclusion

The proposed project is consistent with the Kerman General Plan and Zoning Ordinance as well as the Subdivision Map Act. Additionally, as conditioned, there is no evidence that suggests approval of the proposed project will be detrimental to the public, health, safety, and welfare of those residing or working nearby. To ensure the continued compatibility of the site with surrounding uses, conditions of approval have been incorporated.



## **ENVIRONMENTAL REVIEW:**

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) of 1970, the City, as the Lead Agency, has analyzed the proposed project and has prepared an environmental impact report ("EIR") to evaluate the environmental effects of the project. The key components of the requested action are as follows.

### Environmental Impact Report

An EIR is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects. The term "EIR" may mean either a draft or a final EIR depending on the context. The Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments received and propose changes to the Draft EIR if needed.

### Response to Comments

Response to Comments ("RTC") is a document that provides responses to comments received on the Draft EIR and revises the Draft EIR, as necessary, in response to those comments or to make clarifications in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project. Three (3) comment letters were received, and the letter and responses are contained in the response to comment (RTC), which is provided in the Final EIR (**Attachment G**).

### Mitigation Monitoring and Reporting Program

The Mitigation Monitoring and Reporting Program (MMRP) is a document that contains a table with the required mitigation measures, the responsible party or parties for implementing the measure, and the timing of implementation. The MMRP is contained in **Attachment G**.

### Findings of Fact and Statement of Overriding Considerations

When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact. The Findings of Fact and Statement of Overriding Considerations are contained in **Attachment G**.

### Certification of the EIR

The City Council will hold a public hearing to consider the adequacy and completeness of the EIR under CEQA and will make a determination regarding certification of the EIR and adopt the necessary Findings of Fact and Statement of Overriding Considerations by resolution. The resolution is attached in **Attachment G**.

### EIR Process/Public Input and Noticing

The City, as the Lead Agency under CEQA, determined that an EIR was required for the proposed project. The firm, Crawford and Bowen, was contracted by the City to prepare the EIR. The EIR was assigned State Clearinghouse No. 2024031008. The preparation of the EIR followed the process prescribed by CEQA as described below.

### ***Notice of Preparation and Scoping Meeting***

Upon the City's determination that an EIR was required for this project, a Notice of Preparation (NOP) was made available to the public and responsible trustee agencies to solicit input on issues of concern

that should be addressed in the EIR. The NOP was issued on March 27, 2024, for a 30-day public review period. Two comment letters were received; one letter was from the California Department of Fish and Wildlife and the second was from the California Native American Heritage Commission. Comments were incorporated into the Draft EIR. A scoping meeting was conducted virtually on April 3, 2024. No one attended the scoping meeting.

### ***Draft EIR***

The Draft EIR was circulated for a 45-day public review period from September 11, 2024, to October 26, 2024, and was subsequently extended to December 9, 2024, to allow additional time for public/agency comment. The DEIR was circulated through the State Clearinghouse (SCH No. 2024031008), posted on the City's website, and available at City Hall. As of the date of this staff report, three (3) comment letters were received. None of the comments contained new information that revealed any potentially new or more significant environmental impacts that could have required recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

### ***Final EIR/Response to Comments***

The Final EIR consists of the Draft EIR plus the Response to Comments document in which the City must address all comments and possibly propose changes to the Draft EIR, if needed. After the close of the public review period for the Draft EIR, the City prepared formal responses to the written comments received. CEQA Guidelines, Section 15088(b), requires the City's responses to comments to be provided to commenting public agencies 10 days prior to final certification of the Final EIR. As noted above, three (3) comment letters were received, and the letters are contained in the Response to Comments, which is provided in the Final EIR.

### ***Statement of Overriding Considerations***

As detailed in the EIR, there are some significant and unavoidable impacts associated with this project related to certain components of agricultural resources and hydrology. This is not uncommon with projects of this size. In this regard, CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse effects, those effects may be considered "acceptable" (CEQA Guidelines Section 15093[a]).

CEQA requires the lead agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093[b]). The agency's statement is referred to as a "Statement of Overriding Considerations," which would be recommended as part of the approval of the resolution by City Council.

### ***Tribal Consultation***

The City of Kerman sent formal tribal notices for the proposed Project pursuant to AB 52 and SB 18 on February 7, 2024, utilizing the consultation list of tribes received from the Native American Heritage Commission. No consultation was requested.

### **PUBLIC HEARING NOTICE:**

In accordance with KMC Chapter 17.116, Public Notices and Hearings, public hearing notices were

mailed to property owners and residents within 500 feet of the site and published in the Kerman News at least 10 days before the hearing.

#### **PLANNING COMMISSION REVIEW:**

The Planning Commission held a public hearing to consider the project at a special meeting on December 16, 2024. One member of the public addressed the Commission on this item. Comments were related to trail use by motorized vehicles, the extension of the proposed trail to Harvest, impacts to parks and recreational facilities, sunlight concerns for two-story residential buildings, and compactor vibrations related to removal of the existing orchards.

On a 3-0 vote, the Planning Commission adopted Resolution No. 24-26 (GPA 2023-03 and ENV 2023-08), Resolution No. 24-27 (REZ 2023-04), Resolution No. 24-28 (TSM 2023-04), and Resolution No. 24-29 (ANX 2023-04), recommending that the City Council approve GPA 2023-03, REZ 2023-04, and TSM 2023-04, initiative ANX 2023-04, and certify the EIR. The Planning Commission Resolutions are provided in **Attachment F**.

Following the Planning Commission hearing, City staff are also recommending refinement of item C(2)(f) of the Conditions of Approval (TSM 2023-04) to better integrate with the more specific conditions recommended by the Planning Commission. The Conditions of Approval are contained in **Attachment I**.

#### **CITY COUNCIL FINDINGS:**

##### General Plan Amendment 2023-03

To approve the proposed General Plan Amendment 2023-03, the City Council must make the following findings pursuant to KMC Chapter 17.112 Amendments and Rezones.

1. The change is consistent with the General Plan goals and policies.
2. The change is consistent with the purpose of the Zoning Ordinance to preserve and promote the public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner.
3. There will not be significant effects upon the quality of the environment and natural resources.

Findings regarding each of these items are set forth in the proposed Resolution (**Attachment G**).

##### Rezone 2023-04

To approve the proposed Rezone 2023-04, the City Council must make the following findings pursuant to KMC Chapter 17.112 Amendments and Rezones.

1. The change is consistent with the General Plan.
2. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community.

3. There will not be significant effects upon the quality of the environment and natural resources.

Findings regarding each of these items are set forth in the proposed Ordinance (**Attachment H**).

#### Tentative Subdivision Map 2023-04

To approve the proposed Tentative Subdivision Map 2023-04, the City Council must determine that the proposed map is consistent with the General Plan, Zoning Ordinance, and the Subdivision Map Act subject to the following consistency findings:

1. The proposed map is consistent with the applicable General Plan, Subdivision Ordinance, Specific Plan, and the Subdivision Map Act.
2. The design or improvement of the proposed land division is consistent with applicable general plan and specific plans.
3. That the site is physically suitable for the proposed type of development.
4. That the site is physically suitable for the proposed density of development.
5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat.
6. The design of the subdivision and the type of improvements being required are not likely to cause serious public health problems.
7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the proposed design provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1.

Findings regarding each of these items are set forth in the proposed Resolution (**Attachment I**).

#### Annexation 2023-04

To initiate the proposed Annexation 2023-04, the City Council must make the following findings pursuant to the City/County Second Amended and Restated MOU standards for annexation:

1. The proposed annexation is within the City's adopted Sphere of Influence.
2. The proposal is consistent with City general and specific plans, including adopted goals and policies.

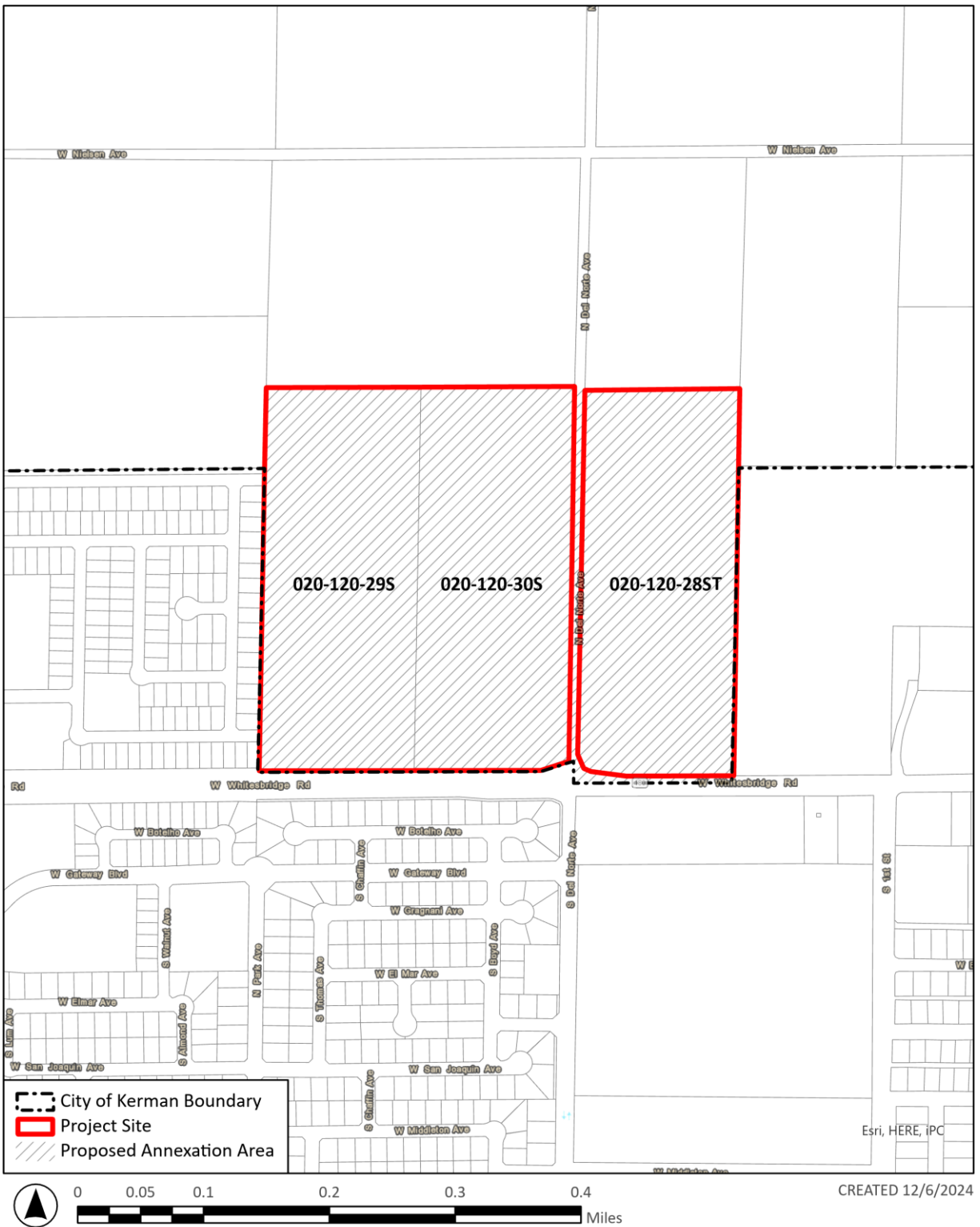
3. Pursuant to CEQA, the proposal mitigates any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan.
4. At least 25% of the area proposed for annexation has an approved tentative subdivision map(s) (single-family residential) and an approved site plan (for uses besides single-family).
5. The annexation is to fulfill the City's Regional Housing Needs Allocation (RHNA) obligation which otherwise cannot be accommodated on lands currently within the City's incorporated boundary.
6. The proposal would not create islands. Boundaries must ultimately minimize the creation of peninsulas and corridors, or other distortion of boundaries.

Findings regarding each of these items are set forth in the proposed Resolution (**Attachment J**).

**ATTACHMENTS:**

- A. Attachment A – Project Vicinity Map
- B. Attachment B – Aerial Map of the Project Site
- C. Attachment C – General Plan Land Use Designation Map (Existing) for Project Site
- D. Attachment D – Zoning District Map (Existing) for Project site
- E. Attachment E – Other Agency/Department Comments
- F. Attachment F – Planning Commission Resolutions
- G. Attachment G – General Plan Amendment 2023-03 and Environmental Assessment 2023-08
  1. Exhibit 1 – General Plan Amendment 2023-03
  2. Exhibit 2 – Environmental Assessment 2023-08
  3. Exhibit 3 – Mitigation Monitoring and Reporting Program
  4. Exhibit 4 – Statement of Overriding Considerations and Findings of Fact
- H. Attachment H – Rezone 2023-04
  1. Exhibit 1 – Rezone 2023-04
- I. Attachment I – Tentative Subdivision Map 2023-04
  1. Exhibit 1 – Tentative Subdivision Map 2023-04
  2. Exhibit 2 – Conditions of Approval for Tentative Subdivision Map 2023-04
- J. Attachment J – Annexation 2023-04
  1. Exhibit 1 – Annexation 2023-01

**ATTACHMENT A**  
**Project Vicinity Map**





ATTACHMENT B

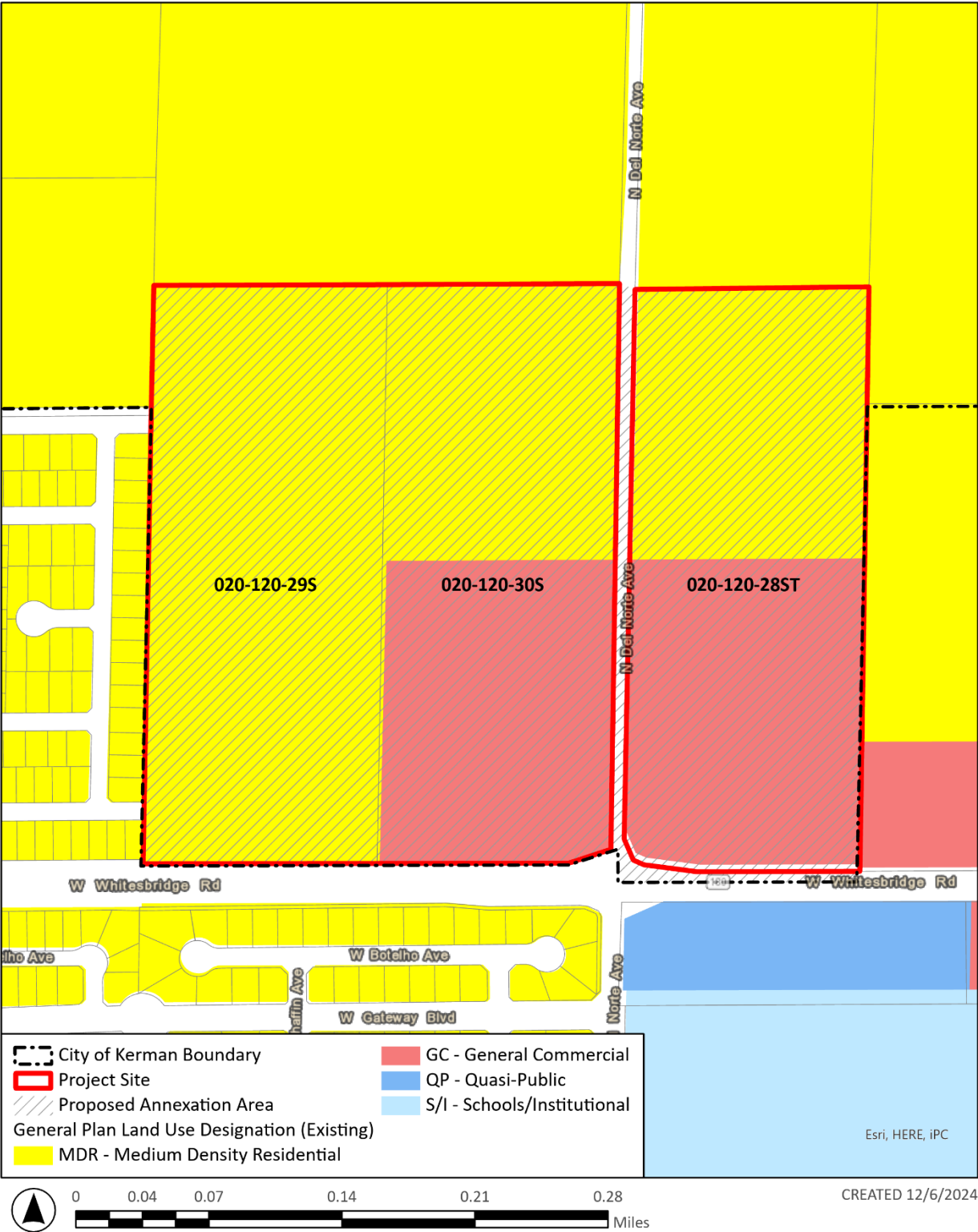
Aerial Map of Project Site





ATTACHMENT C

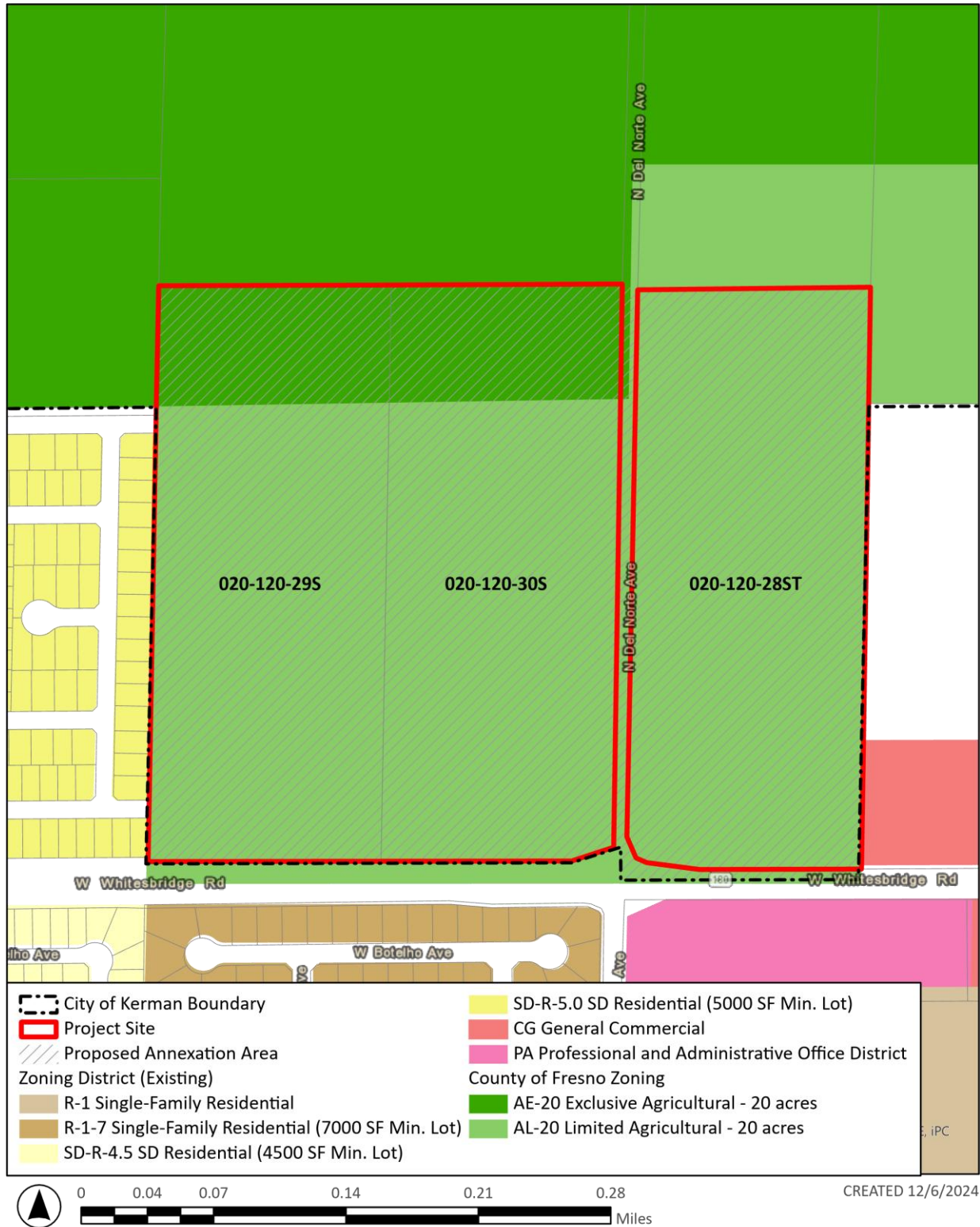
General Plan Land Use Designation Map (Existing) for Project Site





# ATTACHMENT D

## Zoning District Map (Existing) for Project Site



**ATTACHMENT E**

Other Agency/Department Comments

## Manuel Campos

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**From:** Michael Barajas  
**Sent:** Friday, March 1, 2024 7:59 AM  
**To:** Manuel Campos  
**Subject:** RE: City of Kerman Project Distribution - Del Norte Estates

Manuel,

No comments from Public Works.



**Michael Barajas | Public Works Director**  
City of Kerman | Public Works Department  
c. (559) 681-1075 | p. (559) 846-9343 | f. (559) 846-7488  
15201 W. California Ave. Kerman, CA. 93630  
[mbarajas@cityofkerman.org](mailto:mbarajas@cityofkerman.org)  
[www.cityofkerman.net](http://www.cityofkerman.net)

---

**From:** Manuel Campos  
**Sent:** Wednesday, February 21, 2024 4:22 PM  
**To:** Theresa Johnson <tjohnson@cityofkerman.org>; Jesus Gonzalez <jesusgonzalez@yhmil.com>; Michael Barajas <MBarajas@cityofkerman.org>; Ikimura@fresnoirrigation.com; engr-review@fresnoirrigation.com; Jodi Ward <jward@sebastiancorp.com>; Rhonda Armstrong- Sebastian <RArmstrong@sebastiancorp.com>; kraig.magnussen@kermanusd.com; Jennifer Sagariballa <jennifer.sagariballa@kermanusd.com>; jayfowler@midvalleydisposal.com; jacob.mcafee@northcentralfire.org; CEQA - SJVAPCB-valley air-CEQA permitreview <ceqa@valleyair.org>; Cecilia Belmontes <cecilia.belmontes@kermanusd.com>; Wil Barcoma (FCLE) <Wil.Barcoma@fcle.org>; pgeplanreview@pge.com; bjimenez@fresnocountyca.gov; Spaunhurst, Brian <bspaunhurst@fresnocountyca.gov>; Lara, Juan <jlara@fresnocountyca.gov>; hluna@fresnocountyca.gov; Bonique Emerson <bemerson@precisioneng.net>; Jenna Chilingierian <jchilingierian@precisioneng.net>; Jonathon Kutka <jonathon.kutka@northcentralfire.org>; Steve Wilkins (FCLE) <Steve.Wilkins@fcle.org>; Isla, Nicholas@DOT <Nicholas.Isla@dot.ca.gov>; Padilla, Dave@DOT <dave.padilla@dot.ca.gov>; Munique Cubillos (FCLE) <Munique.Cubillos@fcle.org>  
**Subject:** City of Kerman Project Distribution - Del Norte Estates

Dear Stakeholder,

Please find attached a summary of a Development Application for a project referred to as Del Norte Estates located on the northwest corner of W. Whitesbridge Rd. and Del Norte Ave., in Kerman, CA 93630.

Please provide comments or questions on or before **March 21, 2024.**

An Initial Study compliant with CEQA guidelines will be distributed for public review and comments separately.

### Stakeholders List

- City of Kerman (internal depts.)
- North Central Fire Prevention District
- Kerman Unified School District
- Mid Valley Disposal
- Fresno Irrigation District
- Fresno County Public Works/Planning

- Fresno LAFCo
- Sebastian Corp
- Caltrans District 6
- SJVAPCD
- PG&E



Respectfully,

**Manuel Campos | Assistant Planner**

City of Kerman | Community Development Department

p. (559) 846.9384 ext. 316 | f. (559) 846.6199

850 S. Madera Ave. Kerman, CA 93630

[mcampos@cityofkerman.org](mailto:mcampos@cityofkerman.org)

[www.cityofkerman.net](http://www.cityofkerman.net)

## California Department of Transportation

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 981-7284 | FAX (559) 488-4195 | TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



March 8, 2024

FRE-180-42.118

Del Norte Estates Project

GTS #: <https://ld-igr-gts.dot.ca.gov/district/6/report/32006>

### SENT VIA EMAIL

Mr. Manuel Campos, Assistant Planner  
City of Kerman  
850 S. Madera Avenue  
Kerman, CA 93630

Dear Mr. Campos:

Caltrans has completed the review of the application which proposes Tentative Subdivision Map No. 6473 to construct 200 single-family residential units.

The project site is located on the northwest corner of State Route(SR) 180 (West Whitesbridge Avenue) and Del Norte Avenue, in Kerman, CA 93630.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Access to the Tentative Subdivision Map No. 6473 is proposed via Del Norte Avenue. **Access for this subdivision via SR 180 (Whitesbridge Avenue) shall not be permitted.**
2. Two points of access are shown on the tentative tract map for the commercial and high-density residential lots. Street K is proposed to connect to SR 180 (Whitesbridge Avenue) and Street J is proposed to connect to Del Norte Avenue. Caltrans policy is to use existing access safely and minimize the number of new access points to a State highway; **thus, Street K via SR 180 (Whitesbridge Avenue) shall not be permitted.**

3. The Transportation Impact Study (TIS), to be prepared by the developer as a part of a required Draft Environmental Impact Report (DEIR), **should include a safety analysis** as described by the Caltrans Local Development Review (LDR) Safety Review Practitioners Guidance. The TIS scope should be submitted for review to Caltrans prior to the commencement of the study.
4. Right-of-way width and frontage improvements (raised median, lane, shoulder, curb, gutter, sidewalk, roadway lighting, etc.) along this portion of SR 180 should match the roadway configuration directly to the west.
5. Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the City. The assessment should include the following:
  - a. Pedestrian walkways should link this Project to transit facilities, bicycle pathways and other walkways in the surrounding area.
  - b. Coordinating connections to local and regional bicycle pathways should be done to encourage further the use of bicycles for commuter and recreational purposes.
  - c. Transit service and bus stop accommodations should be extended to within ¼-mile of the Project site.
6. Caltrans **recommends** that the Project implement “smart growth” principles regarding parking solutions, providing alternative transportation choices to residents and employees. Alternative transportation choices may include but are not limited to parking for carpools/vanpools, car-share and/or ride-share programs.
7. Based on Caltrans Vehicle Miles Traveled (VMT)-Focused Transportation Impact Study Guide, dated May 20, 2020, and effective as of July 1, 2020, Caltrans seeks to reduce single occupancy vehicle trips, provide a safe transportation system, reduce per capita VMT, increase accessibility to destinations via cycling, walking, carpooling, transit and reduce greenhouse gas (GHG) emissions. Caltrans recommends that the project proponent continue to work with the City to implement further improvements to reduce VMT and offer a variety of transportation modes for its employees.

If you have any other questions, please call or email: Keyomi Jones, Transportation Planner at (559) 981-7284 or [keyomi.jones@dot.ca.gov](mailto:keyomi.jones@dot.ca.gov).

Mr. Manuel Campos– FRE-180-42.118-Del Norte Estates Project

March 8, 2024

Page 3

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Padilla", with a stylized, flowing script.

Mr. Dave Padilla, Branch Chief,  
Transportation Planning – North

## California Department of Transportation

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 981-7284 | FAX (559) 488-4195 | TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



August 16, 2024

FRE-180-42.118  
Del Norte Estates Project  
Revised Tentative Subdivision Map  
GTS #: <https://ld-igr-gts.dot.ca.gov/district/6/report/32006>

### **SENT VIA EMAIL**

Mr. Manuel Campos, Assistant Planner  
City of Kerman  
850 S. Madera Avenue  
Kerman, CA 93630

Dear Mr. Campos:

Caltrans has completed the review of the revised Tentative Subdivision Map No. 6473 proposing to construct 200 single-family residential units.

The project site is located on the northwest corner of State Route (SR) 180 (West Whitesbridge Avenue) and Del Norte Avenue, in Kerman, CA 93630.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. The subdivision map shows 200 single lot units with a multi-family residential lot, plus four separate commercial lots. Detailed information of the commercial lots (type of business) as well as the multi-family lot (number of units) was not indicated on the map.

Thus, we are not able to estimate the number of traffic trips generated by the development when it is fully built out. It is anticipated that a project of this magnitude has the potential to generate significant traffic and could have an



impact on State facilities when all lots are fully developed. We are requesting that the Traffic Impact Study (TIS) or Traffic Impact Analysis (TIA) be prepared to evaluate the impact of the development. Please note that this was requested in the previous March 8, 2024 comment letter.

2. The TIS or TIA, to be prepared by the developer as a part of a required Draft Environmental Impact Report (DEIR) should include a safety analysis as described by the Caltrans Local Development Review (LDR) Safety Review Practitioners Guidance. The TIS scope should be submitted for review to Caltrans prior to the commencement of the study.
3. The resubmitted tentative subdivision map showed three points of access on State Route (SR) 180. Caltrans requests the western and the eastern driveway accesses be removed. The proposed driveway access on SR 180 between the proposed multi-family lot and the commercial lots may be shared. Additionally, we request that safety and operational analysis or evaluation be conducted for this proposed access driveway, especial for uncontrol left-turn movement onto the driveway. As a minimum, a queue analysis should be evaluated for the proposed turn lanes to ensure that no vehicular queue spills out from the proposed turn lane to the through lane.
4. Please be advised that this segment of SR 180, from west of Siskiyou Avenue to SR 145, will be a four-lane divided highway when development on both sides of SR 180 is built out in the near future. Thus, partial access control is needed for future four-lane expressway. We request that the raised median be installed to connect with the existing raised median on the south side of this development.
5. Right-of-way width and frontage improvements (raised median, lane, shoulder, curb, gutter, sidewalk, roadway lighting, etc.) along this portion of State Route 180 should match the roadway configuration directly to the west.

If you have any other questions, please call or email: Keyomi Jones, Transportation Planner at (559) 981-7284 or [keyomi.jones@dot.ca.gov](mailto:keyomi.jones@dot.ca.gov).

Sincerely,



Mr. Dave Padilla, Branch Chief,  
Transportation Planning – North

## California Department of Transportation

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[www.dot.ca.gov](http://www.dot.ca.gov)



October 29, 2024

FRE-180-42.118

Del Norte Estates Project

Traffic Impact Study (TIS)

GTS #: <https://ld-igr-gts.dot.ca.gov/district/6/report/32006>

### **SENT VIA EMAIL**

Mr. Manuel Campos, Assistant Planner  
City of Kerman  
850 S. Madera Avenue  
Kerman, CA 93630

Dear Mr. Campos:

Caltrans has completed the review of the Traffic Impact Study (TIS) for revised Tentative Subdivision Map No. 6473 proposing to construct 200 single-family residential units.

The project site is located on the northwest corner of State Route (SR) 180 (West Whitesbridge Avenue) and Del Norte Avenue, in Kerman, CA 93630.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

It is recommended that the scope of the traffic study include the State Route 180 / project entrance intersection. Left-turn vehicle movements from the project entrance would be prohibited.

Mr. Manuel Campos– FRE-180-42.118-Del Norte Estates Project

October 29, 2024

Page 2

If you have any other questions, please call or email: Keyomi Jones, Associate Transportation Planner at (559) 981-7284 or [keyomi.jones@dot.ca.gov](mailto:keyomi.jones@dot.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Padilla", with a stylized, flowing script.

Mr. Dave Padilla, Branch Chief,  
Transportation Planning – North

## California Department of Transportation

### DISTRICT 6 OFFICE

1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 981-7284 | FAX (559) 488-4195 | TTY 711

[www.dot.ca.gov](http://www.dot.ca.gov)



November 25, 2024

FRE-180-42.118

Del Norte Estates Project

Revised Traffic Impact Study (TIS)

GTS #: <https://ld-igr-gts.dot.ca.gov/district/6/report/32006>

### SENT VIA EMAIL

Mr. Manuel Campos, Assistant Planner  
City of Kerman  
850 S. Madera Avenue  
Kerman, CA 93630

Dear Mr. Campos:

Caltrans has completed the review of the revised Traffic Impact Study (TIS) dated November 2024, for revised Tentative Subdivision Map No. 6473 proposing to construct 200 single-family residential units. The revised TIS includes the eastbound

The project site is located on the northwest corner of State Route (SR) 180 (West Whitesbridge Avenue) and Del Norte Avenue, in Kerman, CA 93630.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

We have completed its review of the updated Traffic Impact Study (TIS) for the Del Norte Mixed-Use Facility. Based on our assessment:

- The proposed eastbound SR 180 left-turn lane lengths for Del Norte Avenue and the new development access should be a minimum of 485 feet. This length accounts for a 50-mph deceleration distance and two-vehicle storage, as outlined in **Figure 405.2A** of the *Caltrans Highway Design Manual*.
- A bay taper of 120 feet is recommended to complement these lane lengths.
- The Queue Length Analysis in the TIS should include left-turn data for each of these intersections to ensure accurate representation and planning.

Please incorporate these adjustments into the study.

Mr. Manuel Campos– FRE-180-42.118-Del Norte Estates Project

November 25, 2024

Page 2

If you have any other questions, please call or email: Keyomi Jones, Associate Transportation Planner at (559) 981-7284 or [keyomi.jones@dot.ca.gov](mailto:keyomi.jones@dot.ca.gov).

Sincerely,



Mr. Dave Padilla, Branch Chief,  
Transportation Planning – North

C: Mike Sanchez, AICP, MCRP, Planning Consultant



# County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING  
STEVEN E. WHITE, DIRECTOR

March 13, 2024

**SUBJECT: Del Norte Estates- City of Kerman**

Dear Mr. Campos:

The County of Fresno appreciates the opportunity to review and comment on the subject project being reviewed by the City of Kerman.

The documents received for this review were circulated to our various Fresno County Public Works and Planning divisions. See comments below.

**Fresno County Transportation Division:**

- A Vehicle Miles Traveled (VMT) analysis should also be prepared for the proposed development.

**Fresno County Road Maintenance and Operations Division:**

- The City of Kerman should annex the full road right-of-way width for Del Norte Ave along the subject parcels.
- Any road improvements on Del Norte Ave within the proposed annexation limits shall provide adequate transitions to tie into County maintained roads north of the subject parcels.
- A traffic impact study (TIS) shall be required to determine the impact to nearby County maintained roads. The TIS should evaluate road condition and geometry to adequacy to accommodate anticipated increases in traffic due to the new residential and commercial development.

If you have any questions regarding the information described in this letter, please contact me at [eracusin@FresnoCountyCA.gov](mailto:eracusin@FresnoCountyCA.gov) or (559) 600-4245.

Sincerely,

*Elliot Racusin*

Elliot Racusin, Planner  
Development Services and Capital Projects Division

DR:er:cwm  
G:\4360Devs&P\In\PROJSEC\PROJDOCS\Environmental\OAR\City of Kerman\Del Norte Estates\Del Norte Estates- City of Kerman-Response Letter.docx



# Fresno Local Agency Formation Commission

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April 10, 2024

Manuel Campos  
Assistant Planner  
City of Kerman

Dear Mr. Manuel Campos:

Subject: Comments Regarding Concurrent Applications: Annexation (ANX 2023-04), Pre-zone (REZ 2023-04), Tentative Subdivision Map (TSM 2023-04), General Plan Amendment (GPA 2023-03), and CEQA (ENV 2023-08).

Thank you for the opportunity to comment on this project. From the material provided to this office, my understanding of the project description is as follows:

- **Annexation (ANX 2023-04)** is a request to approve the annexation of approximately 53.25 acres. The annexation includes APN's: 020-120-29S, 020-140-30S, and 020-120-28S but development is only being proposed for APNs: 020-120-29S and 020-140-30S. This annexation request is consistent with the 2040 General Plan goals and policies (LU-3) and the City/County MOU agreed to and entered into in 2021;
- **Pre-zone (REZ 2023-04)** pertains to the pre-zoning of the proposed project. Currently both parcels in this project have County zonings of Limited Agricultural (AL-20). The project will amend the County zoning to the City of Kerman zoning districts of Smart Development Residential (SDR-3.5), Multi-Family Residential (R-3), and General Commercial (CG);
- **General Plan Amendment (GPA 2023-03)** pertains to changing the land use designation of the project site for General Commercial, High-density Residential land use, and Medium-density Residential. The General Plan Amendment will be processed concurrently with the Pre-zone and Annexation process;
- **CEQA (ENV 2023-08)** pertains to an initial study and a technical study/analysis being prepared for the project consistent with CEQA guidelines; and
- **Tentative Subdivision Map (TSM 2023-04)** pertains to the subdivision of land and proposed network of local streets and sidewalks exhibited in Attachments A. The proposed project will include a tentative subdivision map encompassing 200 single-family residential units.

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

LAFCo should be identified in the city's environmental document as a Responsible Agency under

CEQA whose role is to consider reorganizations and spheres of influence. Commission action on the reorganization request should be noted in the environmental document. As a Responsible Agency, the Commission is required to review and consider the city's environmental documents prior to taking its action. A Responsible Agency complies with CEQA by considering the environmental analysis prepared by the Lead Agency and by reaching its own conclusions on whether to and how to approve the project. The Commission may then make a finding that it independently reviewed and considered the information in the environmental document and that the environmental document is sufficient to support a determination on the proposed reorganization.

#### Project-Specific Comments

The city will be required to submit the appropriate application materials including fees to LAFCo for reorganization. These materials are enumerated on our website ([www.fresnolaftco.org](http://www.fresnolaftco.org)) through the "Applications and Documents" tab under "Items Necessary for a Complete Application."

The fee schedule for changes of organization/reorganization (annexation) of 41-80 acres is \$12,000.

The city may send notice 56654(c) to the interested and affected agencies if the annexation is 100 percent uninhabited to reduce the project timeline.

If the proposal results in the annexation of land that is subject to a contract executed pursuant to the Williamson Act (Chapter 7, commencing with Section 51200 of Division 1), then the petition and/or resolution for reorganization request shall state whether the city shall succeed to the contract pursuant to Section 51243 or whether the city intends to exercise its option to not succeed to the contract pursuant to Section 51243.5.

Annexation of full rights of way contiguous to parcel boundaries should be presumed in the reorganization's legal description and map.

LAFCo is available to attend any community outreach meetings should the need arise.

Thank you for the opportunity to provide comments. If you have any questions, please contact me at (559) 600-0604.

Sincerely,

Joel Matias  
LAFCo Intern





2907 S. Maple Avenue  
Fresno, California 93725-2208  
Telephone: (559) 233-7161  
Fax: (559) 233-8227

**CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.**

March 22, 2024

Jesus Orozco  
City of Kerman  
Planning & Development Department  
850 S. Madera Avenue  
Kerman, CA 93630

RE: Tentative Subdivision Map Application No. TSM 2023-02  
N/W Whitesbridge (SR180) and Del Norte avenues

Dear Mr. Orozco:

The Fresno Irrigation District (FID) has reviewed the proposed Development Application for Del Norte Estates Project located northwest of Whitesbridge and Del Norte avenues proposing to develop 53.25-acres into Commercial, High-Density Residential, and Medium-Density Residential, APNs: 020-120-28S, 29S, and 020-140-30S. This is being reviewed concurrently with Annexation Application No. ANX 2023-04, General Plan Amendment GPA 2023-03, Pre-zone Application No. REZ 2023-04, and CEQA Application No. ENV 2023-08. FID has the following comments:

1. FID does not own, operate or maintain any facilities located on the subject property, as shown on the attached FID exhibit map.
2. FID has a pipeline adjacent to the subject , as shown on the attached FID exhibit map. The facility includes FID's Siskiyou No. 146. FID will impose the same conditions on this project as it would with any other project located within the common boundary of the City of Kerman and FID.
3. The City of Kerman has a Surface Water supply agreement with FID, entered into on June 7, 2022. Most of the proposed area is within the sphere of influence at the time of execution of the agreement and is included in the area allocated the water supply.

**Area of Concern**

1. FID's Siskiyou Lateral No.146 runs southwesterly, traversing the northwestern portion of the subject property, approximately 10 feet west of the subject property, and crosses Whitesbridge Avenue (SR180) approximately 1,200 feet west of the subject property, property as shown on the attached FID exhibit map, and may be impacted by the proposed development. FID records indicate a 30 feet easement recorded on March 15, 1984, as Document. No. 84025513 Official Records of Fresno County.

2. FID's records indicate this section of the Siskiyou Lateral pipeline was installed in 1984 (40 years old) as a 48-inch inside diameter Cast-in-Place Monolithic Concrete Pipe (CIP-MCP). CIP-MCP is non reinforced monolithic pipe that is easily damaged, extremely prone to leakage and does not meet FID's minimum standards for developed (residential, industrial, commercial) parcels or urban areas.
3. FID requests the applicant grant a 10 feet wide exclusive easement, where FID only has an existing 30 feet-wide exclusive easement, such that FID has a total of 40 feet-wide exclusive easement to meet current FID standards.
4. This pipeline was installed without a product known as MacWrap, which is a root barrier. In recent years, the most significant issue with pipelines has been caused by tree root intrusion into pipe joints. The roots enter through the rubber gasket joint, thus creating a non-watertight joint causing leaks. If the roots continue to grow, the roots will eventually clog the pipe and reduce the flow capacity of the pipeline. This problem causes disruption to FID's customers and increases the risk of flooding in upstream open channel sections. Subsequent pipeline repairs can be very disruptive to public infrastructure, as well as to FID's operations. The leaking pipelines and pipeline repairs also increase the liability of all parties involved. All trees will need to be located a minimum of 15 feet from the outside edge of the pipeline to limit possible disruptions or FID will require external wrap be installed at all pipeline joints within the subject property or any areas where root intrusion may be a future concern based on the proposed improvement at the time of review. This method involves using mastic material that can be externally applied to pipe joints to provide a permanent seal against root intrusion. The product that has been approved is known as MacWrap from Mar Mac. FID is open to other products, but they would need to be reviewed and approved by FID.
5. FID requires the applicant and/or the applicant's engineer meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
6. FID requires all exposed facilities (standpipes, air vents, covers, etc.) within the subject property or directly adjacent to the subject property must be adapted with additional features in order to transition from a rural setting to an urban setting, to mitigate for the effects of new development and increased population, and provide for public safety within FID's property/easement and the development.

#### **General Comments**

1. FID requires its review and approval of all improvement plans which affect its property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Storm drain, Street, Landscaping, Dry Utilities, and all other utilities.
2. FID requires the Applicant/Developer to submit for FID's approval a grading and drainage plan which shows that the proposed development will not endanger the structural integrity of the Pipeline or result in drainage patterns that could adversely affect FID.
3. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's



property/easement and the development project limits.

4. FID does not allow FID owned property or easements to be in common use with public utility and/or road easements and right-of-ways but will in certain instances allow for its property to be in common use with landscape easements if the City of Kerman enters into the appropriate agreement.
5. FID requires its easements be shown on all maps/plans with proper recording information, and that FID be made a party to signing all final maps/plans.
6. Footings of retaining walls shall not encroach onto FID property/easement areas.
7. Trees will not be permitted within FID's property/easement areas.
8. FID requires its easements be shown on all plans with proper recording information.
9. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractor's grading activities.
10. FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material, and soil stockpile outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities.
11. For informational purposes, Houghton West No. 94 runs westerly along the north side of Nielsen Avenue crosses Madera Avenue(SR145) 2,300 feet northeast of the subject property, crosses Del Norte Avenue approximately 1,000 feet north of the subject property, and crosses Siskiyou Avenue approximately 1,600 feet northwest of the subject property as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements along Nielsen Avenue, Madera Avenue (SR145), Del Norte Avenue, Siskiyou Avenue, or in the vicinity of this canal, FID requires it review and approve all plans.
12. For informational purposes, FID's Whitmore runs southwesterly approximately 2,200 feet northeast of the subject property, as shown on the attached FID exhibit map. Should this project include any street and/or utility improvements in the vicinity of this pipeline, FID requires it review and approve all plans.
13. For informational purposes, a private facility known as the Whitmore no. 346 runs southwesterly and crosses Madera Avenue (SR145) approximately 2,100 feet northeast of the subject property as shown on the attached FID exhibit map. FID's records indicate this this line is active and shall need to be treated as such. FID can supply the City with a list of known users upon request.
14. FID is concerned that the proposed development may negatively impact local groundwater supplies. The area was historically agricultural land and a significant portion

of its water supply was imported surface water, supplemented by groundwater pumping. Under current circumstances the project area is experiencing a modest but continuing groundwater overdraft. Should the proposed development result in a conversion from imported surface water to groundwater, this deficit will increase. FID recommends the City of Kerman require the proposed development balance anticipated groundwater use with sufficient recharge of imported surface water in order to preclude increasing the area's existing groundwater overdraft problem.

15. California enacted landmark legislation in 2014 known as the Sustainable Groundwater Management Act (SGMA). The act requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally-based management plans. FID and the City of Kerman are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is completely reliant on groundwater pumping and SGMA will impact all users of groundwater and those who rely on it. The City of Kerman should consider the impacts of the development on the City's ability to comply with requirements of SGMA.
16. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.
17. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make necessary additional comments and requests as the project progresses.

Thank you for submitting this for our review. We appreciate the opportunity to review and comment on the subject documents for the proposed project. If you have any questions, please feel free to contact Jeremy Landrith at (559) 233-7161 extension 7407 or [jlandrith@fresnoirrigation.com](mailto:jlandrith@fresnoirrigation.com).

Sincerely,



Laurence Kimura, P.E.  
Chief Engineer

Attachment







## Jeremy Landrith

---

**From:** Manuel Campos <mcampos@cityofkerman.org>  
**Sent:** Wednesday, February 21, 2024 4:22 PM  
**To:** Theresa Johnson; Jesus Gonzalez; Michael Barajas; Laurence Kimura; Engineering Review; Jodi Ward; Rhonda Armstrong- Sebastian; kraig.magnussen@kermanusd.com; Jennifer Sagariballa; jayfowler@midvalleydisposal.com; jacob.mcafee@northcentralfire.org; CEQA - SJVAPCB-valley air-CEQA permitreview; Cecilia Belmontes; Wil Barcoma (FCLE); pgeplanreview@pge.com; bjimenez@fresnocountyca.gov; Spaunhurst, Brian; Lara, Juan; hluna@fresnocounty.gov; Bonique Emerson; Jenna Chilingirian; Jonathon Kutka; Steve Wilkins (FCLE); Isla, Nicholas@DOT; Padilla, Dave@DOT; Munique Cubillos (FCLE)  
**Subject:** City of Kerman Project Distribution - Del Norte Estates  
**Attachments:** Del Norte Estates - Comment Letter.pdf; Del Norte Estates - Attachment A.PDF

Some people who received this message don't often get email from mcampos@cityofkerman.org. [Learn why this is important](#)

Dear Stakeholder,

Please find attached a summary of a Development Application for a project referred to as Del Norte Estates located on the northwest corner of W. Whitesbridge Rd. and Del Norte Ave., in Kerman, CA 93630.

Please provide comments or questions on or before **March 21, 2024.**

An Initial Study compliant with CEQA guidelines will be distributed for public review and comments separately.

### Stakeholders List

- City of Kerman (internal depts.)
- North Central Fire Prevention District
- Kerman Unified School District
- Mid Valley Disposal
- Fresno Irrigation District
- Fresno County Public Works/Planning
- Fresno LAFCo
- Sebastian Corp
- Caltrans District 6
- SJVAPCD
- PG&E



Respectfully,

**Manuel Campos | Assistant Planner**

City of Kerman | Community Development Department

p. (559) 846.9384 ext. 316 | f. (559) 846.6199

850 S. Madera Ave. Kerman, CA 93630

[mcampos@cityofkerman.org](mailto:mcampos@cityofkerman.org)

[www.cityofkerman.net](http://www.cityofkerman.net)



# City of Kerman

## Community Development Department

Building · Engineering · Planning · Code Compliance & Enforcement

850 S. Madera Avenue, Kerman, CA 93630  
Office: (559) 846-9386 Fax: (559) 846-9348

[www.cityofkerman.net](http://www.cityofkerman.net)

February 21, 2024

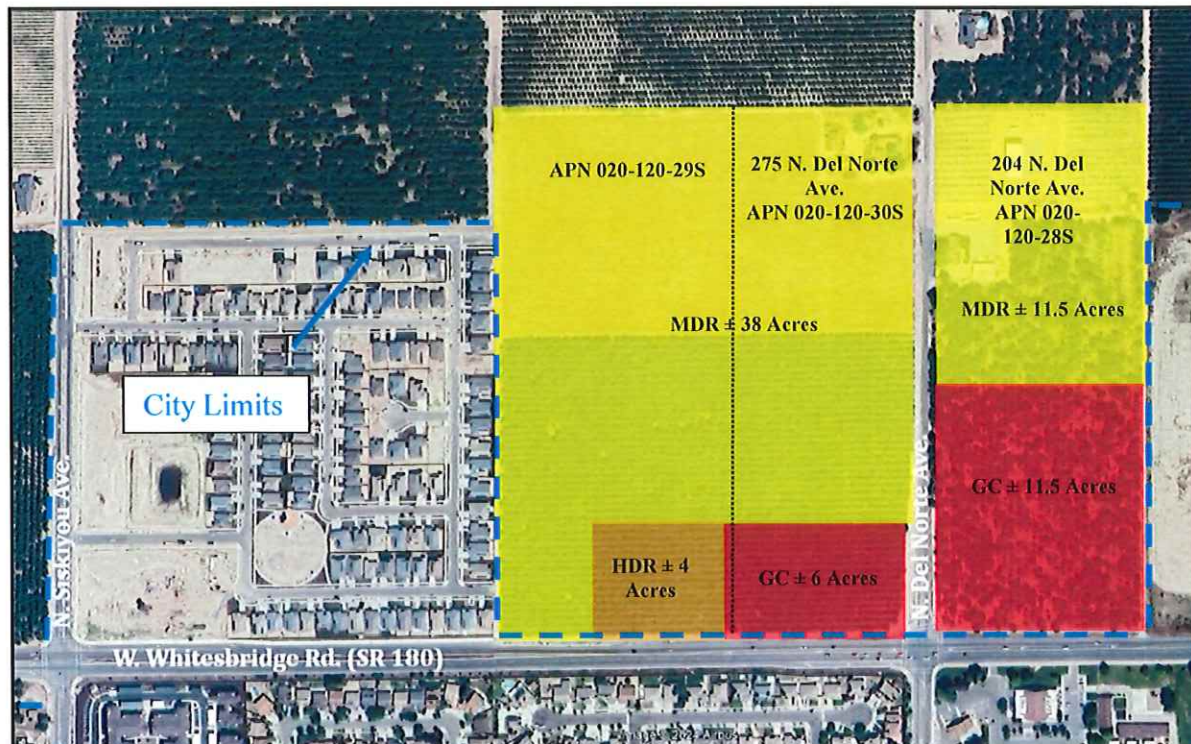
RE: Project Distribution and Request for Comments for a Development Application related to the development of a project referred to as the Del Norte Estates Project

Dear Stakeholder:

Please accept this project distribution as a formal invitation to provide comments related to a project proposal referred to as Del Norte Estates located on the northwest corner of West Whitesbridge Road and Del Norte Avenue., in Kerman, CA 93630. Below are details of the project proposal.

### A. Site Information

Site Address	275 N. Del Norte Ave. and 204 N. Del Norte Ave.
APN	020-120-29S, 020-140-30S, and 020-120-28S
Size	53.25 acres (gross)
General Plan Land Use Designation	Medium-density residential (MDR), High-density Residential (HDR), and General Commercial (GC)
Zone District	AL-20 – Limited Agricultural (Fresno County)





**B. Annexation (ANX 2023-04)**

Annexation of APNs: 020-120-29S, 020-140-30S (275 N. Del Norte Ave.), and 020-120-28S (204 N. Del Norte Ave.) encompassing approximately 53.25 acres is being considered. Development is only being proposed for APNs: 020-120-29S and 020-140-30S. This annexation request is consistent with the 2040 General Plan goals and policies (LU-3), and the City/County MOU agreed to and entered into in 2021. Development of the project entails the review and processing of entitlements listed C through F below.

**C. General Plan Amendment (GPA 2023-03)**

The proposed General Plan Amendment is to change the land use designation of the subject project site from 15.0 acres of existing General Commercial land use to 6.0 acres of General Commercial land use and 4.0 acres of High-density Residential land use (as seen on page 1). The amount of existing Medium-density Residential land use will increase by 3 acres from 35 acres to 38 acres.

**D. Pre-zone (REZ 2023-04)**

The proposed pre-zoning will be consistent with the amended underlying General Plan land use designations. Currently, both parcels have an AL20 – Limited Agricultural County zoning. Rez 2023-04 is a proposal to amend the current zoning from Fresno County agricultural zoning (AL-20) to the following City of Kerman zone districts: 38 acres of Smart Development Residential (SD-R-5.0), 4.0 acres of Multi-family Residential (R-3), and 6.0 acres of General Commercial (CG). These zone districts are consistent with the proposed General Plan land use designations listed above.

**E. Tentative Subdivision Map (TSM 2023-04)**

A tentative subdivision map encompassing 200 single-family residential units will be considered. Access to the site will be via N. Del Norte Ave. and N. Siskiyou Ave. Interior streets will be developed to current City standards to be publically maintained. *See Attachment 'A'*

**F. CEQA (ENV 2023-08)**

The project will require an Environmental Impact Report (EIR) to comply with the California Environmental Quality Act (CEQA). Based on a preliminary assessment of the project site, the project description, and cross-referencing similar projects, the scope of the work has been compiled and included herein. It is summarized as follows:

- ☐ Notice of Preparation / Initial Study
- ☐ Administrative Draft EIR



- ☐ Draft EIR
  - Technical Studies to support the EIR
    - Air Quality / Greenhouse Gas Analysis
    - Biological Resources Report
    - Cultural Resources Study
    - Traffic Impact Study
    - Agricultural Conversion Study
    - Noise Assessment
- ☐ Final EIR / Mitigation and Monitoring Program
- ☐ Findings of Fact / Statement of Overriding Considerations
- ☐ A Williamson Act contract cancellation will be considered by the County of Fresno before any City action is taken on the items listed A through E.

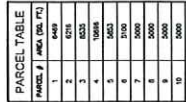
Your cooperation in this matter is greatly appreciated. Should you have any questions, please feel free to contact me at (559) 846-9384 ext. 316 or email me at [mcampos@cityofkerman.org](mailto:mcampos@cityofkerman.org).

Sincerely,



Manuel Campos  
Assistant Planner

TENTATIVE TRACT MAP NO. 6473  
IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED & PLATTED IN NOVEMBER 2023  
BY GATEWAY ENGINEERING, INC.

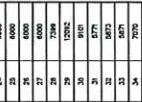


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80	5200

PARCEL #	AREA (SQ. FT.)
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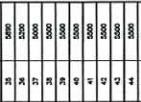
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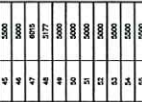
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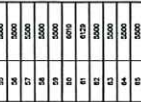
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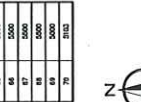
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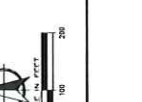
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OUTLOT #	AREA (SQ. FT.)
196	5165
197	5165
198	5165
199	5165
200	6263



136	7819
127	6271
136	8234
139	6182
140	6161

OUTLET "A"	14575
OUTLET "B"	3473



**GAI**  
**ENGINEERING**  
CIVIL ENGINEER  
P. 505-370-0244 F. 505-370-0245  
405 PARK CREEK

**LEWIS ENGINEERING, INC.**  
LAND SURVEYING  
33451 WWW.GATEWAYINC.  
AVENUE, CLOVIS, CA 93261-1443



1

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## Manuel Campos

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**From:** Kraig Magnussen <kraig.magnussen@kermanusd.com>  
**Sent:** Thursday, April 4, 2024 10:02 AM  
**To:** Manuel Campos  
**Cc:** Jennifer Sagariballa; Eric VonBerg  
**Subject:** Re: City of Kerman Project Follow-Up

Hello Manuel, We have no comments. We are good. Good to see more development coming in so we can fill up our new school! Eric, do you have any? The only comments are that the proposed zoning for our property is not correct. But we can take care of that down range I'm guessing.

On Thu, Apr 4, 2024 at 9:55 AM Manuel Campos <[mcampos@cityofkerman.org](mailto:mcampos@cityofkerman.org)> wrote:

Good morning KUSD,

I am just following up on the attached emails.

Best regards,



**Manuel Campos | Assistant Planner**

City of Kerman | Community Development Department

p. (559) 846.9384 ext. 316 | f. (559) 846.6199

850 S. Madera Ave. Kerman, CA 93630

[mcampos@cityofkerman.org](mailto:mcampos@cityofkerman.org)

[www.cityofkerman.net](http://www.cityofkerman.net)

--

Best regards,

Kraig Magnussen

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## Manuel Campos

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**From:** Jay Fowler <jayfowler@midvalleydisposal.com>  
**Sent:** Saturday, February 24, 2024 10:49 AM  
**To:** Manuel Campos; Theresa Johnson; Michael Barajas; jacob.mcafee@northcentralfire.org; bjimenez@fresnocountyca.gov; Spaunhurst, Brian; Lara, Juan; hluna@fresnocounty.gov; Jonathon Kutka; Padilla, Dave@DOT  
**Subject:** RE: City of Kerman Project Distribution - Del Norte Estates

Hello

For solid waste services, each SF unit will require 3 carts. Presume these would be in the garage or elsewhere on the property until service day.

Regarding the width of the street. Its adequate for our trucks to operate. One concern is street parking, these high density homes make navigating the collections difficult and risky. Any chance of street parking restrictions on the day of service?

Thank you,

Jay

---

**From:** Manuel Campos <mcampos@cityofkerman.org>  
**Sent:** Wednesday, February 21, 2024 4:22 PM  
**To:** Theresa Johnson <tjohnson@cityofkerman.org>; Jesus Gonzalez <jesusgonzalez@yhmail.com>; Michael Barajas <MBarajas@cityofkerman.org>; Ikimura@fresnoirrigation.com; engr-review@fresnoirrigation.com; Jodi Ward <jward@sebastiancorp.com>; Rhonda Armstrong- Sebastian <RArmstrong@sebastiancorp.com>; kraig.magnussen@kermanusd.com; Jennifer Sagariballa <jennifer.sagariballa@kermanusd.com>; Jay Fowler <jayfowler@midvalleydisposal.com>; jacob.mcafee@northcentralfire.org; CEQA - SJVAPCB-valley air-CEQA permitreview <ceqa@valleyair.org>; Cecilia Belmontes <cecilia.belmontes@kermanusd.com>; Wil Barcoma (FCLE) <Wil.Barcoma@fcle.org>; pgeplanreview@pge.com; bjimenez@fresnocountyca.gov; Spaunhurst, Brian <bspaunhurst@fresnocountyca.gov>; Lara, Juan <jlara@fresnocountyca.gov>; hluna@fresnocounty.gov; Bonique Emerson <bemerson@precisioneng.net>; Jenna Chilingierian <jchilingierian@precisioneng.net>; Jonathon Kutka <jonathon.kutka@northcentralfire.org>; Steve Wilkins (FCLE) <Steve.Wilkins@fcle.org>; Isla, Nicholas@DOT <Nicholas.Isla@dot.ca.gov>; Padilla, Dave@DOT <dave.padilla@dot.ca.gov>; Munique Cubillos (FCLE) <Munique.Cubillos@fcle.org>  
**Subject:** City of Kerman Project Distribution - Del Norte Estates

Dear Stakeholder,

Please find attached a summary of a Development Application for a project referred to as Del Norte Estates located on the northwest corner of W. Whitesbridge Rd. and Del Norte Ave., in Kerman, CA 93630.

Please provide comments or questions on or before **March 21, 2024.**

An Initial Study compliant with CEQA guidelines will be distributed for public review and comments separately.

### Stakeholders List

- City of Kerman (internal depts.)

- North Central Fire Prevention District
- Kerman Unified School District
- Mid Valley Disposal
- Fresno Irrigation District
- Fresno County Public Works/Planning
- Fresno LAFCo
- Sebastian Corp
- Caltrans District 6
- SJVAPCD
- PG&E



Respectfully,

**Manuel Campos | Assistant Planner**

City of Kerman | Community Development Department

p. (559) 846.9384 ext. 316 | f. (559) 846.6199

850 S. Madera Ave. Kerman, CA 93630

[mcampos@cityofkerman.org](mailto:mcampos@cityofkerman.org)

<https://link.edgepilot.com/s/c55bd616/W-gAz-0a30yhINnK00FT3w?u=http://www.cityofkerman.net/>

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## Manuel Campos

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**From:** Jonathon Kutka <jonathon.kutka@northcentralfire.org>  
**Sent:** Monday, April 8, 2024 12:46 PM  
**To:** Jesus Orozco; Manuel Campos  
**Subject:** Del Notre and Gill Orchard estates  
**Attachments:** 403.002 - Fire Department Access.pdf

Good morning Jesus and Manuel,

Here are NCFPD notes from our meeting regarding Del Norte and Gill Orchard Estates pertaining too FD requirements. These requirements apply to both sites.

Attached are the NCFPD requirements per CFC and NCFPD Policy 403.002.

Buildings not meeting the criteria in Item 2 above will have a minimum of two (2) points of vehicle access. The second point of access can be an approved Emergency Vehicle Access as described below. Unusual designs may require additional access points and must receive prior approval by the Fire Marshal, or designee.

When two (2) points of access are required, they will be placed at a distance apart equal to or not less than one-half the length of the maximum diagonal dimension of the lot or area served, measured in a straight line between access points. Unusual lot configurations or other site restrictions may be allowed by the Fire Marshal, or designee, subject to review and analysis of the access.

All types of fire apparatus access will have a minimum clear width of 20 feet and a vertical clearance of 13 feet, 6 inches over the entire length of the access.

Required fire access roads will be provided with an all-weather surface before delivery of combustible material on site, and will be maintained in service during all phases of construction. Alternative or phased fire access requires approval by the Fire Department. Failure to maintain fire access may result in a Stop Work Order until access is restored.

Roadways less than 26-feet in width are NOT permitted to have parking on either side. Roadways greater than 26-feet but less than 35-feet may have parking on one side.

Policy 403.002 has several items, since this is just a pre-review, I attached our whole policy, but specifically took out certain sections from the meeting regarding both Del Norte and Gill Orchard estates.

Please let me know if you have any questions.

Sincerely,


Jonathon Kutka  
Battalion Chief  
North Central Fire Protection District  
15850 Kearney Blvd.  
Kerman, CA 93630  
Cell (559)785-7116



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FIRE PREVENTION MANUAL		
	<b>Fire Department Access</b>	<u>EFFECTIVE DATE:</u> <b>01/01/2019</b>
	<u>APPROVED BY:</u>  Timothy V. Henry Fire Chief	<u>REVISED DATE:</u> <b>TBD</b>
		<u>NUMBER:</u> <b>403.002</b>

## PURPOSE

This policy has been established to provide direction for the requirements of the North Central Fire Protection District (District) for providing minimum fire department access to properties within the District.

## APPLICATION

This policy applies to developers and licensed contractors completing construction projects within the District service areas.

## OPERATIONAL POLICY

The purpose of fire department apparatus access is to allow emergency vehicles to approach a building as close as practical in order to deploy fire hose, ladders, and other equipment necessary for rescue and fire suppression.

District emergency vehicles are the longest, widest, tallest, and heaviest vehicles regularly driven on residential streets, private driveways, and alleys. The ability to manipulate and deploy Department apparatus is greatly affected by the dimensions and reliability of the access available.

Access, as defined in this policy, includes private streets and driveways not otherwise defined under *City of Kerman* or *County of Fresno Public Works (PW) Standards for Streets*.

### A. General Fire Access Requirements:

1. All building openings will be accessible within 200 feet of a public street, private driveway, or other approved access.

2. Buildings and exterior storage areas sited so that all building openings or exterior storage area perimeters are within 650 feet (450 feet driving distance plus 200 foot hose pull) of the property entrance drive may have a single point of access with approved turnarounds as needed complying with this policy.
3. Buildings not meeting the criteria in Item 2 above will have a minimum of two (2) points of vehicle access. The second point of access can be an approved Emergency Vehicle Access as described below. Unusual designs may require additional access points and must receive prior approval by the Fire Marshal, or designee.
4. When two (2) points of access are required, they will be placed at a distance apart equal to or not less than one-half the length of the maximum diagonal dimension of the lot or area served, measured in a straight line between access points. Unusual lot configurations or other site restrictions may be allowed by the Fire Marshal, or designee, subject to review and analysis of the access.
5. All types of fire apparatus access will have a minimum clear width of 20 feet and a vertical clearance of 13 feet, 6 inches over the entire length of the access.
6. Where gates are installed across fire access drives, the full open width of the drive aisle must be maintained clear of gate hardware. (See: *Fire Prevention Manual*, Section 403.004, Emergency Services Bypass Locks for Secured Access Developments, for information regarding emergency access bypass lock requirements).
7. Fire access drives separated by a median will have a minimum width of 15 feet on each side of the median.
8. All types of access will not exceed a ten (10) percent grade or contain any irregularity creating an angle of approach or departure in excess of ten (10) percent, except as approved by the Fire Marshal, or designee.
9. Required fire access roads will be provided with an all-weather surface before delivery of combustible material on site, and will be maintained in service during all phases of construction. Alternative or phased fire access requires approval by the Fire Department. Failure to maintain fire access may result in a Stop Work Order until access is restored.
10. Temporary gates installed during construction will be provided with Fire X1 padlocks; a padlock model is available with a red construction core for use by both the contractor and the District. The core will be changed out by the contractor upon completion of the project.
11. Non-traditional pavement systems such as turf pavers, grasscrete, etc., are not allowed for EVA approaches or access drives in the public way as required by the Public Works Department. Such alternate paving material used on private property is subject to approval by the Fire Marshal, or designee. The design of

such system must be prepared by a Civil Engineer and submitted to the District Fire Prevention for plan review and installation permits. The path of such surfaces must be clearly edge delineated by an approved permanent method such as six (6") inch concrete mow strips.

12. Vertical displacement traffic calming devices or pavements treatment are prohibited on both public and private streets (See: *Fire Prevention Manual*, Section 403.007, Vertical Displacement Traffic Calming Devices).
13. Regardless of parking configurations, a minimum clear drive aisle width of 20 feet is required. The Fire Marshal, or designee, may require increases in drive aisle width due to specific site issues and for aerial ladder truck access. (See: *Fire Prevention Manual*, Section 403.005, Requirements for Marking Fire Lanes on Private Property).

B. Emergency Vehicle Access (EVA):

1. Gates, posts, or other barriers approved by the District will be installed at each entrance to emergency vehicle access points and when required by the Fire Marshal, or designee, where EVA driveways are needed for connection to the interior common access road system.
2. A Fire X-1 padlock will be installed on manually operated gates used solely for emergency vehicle access and may be used in conjunction with owner or utility services padlocks. The Fire Marshal, or designee, is authorized to require electric gate Click-to-Enter radio frequency gate operating hardware where EVA access is needed from freeways or other high speed traffic corridors.
3. Entrances to all emergency vehicle access points will be posted with permanent signs on both sides of the EVA entrance with the following wording: "FIRE LANE" in six-inch letters, "VEHICLES REMOVED AT OWNER'S EXPENSE" in two-inch letters, and display a telephone number the vehicle owner can call to recover their vehicle. (See: *Fire Prevention Manual*, Section 403.005, Requirements for Marking Fire Lanes on Private Property).
4. Where EVA access drives are not provided with gates or barriers at each entrance, the drive aisle curb or side of road will be marked with "FIRE LANE NO PARKING" at 50 foot intervals. (See: *Fire Prevention Manual*, Section 403.005, Requirements for Marking Fire Lanes on Private Property).
5. Where access to an EVA is from a public or private street that is improved with a curb, a County of Fresno or City of Kerman *Public Works Standard P-67* approach is acceptable. Use of a wedged or rolled curb for a driveway approach is not acceptable.

Where access to an EVA gate is from an adjacent parcel(s), a recorded access easement is required between all affected property owners and will be executed

with the Planning entitlement through the Planning Division. (City of Kerman / County of Fresno) [Something missing here]

C. Turnarounds:

1. Buildings and exterior storage areas with a single point of access in excess of 150 feet in length are required to be provided with approved turnarounds. Turnarounds will be located within 150 feet of the termination of the single entry road. Portions of the road requiring fire apparatus to back up will not include any turns or bends, except for the required turnarounds.
2. Intermediate turnarounds will be required for multiple points of access exceeding 700 feet in length.
3. All turnarounds will have a minimum 34 foot inside turning radius," a minimum length and width of 90 X 24 and minimum clear approach drive width of 22 feet for a distance of 60 feet.
4. Turnarounds will be kept clear of all obstructions and marked as fire lanes on the perimeter curb or edge of the turnaround.
5. Turnaround areas cannot be incorporated into loading zones.

D. Aerial Fire Apparatus Access:

1. Where building roof eaves are more than 30 feet in height, as measured from the grade of the adjacent fire access road, 26-foot minimum wide driveways will be located directly adjacent to at least one long side of the building. The aerial fire apparatus access will extend at least 45 feet beyond each end of the building. This allows for access to the corners of the building and to accommodate a set up area outside of the potential building collapse zone. Aerial fire apparatus access will comply with all access and turnaround requirements. For unusually shaped buildings without a rectangular or square building footprint, alternate locations of ladder truck access points may be considered by the Fire Marshal, or designee, and analyzed on case by case bases.
2. Aerial fire apparatus access (near edge) will be located a minimum 15 feet away from the building as measured to the edge of the fire access drive. The starting point maximum distance away from the building is 30 feet; however, a greater distance may be permitted depending on the upon the height to the eave or parapet and will be analyzed on a case by case basis during plan review.
3. Overhead utility and power lines, large trees, and other obstructions will not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.

4. Buildings designated as high-rise by the *California Building Code (CBC)* (where the highest occupied floor is located more than 75 feet in height from the grade level of an adjacent fire access road) have no specific aerial ladder truck access requirements.

E. Fire Hose and Equipment Walking Access to Building Openings:

Required walking access will be designed to prevent sharp turns and obstacles which would hinder the carrying of hoses, ground ladders and other hand-held equipment. The walking path requires an unobstructed 36 inch horizontal clearance and continuous seven foot vertical clearance. All gates across fire hose and equipment access points will be a minimum of four (4) feet clear width. Gates across required walking access paths will be provided with Fire X-1 padlock(s).

## **OPERATIONAL GUIDELINE**

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## **PROCESS**

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## **INFORMATION**

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## **DEFINITIONS**

1. Common Vehicle Access--Common vehicle access describes private streets, driveways, and alleys which connect with a public street and are required for emergency access as well as for access by the public.
2. Emergency Vehicle Access--Where adequate common vehicle access to buildings is not provided by public streets or private driveways, emergency access will be provided for the exclusive use of emergency services vehicles.
3. Fire Hose Pull and Equipment Walking Access--Fire hose pull and equipment access is an unobstructed walking path which provides continuous access connecting vehicular access to all building openings and exterior storage areas.
4. Aerial Fire Apparatus Access--Fire apparatus access located directly adjacent to the corners of multi-story buildings, positioned in such a way as to allow fire department aerial ladders to be raised to the lowest point of the roof eave (as defined in *California Building Code (CBC)*, Section 702A Definitions).

5. All Weather Access--Required fire apparatus access lanes will be provided year round and maintained during all phases of construction with an approved, all-weather surface, capable of supporting 80,000-pound vehicles. An all-weather surface is composed of minimum four (4") inch compacted base rock or gravel over compacted or undisturbed native soil or per approved engineering plans with a minimum of 24 feet of clear width or 20 feet minimum clear width if an approved method to prevent shoulder degradation is utilized.

## **CROSS-REFERENCES**

*California Building Code*

Section 702A, Definitions

*California Fire Code*, Current edition

*Fire Prevention Manual*

Section 403.004, Emergency Services Bypass Locks for Secured Access Developments

Section 403.005, Requirements for Marking Fire Lanes on Private Property

Section 403.007, Vertical Displacement Traffic Calming Devices



March 19, 2024

Manuel Campos  
City of Kerman  
850 S Madera Ave  
Kerman, CA 93630

Re: Del Norte Estates Tentative Tract Map No. 6473

Dear Manuel:

Thank you for giving us the opportunity to review the proposed Del Norte Estates Tentative Tract Map No. 6473. The installation of new gas and electric facilities and/or relocation of existing PG&E facilities will be performed in accordance with common law or Rules and Tariffs as authorized by the California Public Utilities Commission.

Following our review, PG&E recommends the following language be expressly stated for the offer to dedicate Public Utility Easements (PUE):

I/We the undersigned, as Owner(s) of the land shown hereon, do hereby state that I/we am/are the only person(s) whose consent is necessary to pass clear title to said land and do hereby consent to the preparation and recordation of this map and offer for dedication and do hereby dedicate for public uses the Public Utility Easements (PUEs) shown on this map for public utility purposes including electric, gas, communication facilities and all other public utility purposes; together with any and all appurtenances thereto, including the right from time to time to trim and to cut down and clear away or otherwise control any trees or brush. The PUEs hereby offered for dedication are to be kept open and free of buildings, structures and wells of any kind.

The final map must contain a statement setting forth dedications and offers to dedicate interests in real property for public utility purposes. If the offer of dedication has terminated, or the local agency declines to accept it, the applicant maybe required to provide an easement in gross satisfactory to PG&E. Please note that this is our preliminary review and PG&E reserves the right for future review as needed.

Please work with PG&E's Service Planning department at [www.pge.com/cco](http://www.pge.com/cco) for additional services you may require, or for any modification and/or relocation requests.

Sincerely,



***Pacific Gas and  
Electric Company®***

A handwritten signature in blue ink that reads "J Newell".

Justin Newell  
Land Management  
916-594-4068





April 8, 2024

Manuel Campos  
City of Kerman  
Community Development Department  
850 S. Madera Ave.  
Kerman, CA 93630

**Project: Del Norte Estates**

**District CEQA Reference No: 20240229**

Dear Mr. Campos:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Development Application (DEV) from the City of Kerman for the proposed residential development. Per the DEV, the project consists of 200 single-family residential units (Project). The Project is located at 275 N. Del Norte Avenue and 204 N. Del Norte Avenue in Kerman, CA.

The District offers the following comments at this time regarding the Project:

**1) Project Related Emissions**

The District's initial review of the Project concludes that emissions resulting from construction and operation of the Project may exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: <https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>. The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

**1a) Construction Emissions**

The District recommends, to reduce impacts from construction-related diesel exhaust emissions, the Project should utilize the cleanest available off-road construction equipment.

**Samir Sheikh**  
Executive Director/Air Pollution Control Officer

---

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: (661) 392-5500 FAX: (661) 392-5585

## **1b) Operational Emissions**

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District's significance thresholds are identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts:

<https://ww2.valleyair.org/media/g4nl3p0q/gamaqi.pdf>.

*Recommended Mitigation Measure:* At a minimum, project related impacts on air quality should be reduced to levels below the District's significance thresholds through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles, measures that reduce Vehicle Miles Traveled (VMTs), and measures that increase energy efficiency. More information on transportation mitigation measures can be found at:

<https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

## **1c) Recommended Model for Quantifying Air Emissions**

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

## **2) Health Risk Screening/Assessment**

The City should evaluate the risk associated with the Project for sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project.

Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

Health Risk Assessment:

Prior to performing an HRA, it is strongly recommended that land use agencies/project proponents develop and submit for District review a health risk modeling protocol that outlines the sources and methodologies that will be used to perform the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's established risk thresholds, which can be found here:

<https://ww2.valleyair.org/permitting/ceqa/>.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

*Recommended Measure:* Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

### **3) Ambient Air Quality Analysis**

An Ambient Air Quality Analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. The District recommends an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website: <https://ww2.valleyair.org/permitting/ceqa/>.

### **4) Voluntary Emission Reduction Agreement**

Criteria pollutant emissions may result in emissions exceeding the District's significance thresholds, potentially resulting in a significant impact on air quality. When a project is expected to have a significant impact, the District recommends the Environmental Impact Report also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient

heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

## **5) Vegetative Barriers and Urban Greening**

There are residential units located directly west and south of the Project. The District suggests the City consider the feasibility of incorporating vegetative barriers and urban greening as a measure to further reduce air pollution exposure on sensitive receptors (e.g., residential units).

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

## **6) Clean Lawn and Garden Equipment in the Community**

Since the Project consists of residential development, gas-powered residential lawn and garden equipment have the potential to result in an increase of NO<sub>x</sub> and PM<sub>2.5</sub> emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <https://ww2.valleyair.org/grants/clean-green-yard-machines-residential/> and <https://ww2.valleyair.org/grants/zero-emission-landscaping-equipment-voucher-program/>.

## **7) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for the Project.

## **8) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **8a) District Rule 9510 - Indirect Source Review (ISR)**

The Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 50 dwelling units of residential development.

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Per Section 5.0 of the ISR Rule, an Air Impact Assessment (AIA) application is required to be submitted no later than applying for project-level approval from a public agency. As of the date of this letter, the District has not received an AIA application for this Project. Please immediately submit an AIA application to the District to comply with District Rule 9510 so that proper mitigation and clean air design under ISR can be incorporated into the Project's design. One AIA application should be submitted for the entire Project.

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

#### **8b) District Rule 4601 (Architectural Coatings)**

The Project will be subject to District Rule 4601 since it is expected to utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at: <https://ww2.valleyair.org/media/tkgjeusd/rule-4601.pdf>

#### **8c) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Since the project will result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at:  
<https://ww2.valleyair.org/dustcontrol>

#### **8d) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:  
<https://ww2.valleyair.org/compliance/residential-wood-smoke-reduction-program/>

#### **8e) Other District Rules and Regulations**

The Project may also be subject to the following District rules: Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

If you have any questions or require further information, please contact Jacob Torrez by e-mail at [Jacob.torrez@valleyair.org](mailto:Jacob.torrez@valleyair.org) or by phone at (559) 230-6558.

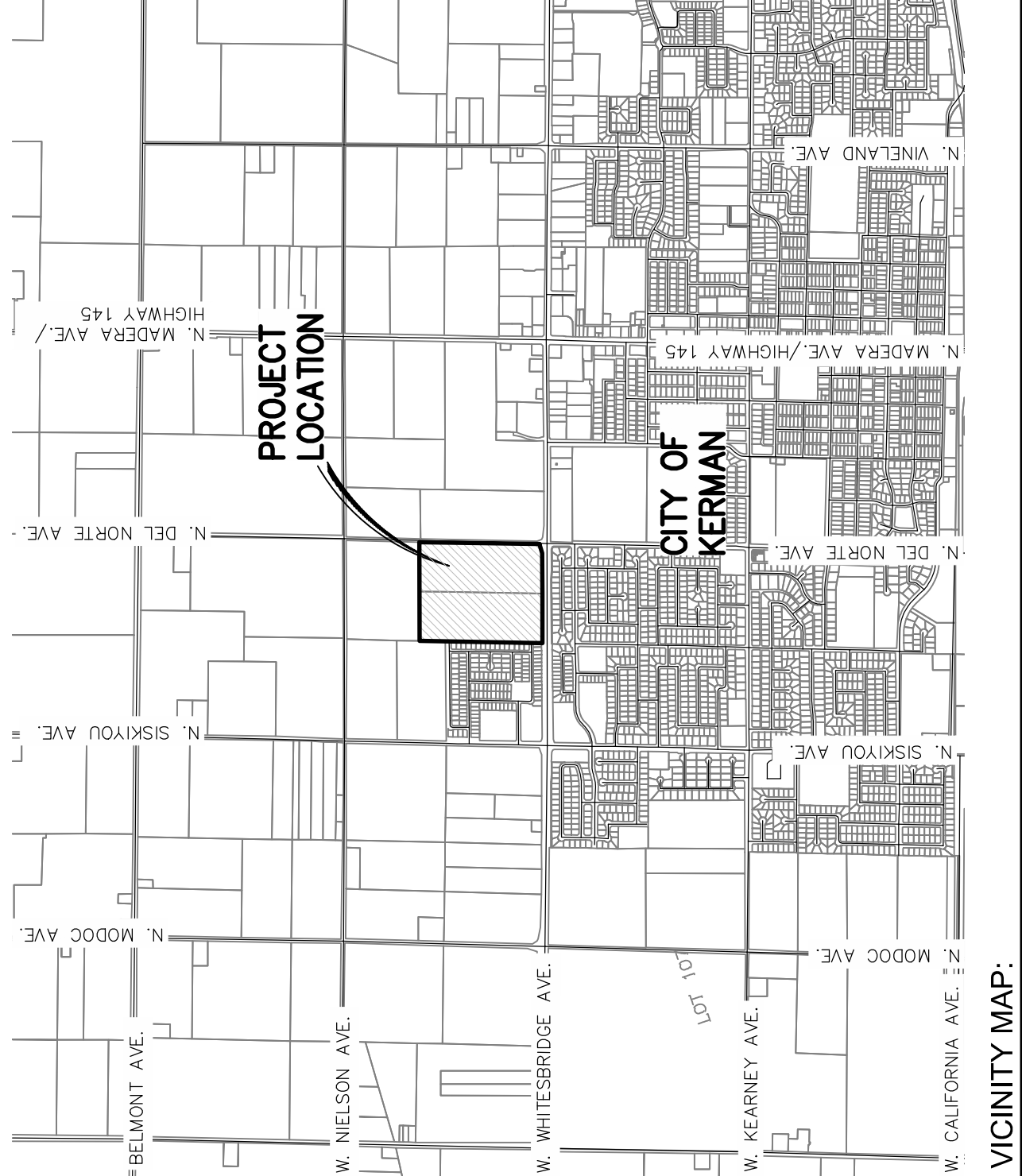
Sincerely,

Tom Jordan  
Director of Policy and Government Affairs



For: Mark Montelongo  
Program Manager





**OWNER:**  
ROBERT J. COUTO & CYNTHIA D. COUTO  
338 N. DEL NORTE AVE.  
KERMAN, CA 93350

**APPLICANT/DEVELOPER:**  
THE HOLLAND GROUP  
P.O. BOX 27560  
FRESNO, CA 93729

**ENGINEER/SURVEYOR:**  
GATEWAY ENGINEERING, INC.  
405 PARK CREEK DRIVE  
CLOVIS, CA 93611

**FLOOD HAZARD ZONE:**  
AS DELINEATED ON THE FEDERAL INSURANCE ADMINISTRATION'S FLOOD INSURANCE RATE MAP NO. 06016C2075H, EFFECTIVE DATE 2/18/2009, CITY OF KERMAN, CALIFORNIA, FRESNO COUNTY, THE PROPERTY SHOWN ON THIS MAP LIES WITHIN THE FLOOD HAZARD AREA DESIGNATED AS ZONE X AREAS. ZONE X AREAS ARE DETERMINED TO BE AREAS OF 0.2% ANNUAL CHANCE FLOOD HAZARD.

**SITE NOTES:**

1. APN: 020-120-295 & 305
2. ADDRESS: NO SITE ADDRESS NORTHWEST CORNER OF SR-180 & N. DEL NORTE AVE.
3. GROSS AREA: 42,091,331 SQ. FT. (4,448.01 ACRES)
4. NET AREA: 42,091,331 SQ. FT. (4,448.01 ACRES)
5. EXISTING ZONING: AL20 (AGRICULTURE EXCLUSIVE)
6. PROPOSED ZONING: SD-R-5.0 (SMART DEVELOPMENT DISTRICT)
7. EXISTING USE: AGRICULTURE (ALMOND ORCHARD)
8. PROPOSED USE: RESIDENTIAL & COMMERCIAL
9. PROPOSED LOTS: (200 RESIDENTIAL; 1 HIGH DENSITY; 1 COMMERCIAL)
10. SETBACKS: FRONT = 25'; INTERIOR SIDE = 5'; STREET SIDE = 5'; REAR = 5'
11. UTILITY SERVICES PROVIDED BY:
  - WATER: CITY OF KERMAN
  - SEWER: CITY OF KERMAN
  - ELECTRICITY: PACIFIC GAS & ELECTRIC
  - GAS: PACIFIC GAS & ELECTRIC
  - STORM DRAIN: CITY OF KERMAN
  - CABLE TELEVISION: AT&T
  - TELEPHONE: AT&T
12. THERE ARE EXISTING ABOVE GROUND USES OR STRUCTURES SUCH AS POWER LINES, IRRIGATION VENTS, IRRIGATION RISERS WITHIN THE PROPOSED SUBDIVISION.
13. THERE ARE EXISTING UNDERGROUND STRUCTURES WITHIN THE PROPOSED SUBDIVISION.
14. ALL IMPROVEMENTS SHALL BE AS REQUIRED BY THE CITY OF KERMAN, AND SHALL INCLUDE SANITARY SEWER, DOMESTIC WATER, UNDERGROUND POWER, TELEPHONE, GAS, CONCRETE CURBS, GUTTERS, SIDEWALKS, PERMANENT STREET PAVEMENT, STREET LIGHTS, ETC.
15. PROPOSED IMPROVEMENTS, INCLUDING SEWER, WATER, STORM SEWER, AND SANITARY SEWER, SHALL BE INSTALLED PER CITY OF KERMAN STANDARD DRAWINGS.
16. THERE ARE NO EXISTING CANALS OR DITCHES LOCATED WITHIN THE PROPOSED SUBDIVISION.
17. ALL EXISTING TREES & BUSHES ON SUBJECT PROPERTY TO BE REMOVED.
18. THERE ARE EXISTING UNDERGROUND IRRIGATION UTILITIES ON SUBJECT PROPERTY.

**SYMBOL AND LINETYPE LEGEND:**

---	EXISTING LIGHT POLE
---	EXISTING UTILITY POLE
---	EXISTING CENTERLINE/SECTION LINE
---	EXISTING PROPERTY LINE
---	EXISTING RIGHT OF WAY
---	EXISTING EASEMENT
---	EXISTING AERIAL ELECTRICAL LINE
---	EXISTING SUBDIVISION BOUNDARY LINE
---	PROPOSED RIGHT OF WAY LINE
---	PROPOSED LOT LINE
---	PROPOSED CENTERLINE
---	PROPOSED EASEMENT LINE
---	INDICATES PROPOSED 10' P.U.E.

1) Provide a looped water system connect water from existing tract 6236, adjacent to the west of the development. Construct the water main in Del Norte from existing connection point on Whitesbridge through the development frontage.

2) Direct sewer flows to the existing sewer main in Del Norte. Construct Del Norte sewer main through the development frontage

3) Master planned drainage basin does not yet exist. Provide on-site temporary drainage basin. Allow for SD pipe alignments to function with future master planned basin, west of Siskiyou and south of Nielsen.

4) Streets may be developed to 50' RW width. Reconfigure lots to allow for continuation of Te236 trail to Del Norte Ave.

5) Prepare TTM into in accordance with Kerman municipal code section 16.32.

6) Prepare TTM into in accordance with Kerman municipal code section 16.32.

7) Prepare TTM into in accordance with Kerman municipal code section 16.32.

8) Prepare TTM into in accordance with Kerman municipal code section 16.32.

9) Prepare TTM into in accordance with Kerman municipal code section 16.32.

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11) Prepare TTM into in accordance with Kerman municipal code section 16.32.

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40) Prepare TTM into in accordance with Kerman municipal code section 16.32.

41) Prepare TTM into in accordance with Kerman municipal code section 16.32.

**LEGAL DESCRIPTION**

THE LAND REFERRED TO IS SITUATED IN THE CITY OF KERMAN, COUNTY OF FRESNO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE WEST 1/4 OF LOT 16 AND ALL OF LOTS 19 AND 20, AND ALL OF THAT PORTION OF THE WEST 1/4 OF LOT 16 LYING SOUTH OF A LINE WHICH IS PARALLEL TO AND 990 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 17 EAST, ALL OF THE PREMERIDIAN, 1/4 OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 17 EAST, ALL OF THE WEST 1/4 OF LOT 16, FRESNO IRRIGATION FARM CO. TRACT IN THE COUNTY OF FRESNO, STATE OF FRESNO COUNTY RECORDS, AS PER MAP RECORDED JUNE 24, 1912, IN BOOK 8, RECORD OF SURVEYS AT PAGE 1.

THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, M.D.B. & M., TAKEN TO BE NORTH 00°38'06" EAST, AS SHOWN ON MAP OF TRACT NO. 6236 RECORDED IN BOOK 91 OF PLATS, AT PAGES 41-45, FRESNO COUNTY RECORDS.

THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, M.D.B. & M., TAKEN TO BE NORTH 00°38'06" EAST, AS SHOWN ON MAP OF TRACT NO. 6236 RECORDED IN BOOK 91 OF PLATS, AT PAGES 41-45, FRESNO COUNTY RECORDS.

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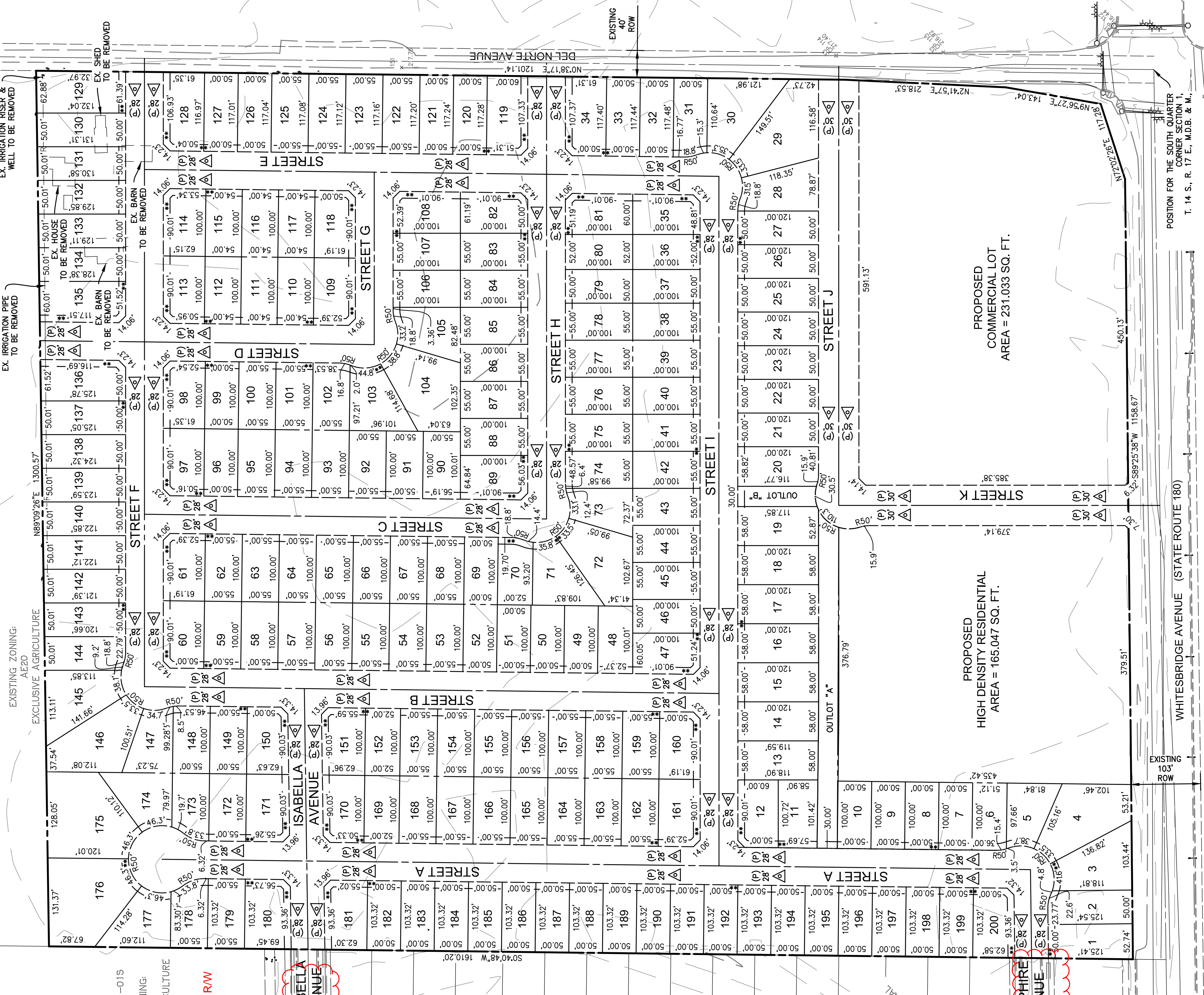
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# TENTATIVE TRACT MAP NO. 6473

IN THE UNINCORPORATED AREA OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA  
SURVEYED & PLATTED IN NOVEMBER 2023  
BY GATEWAY ENGINEERING, INC.

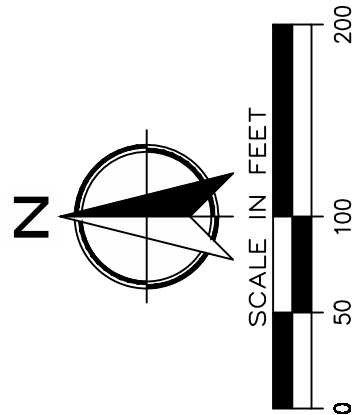
APN: 020-120-135



PARCEL #	AREA (SQ. FT.)
1	6469
2	6216
3	8635
4	10886
5	5853
6	5100
7	5000
8	5000
9	5000
10	5000
11	6065
12	5972
13	6960
14	6960
15	6960
16	5500
17	5500
18	6960
19	6954
20	7039
21	6000
22	6000
23	6000
24	6000
25	6000
26	6000
27	6025
28	7399
29	12092
30	9101
31	5771
32	5973
33	5871
34	7070
35	5990
36	5200
37	5000
38	5000
39	5000
40	5000
41	5000
42	5000
43	5000
44	5000
45	5000
46	5000
47	6015
48	5177
49	5000
50	5000
51	5000
52	5000
53	5000
54	5000
55	5000
56	5000
57	5000
58	5000
59	5000
60	6010
61	6129
62	5000
63	5000
64	5000
65	5000
66	5000
67	5000
68	5000
69	5000
70	5103

PARCEL #	AREA (SQ. FT.)
71	7022
72	6088
73	6051
74	5499
75	8795
76	5000
77	5000
78	5000
79	5000
80	5200
81	6010
82	5972
83	5500
84	5500
85	5500
86	5500
87	5500
88	5500
89	5500
90	5560
91	5500
92	5500
93	5500
94	5500
95	5500
96	5000
97	6025
98	6145
99	5000
100	5000
101	5500
102	5485
103	7106
104	10856
105	6552
106	5500
107	5000
108	6129
109	6129
110	5400
111	5400
112	5400
113	6105
114	6224
115	5400
116	5400
117	5400
118	6010
119	7065
120	5863
121	5861
122	5000
123	6443
124	6441
125	6438
126	5851
127	5849
128	7048
129	8232
130	6584
131	6547
132	6511
133	6474
134	6437
135	7724
136	7619
137	6271
138	6234
139	6188
140	6161

OUTLOT #	AREA (SQ. FT.)
OUTLOT "A"	14575
OUTLOT "B"	3473



**GATEWAY**  
ENGINEERING, INC.  
CIVIL ENGINEERS / LAND SURVEYORS  
P. 559-320-0341 F. 559-320-0345 WWW.GATEWAYENG.COM  
405 PARK CREEK DRIVE, CLOVIS, CA 93611-4435



**ATTACHMENT F**

Planning Commission Resolutions

**RESOLUTION NO. 24-26**

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL (1) ADOPT THE FINDINGS REQUIRED BY CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, SECTION 15091; (2) CERTIFY THE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2024031008); (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM; (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CEQA (ENV 2023-08); AND (5) APPROVE GENERAL PLAN AMENDMENT 2023-03 TO AMEND THE 2040 KERMAN GENERAL PLAN PLANNED LAND USE DESIGNATIONS FOR ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-29S (24.24 ACRES) AND 020-120-30S (24.14), TO MDR – MEDIUM DENSITY RESIDENTIAL AND HDR – HIGH DENSITY RESIDENTIAL , WITH A CORRESPONDING REDUCTION IN LAND DESIGNATED GC – GENERAL COMMERCIAL (NORTHWEST CORNER OF NORTH DEL NORTE AVENUE AND WEST WHITESBRIDGE ROAD (STATE ROUTE 180)**

**WHEREAS**, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

**WHEREAS**, the City of Kerman has adopted a Comprehensive General Plan Update and Environmental Impact Report in July 2020, and the City of Kerman is currently in compliance with State mandates relative to Elements of the General Plan; and

**WHEREAS**, State law also provides for periodic review, updates, and amendments of its various plans; and

**WHEREAS**, an application was filed by the Holland Group pertaining to two (2) parcels (APNs 020-120-29S and 020-120-30S) consisting of approximately 48.38 acres located on the northwest corner of North Del Norte Avenue and West Whitesbridge Road (State Route 180) ("project site"), requesting to amend the 2040 Kerman General Plan through General Plan Amendment 2023-03; and

**WHEREAS**, the project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential ( $\pm$  35.88 acres) and GC – General Commercial ( $\pm$  12.50 acres); and

**WHEREAS**, General Plan Amendment 2023-03 requests to increase land designated MDR – Medium Density Residential from 35.88 acres to 38 acres, increase HDR – High Density Residential from zero acres to four (4) acres, and reduce GC – General Commercial from 12.50 acres to six (6) acres, representing an increase in acreages of MDR and HDR land use designations, and decrease in acreage of the GC land use designation as shown in Exhibit 1; and

**WHEREAS**, approval of the project would require approval of General Plan Amendment 2023-03, Rezone 2023-04, Annexation 2023-04, and Tentative Subdivision Map 2023-04; and

**WHEREAS**, the proposed General Plan Amendment will be consistent with the General Plan and the underlying zoning district, as proposed by Rezone 2023-04; and

**WHEREAS**, the proposed General Plan Amendment is not expected to be detrimental to the health, safety and welfare of the city; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City of Kerman ("City") as the Lead Agency, has analyzed the proposed Project (including all three parcels to be annexed), including the General Plan Amendment, Rezone, Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) ("EIR") to evaluate the project; and

**WHEREAS**, in compliance with CEQA Section 21080.4, a Notice of Preparation ("NOP") was prepared by the City and distributed for public comment to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review and comment period commencing on March 27, 2024, after which a public scoping meeting was held during the NOP review period on April 3, 2024; and,

**WHEREAS**, the Draft EIR was circulated for a 45-day public review and comment period commencing on September 11, 2024 to October 26, 2024, which was subsequently extended to December 9, 2024, and a copy of the Draft EIR was circulated through the State Clearinghouse, posted on the City's website, and was available at City Hall; and

**WHEREAS**, the public review period for the Draft EIR ended on December 9, 2024; and

**WHEREAS**, a Final EIR was prepared on the proposed Project consistent with CEQA Guidelines Section 15088(b), which addressed comments received on the DEIR, responses to those comments, as well as any appropriate revisions and clarifications to the Draft EIR; and

**WHEREAS**, public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the EIR, and considered testimony received as a part of the public hearing process; and

**WHEREAS**, after due consideration of all the items before it, the Planning Commission now desires to recommend to the City Council approval of General Plan Amendment 2023-03 and certification of EIR as set forth herein.

**NOW THEREFORE**, be it resolved by the Planning Commission of the City of Kerman as follows:

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

2. EIR Contents. The EIR consists of the following, hereafter collectively referred to as the "EIR".
  - a. The Final EIR including any attached appendices.
  - b. The Draft EIR including attached appendices.
  - c. The Notice of Preparation and comments received in response to the notice.
  - d. The Mitigation Monitoring and Reporting Program.
  - e. Findings of Fact and Statement of Overriding Considerations.
  - f. Additions and corrections to the remaining portions of the Draft EIR that have been made pursuant to public comments received on the Draft EIR with responses to each comment made.
  - g. The Notice of Completion and Notice of Availability of the Draft EIR for public review.
  - h. Any other information added by the Lead Agency.
3. Certification of Compliance with CEQA. The Planning Commission does hereby find that the EIR, including the Findings of Fact, the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, has been prepared in accordance with the requirements of CEQA and the CEQA Guidelines.
4. Recommendation for EIR Certification. The Planning Commission does hereby recommend the following to the City Council.
  - a. Recommendation to Adopt Findings of Fact. The Planning Commission hereby recommends to the City Council that it approve, accept as it is shown, incorporate as if set forth in full herein, and make each and every one of the findings contained in the Findings of Fact.
  - b. Recommendation to Certify Environmental Impact Report. The Planning Commission hereby recommends to the City Council that it certify that 1) the EIR has been completed in compliance with CEQA, 2) that it has reviewed and considered the information contained in the EIR prior to approving the project, and 3) that the EIR reflects the City Council's independent judgment and analysis.
  - c. Recommendation Regarding Feasible and Binding Effect of Mitigation Monitoring and Reporting Program. As more fully identified and set forth in the Findings of Fact and EIR for this project, the Planning Commission hereby recommends to the City Council that it find that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.

- d. Recommendation to Adopt Statement of Overriding Considerations. Even after the adoption of all feasible mitigation measures, certain significant or potentially significant environmental effects caused by the proposed modified project directly, or cumulatively, will remain. The proposed project has been carefully reviewed and the policies included in the proposed project along with the mitigation measures identified in the EIR have avoided or substantially lessened several environmental impacts, to the extent feasible. Nonetheless, the proposed project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts that have not been mitigated to an insignificant level. Therefore, the Planning Commission hereby recommends that the City Council issue and approve a Statement of Overriding Considerations which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City Council.
  - e. Recommendation to Adopt Mitigation Monitoring and Reporting Program. As required by applicable State law, the Planning Commission hereby recommends to the City Council that it adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit 3 of this Resolution. The Planning Commission finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during project implementation, the City and any other responsible parties implement the project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.
5. Custodian of Records. The City Clerk is recommended as the designated custodian of records for documents comprising the record of the proceedings upon which its decision is based. These documents are maintained at City Hall, located at 850 S. Madera Ave. Kerman, CA, 93630.
6. General Plan Consistency. The Planning Commission finds and recommends the City Council find that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 2023-03, including the following:
- a. The change is consistent with the General Plan goals and policies. The project site is currently planned for residential and commercial uses. The project requests an amendment to the General Plan and Zoning Map to increase the acreage of land designated for medium density and high-density residential uses, which requires a reduction in the acreage of land designated for commercial uses. The project would facilitate future residential and commercial development within an area with existing and planned residential, commercial, recreational, and public institutional uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.5 (High Density

Residential Development Near Goods and Services), LU-1.6 (Agricultural Buffers), LU-3.2 (Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development), LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). Therefore, the change is consistent with the General Plan goals and policies.

- b. The change is consistent with the purpose of the Zoning Ordinance to preserve and promote the public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. The project is currently planned for residential and commercial uses. The project requests an amendment to the General Plan to increase the acreage of land designated for medium density and high-density residential uses, which requires a reduction in the acreage of land designated for commercial uses. A rezone is also proposed to pre-zone the parcels to be annexed and rezone them to zoning districts consistent with the proposed land use designations. The proposed zoning districts are identified as compatible zoning districts for the proposed land use designations as shown in the General Plan. Future development proposed on the project site would be subject to compliance with the applicable standards and requirements of the Zoning Ordinance, standards which were adopted by the City to ensure preservation and promotion of public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. Further, the project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with the purpose of the Zoning Ordinance.
  - c. There will not be significant effects upon the quality of the environment and natural resources. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level except for Agriculture (loss of farmland) and Hydrology (water supply). The City has carefully considered all the environmental impacts that have not been mitigated to an insignificant level and has prepared a Statement of Overriding Considerations which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City.
7. Recommendations for Approval. Given that all the findings can be made, the Planning Commission recommends the City Council adopt a resolution to amend the 2040 Kerman General Plan land use designations for two (2) parcels identified as Assessor's Parcel Numbers

(APNs) 020-120-29S (24.24 acres) and 020-120-30S (24.14 acres), resulting in an increase in land designed MDR – Medium density Residential from 35.88 acres to 38 acres and HDR – High Density Residential from zero (0) to four (4) acres, and a reduction in land designated GC – General Commercial from 12.50 acres to six (6) acres, totaling approximately 48.48 acres located on the northwest corner of North Del Norte Avenue and West Whitesbridge Road (State Route 180) (General Plan Amendment 2023-03) as set forth in Exhibit 1.

8. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman.

**I HEREBY CERTIFY** that the foregoing Resolution was approved at a special meeting of the City of Kerman Planning Commission on the 16<sup>th</sup> day of December 2024, and was fully adopted at said meeting by the following vote:

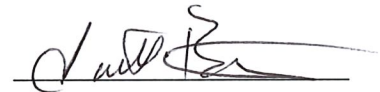
Ayes: Bishop, Bandy, Malloy

Noes: None

Absent: Felker, Nehring

Recused: None

The foregoing resolution is hereby approved.



Scott Bishop, Chairperson

Attest:



Juliana Gomez  
Planning Commission Secretary



**RESOLUTION NO. 24-27**

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN FOR THREE (3) PARCELS IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-29S (24.24 ACRES), 020-120-30S (24.14 ACRES), AND 020-120-28ST (23.91 ACRES), PRE-ZONING THE PARCELS CONSISTENT WITH THE PROPOSED LAND USE DESIGNATIONS, RESULTING IN APPROXIMATELY 38 ACRES WITHIN THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 5,000 SQUARE FEET (SD-R-5.0), 10.96 ACRES WITHIN THE TWO-FAMILY RESIDENTIAL (R-2), FOUR (4) ACRES WITHIN THE MULTI-UNIT RESIDENTIAL (R-3), AND 18.95 ACRES WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICTS, TOTALING APPROXIMATELY 72.29 ACRES LOCATED ON THE NORTH SIDE OF WHITESBRIDGE ROAD (STATE ROUTE 180) BETWEEN NORTH SISKIYOU AVENUE AND NORTH MADERA AVENUE (REZONE 2023-04)**

**WHEREAS**, Rezone-2023-04 pertains to three (3) parcels (APNs 020-120-29S, 020-120-30S, 020-120-28ST) consisting of approximately 72.29 acres located on the north side of Whitesbridge Road (State Route 180) between North Siskiyou Avenue and North Madera Avenue ("project site"), requesting to amend the Official Zoning Map of the City of Kerman; and

**WHEREAS**, the project site is located within the City of Kerman Sphere of Influence but since it is outside City limits, the site is zoned by the County and is within the County of Fresno's Agricultural Exclusive – 20 Acres (AE-20) and Limited Agricultural – 20 Acres (AL-20) zone districts; and

**WHEREAS**, because the project site is outside City limits, the project requires annexation and pre-zoning to a zone district consistent with the City of Kerman 2040 General Plan; and

**WHEREAS**, Rezone 2023-04 requests to pre-zone/rezone the three (3) parcels (APNs 020-120-29S, 020-120-30S, 020-120-28ST) to zoning districts consistent with the planned land use designations, upon approval of General Plan Amendment 2023-03; and

**WHEREAS**, the pre-zone/rezone would result in approximately 38 acres within the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (SD-R-5.0), 10.96 acres within the Two-Family Residential (R-2), four (4) acres within the Multi-Unit Residential (R-3), and 18.95 acres within the General Commercial (GC) zoning districts as shown in Exhibit 1; and

**WHEREAS**, approval of the project would require approval of Rezone 2023-04, General Plan Amendment 2023-03, Annexation 2023-04, and Tentative Subdivision Map 2023-04; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and

Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project and the project is in compliance with CEQA; and

**WHEREAS**, public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the EIR, and considered testimony received as a part of the public hearing process; and

**WHEREAS**, the Planning Commission now desires to recommend that the City Council adopt an ordinance to amend the Official Zoning Map of the City of Kerman for three (3) parcels (APNs 020-120-29S, 020-120-30S, and 020-120-28ST), pre-zoning the parcels to SD-R-5.0, R-2, R-3, and CG zoning districts, consistent with the planned land use designations, upon approval of General Plan Amendment 2023-04.

**NOW, THEREFORE**, be it resolved by the Planning Commission of the City of Kerman as follows.

1. Recitals. The Planning Commission hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. The Planning Commission concurrently recommended certification of the EIR (SCH No. 2024031008) for the project. The EIR identified the pre-zoning of the project site. The pre-zoning does not change the environmental assessment of the EIR. Further, the Planning Commission recommended to the City Council certification of the EIR for this project. The Planning Commission further recommends findings that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the 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 project is undertaken which will require major revisions of the EIR 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 recommendation for certification that the project will have significant effect not discussed in the EIR. As such, the Planning Commission recommends the City Council find Rezone 2023-04 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
3. Rezone Findings. The Planning Commission finds, and recommends the City Council find, as follows:

- a. The change is consistent with the General Plan. The project site is currently planned for residential and commercial uses. The project requests an amendment to the General Plan and Zoning Map to increase the acreage of land designated for medium density and high-density residential uses, which requires a reduction in the acreage of land designated for commercial uses. The project would facilitate future residential and commercial development within an area with existing and planned residential, commercial, recreational, and public institutional uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.5 (High Density Residential Development Near Goods and Services), LU-1.6 (Agricultural Buffers), LU-3.2 (Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development), LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). Therefore, the change is consistent with the General Plan goals and policies.
- b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community. The project requests to pre-zone the parcels to be annexed and rezone them to zoning districts consistent with the proposed land use designations. The proposed zoning districts are identified as compatible zoning districts for the proposed land use designations as shown in the General Plan. Future development proposed on the project site would be subject to compliance with the applicable standards and requirements of the Zoning Ordinance, standards which were adopted by the City to ensure preservation and promotion of public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. Further, the project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with the purpose of the Zoning Ordinance.
- c. There will not be significant effects upon the quality of the environment and natural resources. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level except for Agriculture (loss of farmland) and Hydrology (water supply). The City has carefully considered all the environmental impacts that have not been mitigated to an insignificant level and has prepared a Statement of Overriding Considerations which identifies the specific economic, legal, social, technological and other considerations that

render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City.

4. Recommendation for Approval. Given that all the findings can be made, the Planning Commission recommends the City Council adopt a an ordinance to amend the official zoning map of the City of Kerman for three (3) parcels identified as Assessor's Parcel Numbers (APNs) 020-120-29S (24.24 acres), 020-120-30S (24.14 acres), and 020-120-28ST (23.91 acres), pre-zoning the parcels consistent with the proposed land use designations, resulting in approximately 38 acres within the Smart Development Combining District – Residential – minimum 5,000 square feet (SD-R-5.0), 10.96 acres within the Two-Family Residential (R-2), four (4) acres within the Multi-Unit Residential (R-3), and 18.95 acres within the General Commercial (CG) zoning districts as shown in Exhibit 1 of this resolution, totaling approximately 72.29 acres located on the north side of Whitesbridge Road (State Route 180) between North Siskiyou Avenue and North Madera Avenue (Rezone 2023-04), as set forth in Exhibit 2 of this resolution.
5. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman.

**I HEREBY CERTIFY** that the foregoing Resolution was approved at a special meeting of the City of Kerman Planning Commission on the 16<sup>th</sup> day of December 2024, and was fully adopted at said meeting by the following vote:

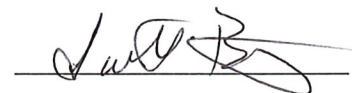
Ayes: Bishop, Bandy, Malloy

Noes: None

Absent: Felker, Nehring

Recused: None

The foregoing resolution is hereby approved.



Scott Bishop, Chairperson

Attest:



Juliana Gomez  
Planning Commission Secretary

**RESOLUTION NO. 24-28**

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION TO APPROVE THE DEL NORTE ESTATES SUBDIVISION OF TWO (2) PARCELS IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-29S (24.24 ACRES) AND 020-120-30S (24.14 ACRES) INTO 200 SINGLE-FAMILY LOTS RANGING IN SIZE FROM 5,000 SQUARE FEET TO 11,106 SQUARE FEET, ONE (1) MULTI-FAMILY LOT ( $\pm$  3.64 ACRES), AND FOUR (4) COMMERCIAL LOTS ( $\pm$  4.99 ACRES), AND FIVE (5) OUTLOTS, TOTALING APPROXIMATELY 48.38 ACRES LOCATED ON THE NORTHWEST CORNER OF NORTH DEL NORTE AVENUE AND WEST WHITESBRIDGE ROAD (STATE ROUTE 180) (TENTATIVE SUBDIVISION MAP 2023-04)**

**WHEREAS**, the Holland Group submitted Tentative Subdivision Map 2023-04, "Del Norte Estates," pertaining to two (2) parcels (APNs 020-120-29S and 020-120-30S) consisting of approximately 48.38 acres located on the northwest corner of North Del Norte Avenue and West Whitesbridge Road (State Route 180) ("project site"); and

**WHEREAS**, Tentative Subdivision Map 2023-04 proposes to subdivide the 48.38 acres into 200 single-family lots, ranging in size from 5,000 square feet to 10,972 square feet, one (1) multi-family lot ( $\pm$  3.64 acres), and four (4) commercial lots ( $\pm$  4.99 acres) (Exhibit 1); and

**WHEREAS**, General Plan Amendment 2023-03, Rezone 2023-04, and Annexation 2023-04, were considered concurrently by the Planning Commission with Tentative Subdivision Map 2023-04; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project and the project is in compliance with CEQA; and

**WHEREAS**, public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission completed its review of the Staff Report and documents submitted for the proposed project; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred, and the Planning Commission now desires to recommend to the City Council adoption of a resolution approving Tentative Subdivision Map 2023-04.

**NOW, THEREFORE**, the Planning Commission of the City of Kerman resolves as follows:

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

1. CEQA. The Planning Commission concurrently recommended certification of the EIR (SCH No. 2024031008) for the project. The EIR identified the subdivision. The subdivision does not change the environmental assessment of the EIR. Further, the Planning Commission recommended to the City Council certification of the EIR for this project. The Planning Commission further recommends that the City Council finds that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the 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 project is undertaken which will require major revisions of the EIR 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 recommendation for certification that the project will have significant effect not discussed in the EIR. As such, the Planning Commission finds and recommends the City Council find that Rezone 2023-04 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
2. Subdivision Findings. The Planning Commission determines that none of the findings required by the City's Subdivision Ordinance and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project, or that findings regarding flood protection cannot be made. To the contrary, the Planning Commission finds, and recommends the City Council find, as follows:
  - a. The proposed map is consistent with the applicable General Plan, Subdivision Ordinance, and the Subdivision Map Act. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, Tentative Subdivision Map 2023-04 is consistent with all local planning documents including the General Plan, Subdivision Ordinance, and Zoning Ordinance, and the Subdivision Map Act.
  - b. The design or improvement of the proposed land division is consistent with applicable general plan and specific plans. Tentative Subdivision Map 2023-04 is consistent with the intended land uses, density, and development standards outlined in the General Plan. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the subdivision is consistent with the density and land use designated by the General Plan, as well as circulation, pedestrian accessibility, and other design or improvement requirements of the General Plan. There is no specific plan applicable to the site.
  - c. That the site is physically suitable for the proposed type of development. Tentative Subdivision Map 2023-04 would subdivide the two (2) parcels identified as APNs 020-120-

29S and 020-120-30S into 200 single-family lots, one (1) multi-family lot, and four (4) commercial lots to facilitate future residential and commercial uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, land characteristics, including topography, soil conditions, drainage patterns, ingress/egress and access points, and utility availability are appropriate and can accommodate future development without significant challenges or modifications.

- d. That the site is physically suitable for the proposed density of development. Tentative Subdivision Map 2023-04 would subdivide the two (2) parcels identified as APNs 020-120-29S and 020-120-30S into 200 single-family lots, one (1) multi-family lot, and four (4) commercial lots. The lot areas conform to the standards of development as defined by the Zoning Ordinance for the applicable development zone districts. Future development would be subject to compliance with applicable development standards, including allowable density and intensity. Compliance with these standards would be ensured through the entitlement review process.
- e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level except for Agriculture (loss of farmland) and Hydrology (water supply). The City has carefully considered all the environmental impacts that have not been mitigated to an insignificant level and has prepared a Statement of Overriding Considerations which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City.
- f. The design of the subdivision and the type of improvements being required are not likely to cause serious public health problems. All improvements shall be required by the City and shall include sewer, water, underground power, telephone, gas, concrete curbs, gutters, sidewalks, permanent street pavement, and streetlights. The project will be tied into existing municipal water, sewer, and storm drain systems through the extension of existing systems. A sanitary sewer service would be provided through connections to existing services in North Del Norte Avenue. Domestic water service will be provided through an existing 12-inch line located near Whitesbridge Road and Del Norte Avenue and Sapphire Avenue. Sewer and water lines will connect to each lot throughout the site.

Associated electric, natural gas, and related infrastructure is available and will serve the project site as needed. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the design of the subdivision and type of improvements being required are not likely to cause serious public health problems.

- g. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. Development of the project will include the continuation of a Fresno Irrigation District (FID) water line easement that is also used as a pedestrian trail. The project will incorporate a 25-foot-wide FID easement and pedestrian trail from Isabella Drive northbound to the northwest limit of Del Norte Estates. In addition to this easement, the City has required an additional 25-foot-wide trail easement that will connect to the FID easement and continue along the northern boundary of the subdivision and connect the pedestrian trail to Del Norte Avenue (Outlot A and Outlot B) as shown on the Tentative Subdivision Map. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.
- h. That the proposed design provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision pursuant to Government Code Section 66473.1. As feasible, the project has attempted to take advantage of passive or natural cooling opportunities in subdivision design. Appropriate consideration was given to the local climate, while ensuring that heating and cooling opportunities did not result in the reduction of allowable densities or the percentage of a lot that may be occupied as contemplated by Government Code Section 66473.1.
3. Approval with Conditions. Based on the aforementioned findings, the Planning Commission recommends the City Council to adopt a resolution to approve Tentative Subdivision Map 2023-04 (Exhibit '1'), subject to the conditions set forth in Exhibit '2' (Tentative Subdivision Map 2023-04 conditions of approval) attached hereto.
4. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman

**I HEREBY CERTIFY** that the foregoing Resolution was approved at a special meeting of the City of Kerman Planning Commission on the 16<sup>th</sup> day of December 2024, and was fully adopted at said meeting by the following vote:



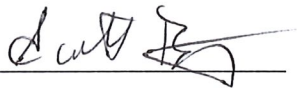
Ayes: Bishop, Bandy, Malloy

Noes: None

Absent: Felker, Nehring

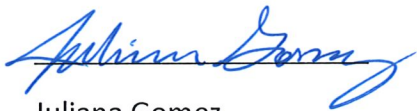
Recused: None

The foregoing resolution is hereby approved.

A handwritten signature in black ink, appearing to read "Scott Bishop", written over a horizontal line.

Scott Bishop, Chairperson

Attest:

A handwritten signature in blue ink, appearing to read "Juliana Gomez", written over a horizontal line.

Juliana Gomez  
Planning Commission Secretary

**RESOLUTION NO. 24-29**

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION TO INITIATE ANNEXATION OF THREE (3) PARCELS IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-29S (24.24 ACRES), 020-120-30S (24.14 ACRES) AND 020-120-28ST (23.91 ACRES), TOTALING APPROXIMATELY 72.29 ACRES LOCATED ON THE NORTH SIDE OF WHITESBRIDGE ROAD (STATE ROUTE 180) BETWEEN NORTH SISKIYOU AVENUE AND NORTH MADERA AVENUE (ANNEXATION 2023-04)**

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

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

**WHEREAS**, the specific changes of organization requested consists of an annexation into the City of Kerman and detachment from the County of Fresno and a reorganization from the Kings River Conservation District into the Fresno Irrigation District of the parcels identified as APNs 020-120-29S, 020-120-30S, and 020-120-28ST (“project site”); and

**WHEREAS**, within the project site, APNs 020-120-29S and 020-120-30S site are currently in Agricultural Preserve Contract (Williamson Act) Nos. AP 8116 and AP-8119 (APN 020-160-29S);

**WHEREAS**, the City will not succeed to the rights, duties, and powers of the County under the Williamson Act for APNs 020-120-29S and 020-120-30S, as allowed under California Government Code 51243.5, and meeting all the criteria under Subsection (d)/(e); and

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

**WHEREAS**, the affected territory proposed to be changed is inhabited, and on this day contains 1 registered voter, according to information received from the County Elections Office; and

**WHEREAS**, the proposed annexation area is inside the Sphere of Influence of the City of Kerman; and

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

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

**WHEREAS**, the reasons for this proposed annexation is to facilitate future residential, commercial, and public institutional development; and

**WHEREAS**, approval of the project would require approval of Annexation 2023-04, Rezone 2023-04, General Plan Amendment 2023-03, and Tentative Subdivision Map 2023-04; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project and the project is in compliance with CEQA; and

**WHEREAS**, public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission completed its review of the Staff Report and documents submitted for the proposed project; and

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

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

**NOW, THEREFORE**, Planning Commission of the City of Kerman resolves as follows:

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. The Planning Commission concurrently recommended certification of the EIR (SCH No. 2024031008) for the project. The EIR identified the annexation of the project site. The annexation does not change the environmental assessment of the EIR. Further, the Planning Commission recommended to the City Council certification of the EIR for this project. The Planning Commission further recommend the City Council find that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the 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 project is undertaken

which will require major revisions of the EIR 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 recommendation for certification that the project will have significant effect not discussed in the EIR. As such, the Planning Commission recommends the City Council find Rezone 2023-04 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.

3. General Plan Consistency. The Planning Commission finds that the annexation is consistent with the goals, objectives, and policies of the City of Kerman 2040 General Plan, as amended by General Plan Amendment 2023-03. In this regard, the Planning Commission finds that public necessity, convenience, general welfare, or good zoning practices justify annexation of the project site. Specifically, the annexation and pre-zoning change is consistent with the General Plan goals and policies, any operative plan, or adopted policy including LU-3.2 Urban Form; LU-3.3 Prevent Sprawl Development; and LU-3.4 Leapfrog Development as described below and implements the planned residential and commercial land uses for the project site.
  - a. General Plan Policy LU-3.2 Urban Form: The project site is outside City limits but is within the City's Sphere of Influence. The project requires annexation and therefore would result in a change in City limits. The project as proposed would meet the considerations of General Plan Policy LU-3.2 Urban Form. Specifically, the project would facilitate future residential units which would help meet the city's residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing. The project would also facilitate future open space (multi-family development), recreational facilities (pedestrian trail), and schools (KUSD facility), meeting several community needs. The project would not result in obstacles to growth because future development would be able to connect to City services. The project would also result in infrastructure improvements, including roadway and circulation improvements. Although the project site is subject to the Williamson Act, non-renewal and cancellation efforts are underway concurrently. Lastly, the project would facilitate future commercial uses which would serve the city's economic development needs. Based on these considerations, the project as proposed maintains growth management controls and is consistent with General Plan Policy LU-3.2.
  - b. General Plan Policy LU-3.3 Prevent Sprawl Development: The project site is contiguous to existing and approved development within City Limits. Thus, the project does not encourage sprawl and is therefore consistent with General Plan Policy LU-3-3.
  - c. General Plan Policy LU-3.4 Leapfrog Development: The project site is contiguous to existing urban development and thus would not constitute leapfrog development.

4. Findings for Annexation. The Planning Commission further finds, and recommends the City Council find, as follows:

- a. The proposed annexation is within the City's adopted Sphere of Influence. The project site is outside City limits but is within the City's Sphere of Influence. The project requires annexation and therefore would result in a change in City limits. The project as proposed would meet the considerations of General Plan Policy LU-3.2 Urban Form, which sets the City's growth management control measures. Specifically, the project would facilitate future residential units which would help meet the city's residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing. The project would also facilitate future open space (multi-family development), recreational facilities (pedestrian trail), and schools (KUSD facility), meeting several community needs. The project would not result in obstacles to growth because future development would be able to connect to City services. The project would also result in infrastructure improvements, including roadway and circulation improvements. Although the project site is subject to the Williamson Act, non-renewal and cancellation efforts are underway concurrently. Lastly, the project would facilitate future commercial uses which would serve the city's economic development needs. Based on these considerations, the project as proposed maintains growth management controls and is consistent with General Plan Policy LU-3.2.
- b. The proposal is consistent with city general and specific plans, including adopted goals and policies. The project would facilitate future residential and commercial development within an area with existing and planned residential, commercial, recreational, and public institutional uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.5 (High Density Residential Development Near Goods and Services), LU-1.6 (Agricultural Buffers), LU-3.2 (Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development), LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). There are no specific plans applicable to the proposed project.
- c. Pursuant to CEQA, the proposal mitigates any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level except for Agriculture (loss of farmland) and Hydrology (water

supply). The City has carefully considered all the environmental impacts that have not been mitigated to an insignificant level and has prepared a Statement of Overriding Considerations which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City.

- d. At least 25% of the area proposed for annexation has an approved tentative subdivision map(s) (single-family residential) and an approved site plan (for uses besides single-family). The proposed annexation would meet this condition whereby at least 25% of the proposed annexation area will include an approved tentative map for single-family residential, multi-family, and commercial uses.
  - e. The annexation is to fulfill the city's Regional Housing Needs Allocation (RHNA) obligation which otherwise cannot be accommodated on lands currently within the city's incorporated boundary. The project would facilitate future residential uses, including single-family and multi-family, which would assist the City with fulfilling the city's RHNA obligation within the City's 6<sup>th</sup> Cycle Housing Element Update.
  - f. The proposal would not create islands. Boundaries must ultimately minimize creation of peninsulas and corridors, or other distortion of boundaries. The proposed annexation area would not create islands. New boundaries would not create any peninsulas or corridors.
5. Approval of Initiation of Reorganization. Based on the information provided above, the Planning Commission recommends the City Council of the City of Kerman approve a resolution to initiate annexation and reorganization of the project site that is not within the City limits, by adopting a resolution of application requesting the Local Agency Formation Commission of Fresno County to initiate proceedings for the change of organization of territory as described in Exhibit '1', in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Planning Commission recommends that the City Council authorize and direct the City Manager to take all necessary steps to effectuate and initiate such reorganization proceedings, and to support Developer's processing of the same at Developer's sole cost and expense.
6. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary of the Planning Commission shall certify the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman.

**I HEREBY CERTIFY** that the foregoing Resolution was approved at a special meeting of the City of Kerman Planning Commission on the 16<sup>th</sup> day of December 2024, and was fully adopted at said meeting by the following vote:

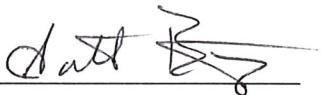
Ayes: Bishop, Bandy, Malloy

Noes: None

Absent: Felker, Nehring

Recused: None

The foregoing resolution is hereby approved.

A handwritten signature in black ink, appearing to read "Scott Bishop", written over a horizontal line.

Scott Bishop, Chairperson

Attest:

A handwritten signature in blue ink, appearing to read "Juliana Gomez", written over a horizontal line.

Juliana Gomez  
Planning Commission Secretary

## **ATTACHMENT G**

### **General Plan Amendment 2023-03 and Environmental Assessment 2023-08**

#### **Resolution 2025-**

**A RESOLUTION OF THE CITY COUNCIL (1) ADOPTING THE FINDINGS REQUIRED BY CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, SECTION 15091; (2) CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (SCH NO. 2024031008); (3) ADOPTING THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM; (4) ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CEQA (ENV 2023-08); AND (5) APPROVING GENERAL PLAN AMENDMENT 2023-03 TO AMEND THE 2040 KERMAN GENERAL PLAN PLANNED LAND USE DESIGNATIONS FOR ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-29S (24.24 ACRES) AND 020-120-30S (24.14), TO MDR – MEDIUM DENSITY RESIDENTIAL AND HDR – HIGH DENSITY RESIDENTIAL, WITH A CORRESPONDING REDUCTION IN LAND DESIGNATED GC – GENERAL COMMERCIAL (NORTHWEST CORNER OF NORTH DEL NORTE AVENUE AND WEST WHITESBRIDGE ROAD (STATE ROUTE 180)**

**WHEREAS**, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

**WHEREAS**, the City of Kerman has adopted a Comprehensive General Plan Update and Environmental Impact Report in July 2020, and the City of Kerman is currently in compliance with State mandates relative to Elements of the General Plan; and

**WHEREAS**, State law also provides for periodic review, updates, and amendments of its various plans; and

**WHEREAS**, an application was filed by the Holland Group pertaining to two (2) parcels (APNs 020-120-29S and 020-120-30S) consisting of approximately 48.38 acres located on the northwest corner of North Del Norte Avenue and West Whitesbridge Road (State Route 180) ("project site"), requesting to amend the 2040 Kerman General Plan through General Plan Amendment 2023-03; and

**WHEREAS**, the project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential ( $\pm$  35.88 acres) and GC – General Commercial ( $\pm$  12.50 acres); and

**WHEREAS**, General Plan Amendment 2023-03 requests to increase land designated MDR – Medium Density Residential from 35.88 acres to 38 acres, increase HDR – High Density Residential from zero acres to four (4) acres, and reduce GC – General Commercial from 12.50 acres to six (6) acres, representing an increase in acreages of MDR and HDR land use designations, and decrease in acreage of the GC land use designation as shown in Exhibit 1; and

**WHEREAS**, approval of the project would require approval of General Plan Amendment 2023-03, Rezone 2023-04, Annexation 2023-04, and Tentative Subdivision Map 2023-04; and

**WHEREAS**, the proposed General Plan Amendment will be consistent with the General Plan and the underlying zoning district, as proposed by Rezone 2023-04; and



**WHEREAS**, the proposed General Plan Amendment is not expected to be detrimental to the health, safety and welfare of the city; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City of Kerman (“City”) as the Lead Agency, has analyzed the proposed Project (including all three parcels to be annexed), including the General Plan Amendment, Rezone, Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) (“EIR”) to evaluate the project; and

**WHEREAS**, in compliance with CEQA Section 21080.4, a Notice of Preparation (“NOP”) was prepared by the City and distributed for public comment to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review and comment period commencing on March 27, 2024, after which a public scoping meeting was held during the NOP review period on April 3, 2024; and,

**WHEREAS**, the Draft EIR was circulated for a 45-day public review and comment period commencing on September 11, 2024 to October 26, 2024, which was subsequently extended to December 9, 2024, and a copy of the Draft EIR was circulated through the State Clearinghouse, posted on the City’s website, and was available at City Hall; and

**WHEREAS**, the public review period for the Draft EIR ended on December 9, 2024; and

**WHEREAS**, a Final EIR was prepared on the proposed Project consistent with CEQA Guidelines Section 15088(b), which addressed comments received on the DEIR, responses to those comments, as well as any appropriate revisions and clarifications to the Draft EIR; and

**WHEREAS**, public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission completed its review of the Staff Report and documents submitted for the proposed project at a special meeting on December 16, 2024, and adopted a resolution with a recommendation to the City Council to approve General Plan Amendment 2023-03 and certify the EIR; and

**WHEREAS**, with all requirements having been met, the City Council now desires to approve General Plan Amendment 2023-03 and certify the EIR; and

**NOW THEREFORE**, be it resolved by the City Council of the City of Kerman as follows:

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. EIR Contents. The EIR consists of the following, hereafter collectively referred to as the “EIR”.
  - a. The Final EIR including any attached appendices.
  - b. The Draft EIR including attached appendices.
  - c. The Notice of Preparation and comments received in response to the notice.

- d. The Mitigation Monitoring and Reporting Program.
  - e. Findings of Fact and Statement of Overriding Considerations.
  - f. Additions and corrections to the remaining portions of the Draft EIR that have been made pursuant to public comments received on the Draft EIR with responses to each comment made.
  - g. The Notice of Completion and Notice of Availability of the Draft EIR for public review.
  - h. Any other information added by the Lead Agency.
3. Certification of Compliance with CEQA. The City Council does hereby find that the EIR, including the Findings of Fact, the Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, has been prepared in accordance with the requirements of CEQA and the CEQA Guidelines.
4. EIR Certification. The City Council does hereby approve, certify, and adopt the following.
- a. Adopt Findings of Fact. The City Council hereby approves, accepts as it is shown, incorporates as if set forth in full herein, and makes each and every one of the findings contained in the Findings of Fact as set forth in Exhibit 4.
  - b. Certify Environmental Impact Report. The City Council hereby certifies that 1) the EIR has been completed in compliance with CEQA, 2) that it has reviewed and considered the information contained in the EIR prior to approving the project, and 3) that the EIR reflects the City Council's independent judgment and analysis.
  - c. Find Feasible and Binding Effect of Mitigation Monitoring and Reporting Program. As more fully identified and set forth in the Findings of Fact and EIR for this project, the City Council hereby finds that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.
  - d. Adopt Statement of Overriding Considerations. Even after the adoption of all feasible mitigation measures, certain significant or potentially significant environmental effects caused by the proposed modified project directly, or cumulatively, will remain. The proposed project has been carefully reviewed and the policies included in the proposed project along with the mitigation measures identified in the EIR have avoided or substantially lessened several environmental impacts, to the extent feasible. Nonetheless, the proposed project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts that have not been mitigated to an insignificant level. Therefore, the City Council hereby issues and approves a Statement of Overriding Considerations as set forth in Exhibit 4 which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City Council.

- e. Adopt Mitigation Monitoring and Reporting Program. As required by applicable State law, the City Council hereby adopts the Mitigation Monitoring and Reporting Program set forth in Exhibit 3 of this Resolution. The City Council finds that the Mitigation Monitoring and Reporting Program is designed to ensure that, during project implementation, the City and any other responsible parties implement the project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.
5. Custodian of Records. The City Clerk is recommended as the designated custodian of records for documents comprising the record of the proceedings upon which its decision is based. These documents are maintained at City Hall, located at 850 S. Madera Ave. Kerman, CA, 93630.
6. General Plan Consistency. The City Council finds that the public necessity, general welfare, good planning practices, public interest, and convenience warrant approval of General Plan Amendment 2023-03, including the following:
- a. The change is consistent with the General Plan goals and policies. The project site is currently planned for residential and commercial uses. The project requests an amendment to the General Plan and Zoning Map to increase the acreage of land designated for medium density and high-density residential uses, which requires a reduction in the acreage of land designated for commercial uses. The project would facilitate future residential and commercial development within an area with existing and planned residential, commercial, recreational, and public institutional uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.5 (High Density Residential Development Near Goods and Services), LU-1.6 (Agricultural Buffers), LU-3.2 (Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development), LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). Therefore, the change is consistent with the General Plan goals and policies.
  - b. The change is consistent with the purpose of the Zoning Ordinance to preserve and promote the public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. The project is currently planned for residential and commercial uses. The project requests an amendment to the General Plan to increase the acreage of land designated for medium density and high-density residential uses, which requires a reduction in the acreage of land designated for commercial uses. A rezone is also proposed to pre-zone the parcels to be annexed and rezone them to zoning districts consistent with the proposed land use designations. The proposed zoning districts are identified as compatible zoning districts for the proposed land use designations as shown in the General Plan. Future development proposed on the project site would be subject to compliance with the applicable standards and requirements of the Zoning Ordinance, standards which were adopted by the City to ensure preservation and promotion of public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. Further, the project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance.

Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with the purpose of the Zoning Ordinance.

c. There will not be significant effects upon the quality of the environment and natural resources.

Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level except for Agriculture (loss of farmland) and Hydrology (water supply). The City has carefully considered all the environmental impacts that have not been mitigated to an insignificant level and has prepared a Statement of Overriding Considerations which identifies the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City.

7. Approval of General Plan Amendment 2023-03. Given that all the findings can be made, the City Council adopts a resolution to amend the 2040 Kerman General Plan land use designations for two (2) parcels identified as Assessor’s Parcel Numbers (APNs) 020-120-29S (24.24 acres) and 020-120-30S (24.14 acres), resulting in an increase in land designed MDR – Medium density Residential from 35.88 acres to 38 acres and HDR – High Density Residential from zero (0) to four (4) acres, and a reduction in land designated GC – General Commercial from 12.50 acres to six (6) acres, totaling approximately 48.48 acres located on the northwest corner of North Del Norte Avenue and West Whitesbridge Road (State Route 180) (General Plan Amendment 2023-03) as set forth in Exhibit 1.
8. Effective Date of Resolution. This Resolution shall become effective immediately. The City Clerk shall certify the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman.

**I HEREBY CERTIFY** that the foregoing Resolution was approved at a regular meeting of the City of Kerman City Council on the 22<sup>nd</sup> day of January 2025, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

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Maria Pacheco, Mayor

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Josie Camacho, City Clerk

Exhibit '1': General Plan Amendment 2023-01

Exhibit '2': Environmental Assessment 2023-01

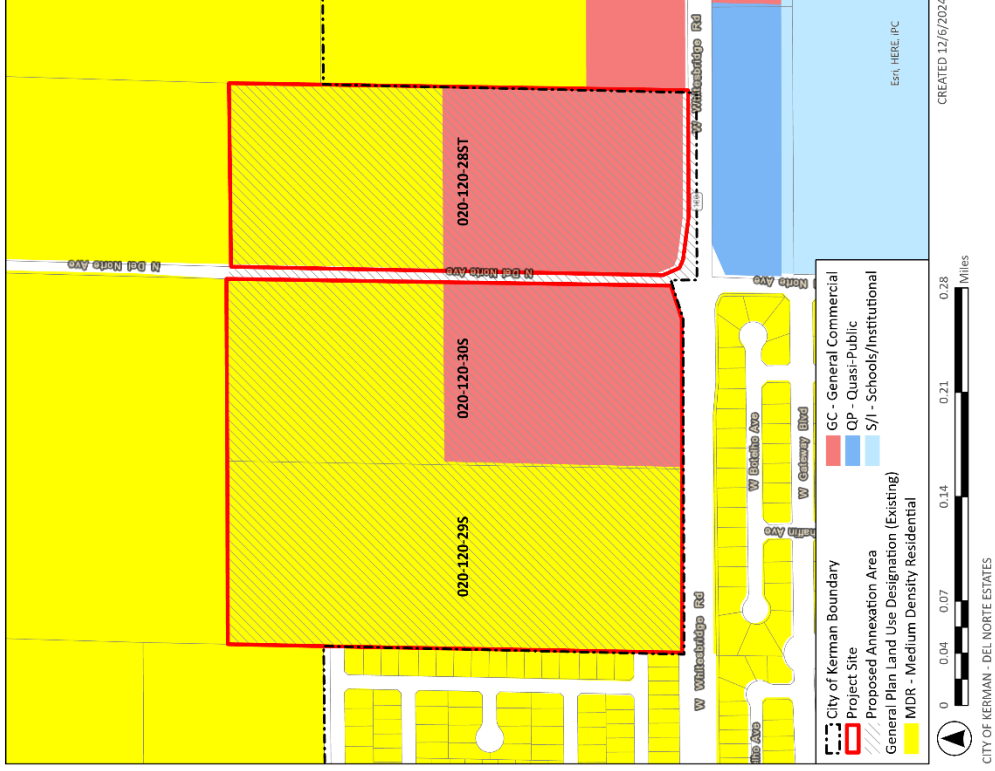
Exhibit '3': Mitigation Monitoring and Reporting Program

Exhibit '4': Statement of Overriding Considerations and Findings of Fact

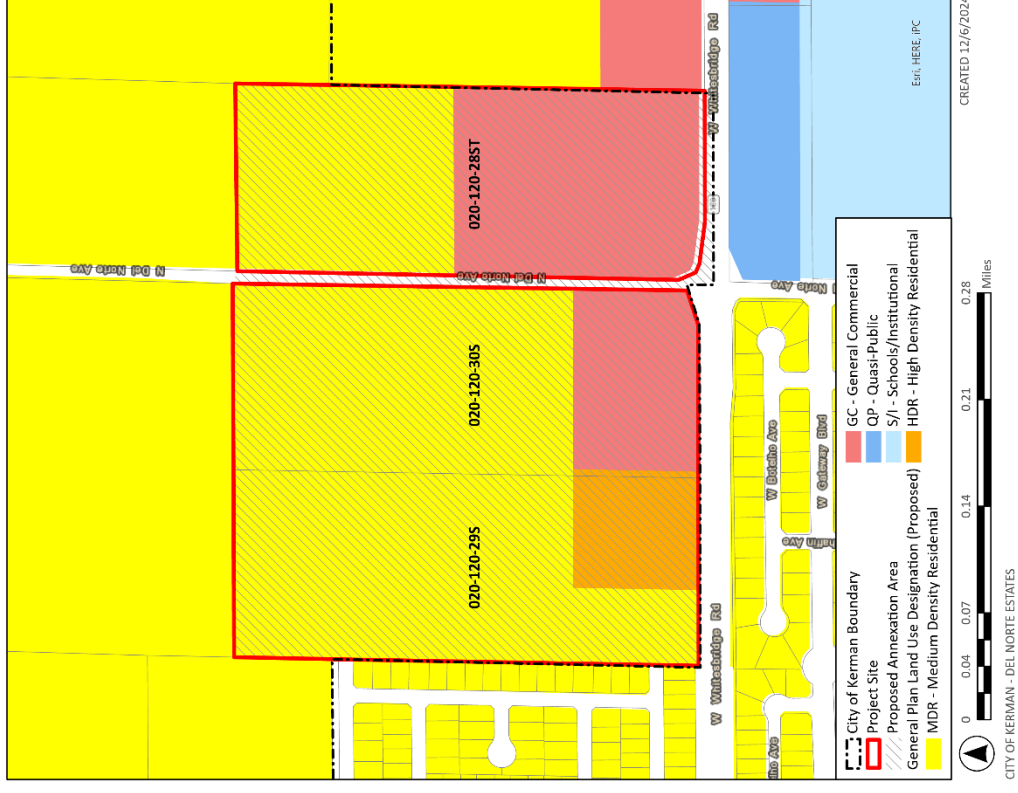
# Exhibit 1

## General Plan Amendment 2023-03

### Prior General Plan Land Use Designation



### New General Plan Land Use Designation





## **Exhibit 2**

### **Environmental Impact Report (Environmental Assessment 2023-08)**

The Environmental Impact Report (Environmental Assessment 2023-08) is posted on the City's Website under the Community Development Department, Planning Division, Planning Projects, 2024 Projects webpage at <https://www.cityofkerman.net/175/Planning-Projects>, and is available at the City Clerk's office at 850 S. Madera Avenue, Kerman, CA 93630.

### **Exhibit 3**

#### **Mitigation Monitoring and Reporting Program**

State law requires that the City of Kerman (Lead Agency) adopt a monitoring program for mitigation measures that have been incorporated into the approved project to reduce or avoid significant effects on the environment. The purpose of the monitoring program is to ensure compliance with environmental mitigation during project implementation and operation. Since there are potentially significant impacts requiring mitigation associated with the Del Norte Estates Project, a Mitigation Monitoring Program is included herein on the following pages.

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<b>Agricultural and Forestry Resources</b>				
<p><b>AG-1:</b> Reduce Conflicts Between Urban and Agricultural Uses</p> <p>In order to reduce potential conflicts between urban and agricultural uses, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>• Potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase / lease of property within the development.</li> <li>• A Right-to-Farm Covenant shall be recorded on each residential tract map or be made a condition of each tract map to protect continued agricultural practices in the area.</li> <li>• Potential residents shall be informed of the Right-to-Farm Covenant at the time of purchase / lease of property within the development.</li> </ul>	Project Applicant	Prior to issuance of grading or building permits	City of Kerman	
<b>Biological Resources</b>				
<p><b>BIO-1:</b> Protect Nesting Birds and Raptors</p> <p>Prior to ground disturbance or construction activities, the following measures shall be implemented:</p> <p><i>(Construction Timing).</i> If feasible, the project will be implemented outside of the avian nesting season, typically defined as February 1 to August 31.</p> <p><i>(Preconstruction Surveys).</i> If construction must occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active bird nests within 10 days prior to the start of construction. The survey area will encompass the site and accessible</p>	Project Applicant	Prior to issuance of grading or building permits	City of Kerman and CDFW	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>surrounding lands within ½ mile for nesting Swainson’s hawks, 500 feet for other nesting raptors (i.e., birds of prey), and 250 feet for nesting migratory birds.</p> <p><i>(Avoidance of Active Nests).</i> Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.</p>				

Cultural Resources

<p><b>CUL – 1:</b> In the event that historical or archaeological cultural resources are discovered during project construction-related activities, operations shall stop within 100 feet of the find, and a qualified archeologist shall determine whether the resource requires further study. The qualified archaeologist shall determine the measures that shall be implemented to protect the discovered resources including, but not limited to, excavation of the finds and evaluation of the finds in accordance with § 15064.5 of the CEQA Guidelines. Measures may include, but are not limited to, avoidance, preservation in-place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related activities within the project area shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified archaeologist.</p>	<p>Project Applicant</p> <p>Prior to issuance of grading or building permits / ongoing</p> <p>City of Kerman</p>
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Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
<p>The Lead Agency, along with other relevant or tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the Lead Agency.</p>	<p><b>CUL – 2:</b> In order to ensure that the proposed Project does not impact buried human remains during Project construction, the Project proponent shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, the Project proponent shall provide the City with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall be halted until the Fresno County coroner is contacted and the coroner has made the determinations and notifications required pursuant to Health and Safety Code Section 7050.5. If the coroner determines that Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c). In that event, the NAHC will conduct the notifications required by Public Resources Code Section 5097.98. Until the consultations described below have been completed, the landowner shall further ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices where Native American human remains are located, is not disturbed by further development activity until the landowner has discussed and conferred with the Most Likely Descendants on all reasonable options regarding the descendants' preferences and treatments, as prescribed by Public Resources Code</p>			

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
Section 5097.98(b). The NAHC will mediate any disputes regarding treatment of remains in accordance with Public Resources Code Section 5097.94(k). The landowner shall be entitled to exercise rights established by Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable.				

### Geology and Soils

**GEO – 1** In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley RWQCB. If earth disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion related impacts. Additional erosion control measures may be implemented in consultation with the City of Kerman. Prior to the issuance of any permit, the Project proponent shall submit detailed plans to the satisfaction of the City of Kerman. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by the City of Kerman. Erosion control measures may include, but not be limited to, the following:

- Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;

Project Applicant	Prior to issuance of grading or building permits	City of Kerman
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Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<ul style="list-style-type: none"> <li>• Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;</li> <li>• Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;</li> <li>• Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and</li> <li>• Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures.</li> </ul>				
<b>Hazards and Hazardous Materials</b>				
<b>HAZ-1</b> Prior to the issuance of grading or building permits, the Project proponent shall conduct a subsurface investigation of the Project site to evaluate the potential for residual concentrations above established thresholds of agricultural chemicals on the site. If remedial action is required, the Project will be responsible for cleanup and any remedial actions in accordance with current rules, regulations and guidelines. Evidence of compliance shall be submitted to the City of Kerman Community Development Department.	Project Applicant	Prior to issuance of grading or building permits	City of Kerman	
<b>HAZ – 2</b> Prior to the issuance of grading or building permits, the Project proponent or contractor shall properly dispose of the following: existing gasoline and diesel aboveground storage tanks; existing water well; and existing septic system on site in accordance with current rules, regulations and guidelines. Evidence of compliance shall be submitted to the City of Kerman Community Development Department.	Project Applicant	During construction	City of Kerman	



Mitigation Measure		Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<b>Noise</b>					
<b>NOI - 1:</b> Noise levels from new commercial stationary noise sources may be effectively mitigated by incorporating appropriate noise mitigation measures into the project design that consider the geographical relationship between the noise sources of concern and potential receptors, the noise-producing characteristics of the sources and the path of transmission between noise sources and sensitive receptors. When specific uses within the study area are proposed that could result in a noise-related conflict between a commercial or other stationary noise source and existing or proposed noise-sensitive receptor, an acoustical analysis shall be required by the City that quantifies project-related noise levels and recommends appropriate mitigation measures to achieve compliance with the City's noise standards.		Project Applicant	Prior to issuance of grading or building permits	City of Kerman	
<b>NOI - 2:</b> Noise levels from transportation noise sources may be effectively mitigated by incorporating noise mitigation measures into the project design that consider the geographical relationship between the noise sources of concern and potential receptors, the noise-producing characteristics of the sources and the path of transmission between noise sources and sensitive receptors. The calculations indicated that a sound wall along W. Whitesbridge Avenue (at the residential lots adjacent to the roadway) shall be constructed to a minimum height of seven-and-a-half (7.5) feet above project site grade, which would result in exterior noise levels of approximately 59 dB Ldn within the closest proposed backyards to W. Whitesbridge Avenue. It should be noted that the sound wall would be effective at first-floor receiver locations only. Second story residential buildings are prohibited for properties abutting Whitesbridge Avenue unless a sound study is provided to the City of Kerman demonstrating that the proposed design will not result in noise		Project Applicant	Prior to issuance of grading or building permits	City of Kerman	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>impacts exceeding 60 dB Ldn at any second-floor balconies facing the roadway. Evidence of compliance shall be submitted to the City of Kerman Community Development Department.</p> <p><b>NOI - 3:</b> The project shall implement the following measures pertaining to construction noise:</p> <ul style="list-style-type: none"> <li>Per the City of Kerman Code of Ordinances, construction activities shall not occur outside the hours of 7:00 a.m. to 10:00 p.m. unless otherwise authorized by the Code of Ordinances.</li> <li>All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source.</li> <li>Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor.</li> <li>All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses.</li> <li>Locate construction staging areas, to the extent possible, at the greatest possible distances from any noise-sensitive land uses.</li> <li>Signs shall be posted at the construction site and near adjacent sensitive receptors displaying hours of construction activities and providing a contact phone number of a designated noise disturbance coordinator.</li> </ul>	Project Applicant	During construction	City of Kerman and contractor	

## **Exhibit 4**

### **Findings of Fact and Statement of Overriding Considerations**

**City of Kerman**

**Del Norte Estates Project**

Facts, Findings, and Statement of Overriding Considerations  
Regarding the Environmental Effects from the  
Environmental Impact Report

State Clearinghouse # 2024031008

January 2025

# Table of Contents

FACTS, FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS.....	4
1.0 Introduction.....	4
2.0 Project Summary.....	4
2.1 Project Description.....	4
2.2 Project Location.....	4
2.3 Project Objectives.....	5
2.4 Actions Covered by the EIR.....	5
3.0 Environmental Review Process Summary; Content of EIR and Record.....	7
3.1 Notice of Preparation.....	7
3.2 Draft and Final EIR.....	8
3.3 Content of the EIR.....	9
3.4 Record of Proceedings.....	10
3.4 Public Hearings.....	11
4.0 Preliminary Findings.....	11
4.1 Lead Agency; Independent Judgment.....	11
4.2 Public Review Provided .....	11
4.3 Purpose of Errata and Corrections; Clerical Errors.....	12
4.4 Clerical Errors.....	12
4.5 Evaluation and Response to Comments.....	12
4.6 Recirculation of Final EIR Not Required .....	12
4.7 MMRP; Mitigation Measures .....	13
4.8 Substantial Evidence .....	14
4.9 Entirety of Action.....	14
4.10 Effect of Public Comments.....	14
4.11 Independent Review of Record.....	14
4.12 Adequacy of EIR to Support Approval of the Proposed Project .....	14
4.13 Project EIR Findings.....	15

5.0	ENVIRONMENTAL IMPACTS AND FINDINGS .....	15
5.1	Introduction.....	15
5.2	No Environmental Impacts.....	18
5.3	Less Than Significant Environmental Impacts .....	19
5.4	Less Than Significant Environmental Impacts With Mitigation.....	35
5.5	Environmental Impacts Not Fully Mitigated to a Less Than Significant Level .....	45
5.6	Alternatives .....	48
5.7	Growth Inducing Impacts .....	49
	Irreversible Environmental Changes .....	49
5.8	Statement of Overriding Considerations.....	50
6.0	Certification of the Final Environmental Impact Report.....	53
6.1	Findings.....	53
7.0	Adoption of Mitigation Monitoring and Reporting Program .....	54

# FACTS, FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

## 1.0 Introduction

The City Council of the City of Kerman (City), in approving the proposed Del Norte Estates Project (the Project or proposed Project), makes the Findings described herein and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Draft Environmental Impact Report (State Clearinghouse #2024031008) was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notice of Availability & Completion (NOA/NOC), Draft Environmental Impact Report (DEIR or Draft EIR), Appendices, Technical Studies, Final EIR containing Responses to Comments, and the Mitigation Monitoring and Reporting Program (MMRP) will be referred to collectively herein as the “EIR”. These Findings are based on the entire record before the City Council, including the EIR. The City Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the City.

## 2.0 Project Summary

### 2.1 Project Description

The proposed Project consists of entitlement and development of 48 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs. The proposed Project is proposing a General Plan Amendment, Rezone, Cancellation of a Williamson Act Contract, and Tentative Subdivision Map to accommodate the Project. The Project site and a 23 acre parcel to the east are proposed to be annexed into the City of Kerman.

### 2.2 Project Location

The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south. The site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres. The parcels are outside the City of Kerman



limits, but within the City's Sphere of Influence. The Project site and the adjacent 23-acre parcel to the east are proposed to be annexed into the City of Kerman. The Project site is located in an area with a mix of urban and rural residential, and agricultural areas. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east. The Project site itself consists of an almond orchard, a disked field, and a small residential area and has been used for agricultural purposes since at least 1998. The additional annexation area to the east of the Project site consists of orchard land.

## 2.3 Project Objectives

In accordance with CEQA Guidelines Section 15124(b), the following are the City of Kerman's Project objectives:

- To provide a mixed-use development at pricing appropriate for the market, in a growing area of the City of Kerman that satisfies the City of Kerman's policies, regulations and expectations as defined in the City's General Plan, Zoning Ordinance and other applicable plans, documents, and programs adopted by the City.
- To provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future demand for quality housing in the area.
- To provide a residential development that assists the City in meeting its General Plan and Housing Element requirements and objectives.
- To promote efficient use and accessibility of commercial development by focusing such uses along key locations and transportation corridors, such as State highway 180.

## 2.4 Actions Covered by the EIR

The City of Kerman will be the Lead Agency for the proposed Project, pursuant to the California Environmental Quality Act (CEQA). The Project will require the following approvals from the City of Kerman:

- Initiation of annexation from Fresno County into the City of Kerman
- General Plan Amendment
- Prezoning
- Approval of Tentative Subdivision Map
- Certification of the Project EIR (including adoption of Mitigation Monitoring and Reporting Program; Findings; and Statement of Overriding Considerations as may be appropriate)
- Encroachment Permits, Grading Permits, Building Permits

- Site Plan Review
- Development Agreement
- Williamson Act Contract Cancellation

#### *Other Public Agencies Approval and Consultation*

As mandated by CEQA Guidelines Section 15124(d), this section contains a list of agencies that are expected to use the EIR in their decision-making, and a list of the approvals for which the EIR may be used. These lists include information that is known to the Lead Agency. A range of responsible and trustee agencies may utilize this EIR in the review of subsequent implementation activities over which that may have responsibility. A responsible agency is a public agency which has discretionary review approval power over a project (CEQA Guidelines Section 15381). A trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state (CEQA Guidelines Section 15386). These responsible and trustee agencies may include, but are not limited to, the following:

- California Air Resources Board (CARB)
- California Department of Conservation
- California Department of Fish and Wildlife
- California Department of Forestry and Fire Protection
- California Department of Housing and Community Development
- California Department of Parks and Recreation
- California Department of Transportation (Caltrans)
- California Department of Toxic Substances Control
- California Public Utilities Commission
- California State Office of Historic Preservation
- California State Lands Commission
- California State Water Resources Control Board
- Central Valley Regional Water Quality Control Board
- County of Fresno
- Fire Districts (if applicable)
- Fresno County Transportation Authority
- Fresno Local Area Formation Commission
- Fresno Irrigation District (if applicable)
- Fresno County Mosquito and Vector Control District

- San Joaquin Valley Unified Air Pollution Control Agency
- Kerman Unified School District
- Kings River Conservation District
- Sewer Districts (Various)
- Water Districts (Various)
- U.S. Fish and Wildlife Service
- United States Army Corps of Engineers
- Any other Responsible or Trustee Agency that may need to provide discretionary approval

### 3.0 Environmental Review Process Summary; Content of EIR and Record

#### 3.1 Notice of Preparation

In accordance with CEQA, the City of Kerman circulated a Notice of Preparation (NOP) of a Draft EIR for the proposed Project from March 27, 2024 through April 29, 2024 to trustee and responsible agencies, the State Clearinghouse (SCH #2024031008), and the public.

Two agency comments on the NOP related to the EIR analysis were presented or submitted during the public review period. The letters are summarized as follows:

1. **California Department of Fish & Wildlife:** Provided regulatory and animal/plant species information about the specific site.
2. **Native American Heritage Commission:** Provided regulations pertaining to AB 52 and SB 18 regarding tribal consultation and cultural review.

These comment letters were identified and incorporated into the Draft EIR. In addition, pursuant to Section 15206 of the State CEQA Guidelines, the lead agency is required to conduct at least one scoping meeting for all projects of statewide, regional, or area-wide significance. The scoping meeting is for jurisdictional agencies and interested persons or groups to provide comments regarding (but not limited to) the range of actions, alternatives, mitigation measures, and environmental effects to be analyzed in the Draft EIR. The City of Kerman hosted a scoping meeting on April 3, 2024, which was during the 30-day public review period of the NOP.

### 3.2 Draft and Final EIR

#### *Draft EIR*

The Draft EIR was properly noticed and circulated for public review and comment for the required 45 days, from September 11, 2024 through December 9, 2024. The Notice of Availability was published in the newspaper. The Draft EIR and Appendices were sent to the State Clearinghouse for distribution and notices were mailed to adjacent landowners, local agencies and other interested individuals. The City received two comment letters on the Draft EIR. In addition, the City provided additional input on the Draft EIR traffic study via email.

#### *Final EIR*

The City received three comment letters on the Draft EIR. These letters and emails are reproduced in their entirety in Chapter Two of the Final EIR and responses are shown after each letter. The Final EIR allows the public and the City an opportunity to review revisions to the Draft EIR and the responses to comments received during the Draft EIR's public review period. The Final EIR serves as the environmental document to inform the City of the environmental consequences of the proposed Project, either in whole or in part, or one of the alternatives to the Project discussed in the Draft EIR.

As required by Section 15090(a)(1)-(3) of the CEQA Guidelines, a Lead Agency, in certifying a Final EIR, must make the following three determinations:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency's independent judgement and analysis.

As required by Section 15091 of the CEQA Guidelines, a public agency cannot approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale to reach findings supported by substantial evidence in the record. The possible findings are as follows:

1. Changes or alterations have been required in or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the approval. The Statement of Overriding Considerations must be supported by substantial evidence in the Lead Agency's administrative record. The Findings of Fact (Section 15091) and Statement of Overriding Considerations (Section 15093(b)) have been reviewed by the City Council and both contains the reasons supporting the approval and is supported by substantial evidence.

As part of the approval of the proposed Project, the City Council has also adopted a Mitigation Monitoring and Reporting Program (see Public Resources Code Section 21081.6).

### 3.3 Content of the EIR

The Del Norte Estates "EIR" is comprised of the following materials:

- The Final EIR including any attached appendices;
- The Draft EIR including attached appendices;
- The Notice of Preparation and comments received in response to the Notice of Preparation;
- The Mitigation Monitoring and Reporting Plan ("MMRP");
- Comments received on the Draft EIR with responses to each of the comments made;
- The Notice of Completion and Availability of the Draft EIR for public review; and
- Any other information added by the Lead Agency.

(All hereafter collectively referred to as the "EIR").

Documents that shall accompany and be part of the EIR are:

1. Findings of Fact; and
2. Statement of Overriding Considerations.

The EIR, is hereby incorporated by reference into these findings without limitation. This incorporation is intended to address the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project despite the potential for associated significant and unavoidable impacts.

### 3.4 Record of Proceedings

In accordance with CEQA Section 21167.6(e), the record of proceedings for the City's decision on the Project includes, without limitation, the following documents:

- The NOP and all other public notices issued by the City in conjunction with the scoping period for the Project;
- All comments submitted by agencies or members of the public during the scoping comment period on the NOP;
- The Draft EIR for the Project;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- Responses to agency comments on the Draft EIR (provided in the Final EIR);
- The Final EIR for the Project;
- Documents cited or referenced in the Draft and Final EIRs;
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project;
- The Notice of Completion and Availability of the Draft EIR for public review;
- All findings and resolutions adopted by the City in connection with the Project and all documents cited or referred to therein, including these findings;
- All reports, studies, memoranda, diagrams, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project up through final consideration of Project approval;
- All minutes and/or verbatim transcripts, as available, of all public meetings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such public meetings, and any other information added by the City as Lead Agency;
- Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the documents comprising the record of proceedings is the City of Kerman office, located at 850 S. Madera Ave., Kerman, CA 93630. All files have been available to the

Department and the public for review in considering these findings and whether to approve the Project.

### 3.4 Public Hearings

A duly noticed Scoping Meeting was held on April 3, 2024 and public hearings were held at City Planning Commission and City Council meetings.

## 4.0 Preliminary Findings

### 4.1 Lead Agency; Independent Judgment

The City of Kerman is the “Lead Agency” for the proposed Project and evaluated the EIR. The City retained the independent consulting firm of Crawford & Bowen Planning, Inc. to prepare the EIR for the Project. Crawford & Bowen prepared the EIR under the supervision, direction, and review of the City. The City has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project. The City finds it has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the proposed Project, that the Draft EIR was circulated for public review reflected its independent judgment, the Final EIR reflects the independent judgment of the City, and that the EIR reflects the independent judgment of the City.

### 4.2 Public Review Provided

The City Council finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the proposed Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.



### 4.3 Purpose of Errata and Corrections; Clerical Errors

Textual clarifications are sometimes needed to describe refinements suggested as part of the public participation process. The changes and modifications made to an EIR after the Draft EIR was circulated for public review and comment can be made under Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5 in the Final EIR.

### 4.4 Clerical Errors

The City recognizes that the EIR may contain clerical and/or typographical errors. The City reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

### 4.5 Evaluation and Response to Comments

The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides an adequate, good-faith and reasoned response to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the EIR.

### 4.6 Recirculation of Final EIR Not Required

The Final EIR presents the environmental information and analyses that have been prepared for the proposed Project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. The Final EIR, which includes the responses to comments, the Draft EIR, and the Mitigation, Monitoring, and Reporting Program, will be used by the Kerman Planning Commission and the City Council in the decision-making process for the proposed Project.

This Final EIR is an informational document intended to disclose to the decision makers of the City, and the public, the environmental consequences of approving and implementing the Project or one of the alternatives to the proposed Project, which are described in the Draft EIR. All written comments received during the public review period of the Draft EIR are addressed in the Final EIR.

The responses in the Final EIR clarify, correct, and/or amplify text in the Draft EIR. Therefore, no significant revisions have been made which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 (Recirculation of an EIR Prior to Certification). The Final EIR was prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000-21177).

#### 4.7 MMRP; Mitigation Measures

CEQA requires the Lead Agency approving a project to adopt a mitigation monitoring and reporting program (MMRP) or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City as adopted by the City serves that function. The MMRP includes all of the mitigation measures and Project design features adopted by the City in connection with the approval of the proposed Project and has been designed to ensure compliance with such measures during implementation of the proposed Project. In accordance with CEQA, the MMRP provides the means to ensure that the mitigation measures are fully enforceable.

Unless specifically stated to the contrary in these findings, it is this City Council's intent to adopt all mitigation measures recommended by the EIR that are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts the MMRP. The mitigation measures identified for the proposed Project were included in the Draft EIR and Final EIR to mitigate or avoid significant effects on the environment and has been designed to ensure compliance during Project implementation. As revised, the final mitigation measures for the proposed Project are described in the MMRP. Each of the mitigation measures identified in the MMRP is incorporated into the proposed Project and made a condition of approval for permits, required by agreement, or other measures to ensure the MMRP is fully enforceable. The City finds that the impacts of the proposed Project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP.

#### 4.8 Substantial Evidence

The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

#### 4.9 Entirety of Action

The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the proposed Project.

#### 4.10 Effect of Public Comments

The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any changes in the proposed Project in response to input from the community, include or constitute substantial evidence that would require recirculation of the EIR prior to certification of the EIR and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the EIR prior to its certification, and that the EIR need not be recirculated prior to its certification.

#### 4.11 Independent Review of Record

The City Council, after receiving a recommendation from the Planning Commission, certifies that the EIR has been completed in compliance with CEQA. The City Council has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By adopting these Findings, the City Council on behalf of the City confirms, ratifies, and adopts the findings and conclusions of the EIR as supplemented and modified by these Findings. The EIR and these Findings represent the independent judgment and analysis of the City and the City Council.

#### 4.12 Adequacy of EIR to Support Approval of the Proposed Project

The City certifies that the EIR is adequate to support all actions in connection with the approval of the proposed Project. The City Council certifies that the EIR is adequate to support approval of the proposed Project described in the EIR, each component and phase of the proposed Project described

in the EIR, any variant of the Project described in the EIR, any minor modifications to the proposed Project or variants described in the EIR, as well as all components of the proposed Project.

#### 4.13 Project EIR Findings

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the City makes the specific findings required by CEQA with respect to each area of potential environmental impact as further set forth in this Section of these Findings. These Findings do not repeat the full discussions of environmental impacts, mitigation measures, and related explanations contained in the EIR. The City ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The City adopts the reasoning of the EIR, staff reports, and presentations provided by City staff and the independent consulting firm of Crawford & Bowen Planning, Inc., as may be modified by these Findings.

## 5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

### 5.1 Introduction

City staff reports; the EIR; written and oral testimony at public meetings or hearings; these facts, findings, and statement of overriding considerations; and other information in the administrative record (as further defined above) serve as the basis for the City's environmental determination. Public Resources Code Section 21081 requires that the City Council make one of the following findings for each significant impact:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the EIR;
2. Those changes or alterations are within the purview and jurisdiction of another public agency, and such changes have been, or can and should be adopted by that other agency; or
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

The same requirements for adopting these findings are also contained in CEQA Guidelines Section 15091(a). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, social and technological factors." By this document, the City Council

makes the findings required by Public Resources Code Section 21081 with regard to the proposed Project.

Additionally, Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." It also states, "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The three available findings under Section 21081 and Guideline Section 15091(a) allow an approving agency to specify, as to particular significant environmental impacts, whether the agency is (a) adopting mitigation measures recommended in an EIR; (b) identifying measures that lay outside its control but should be, or have been, adopted by another agency; or (c) identifying measures that are infeasible. For projects with EIRs that include numerous mitigation measures that are either infeasible or outside the approving agency's control, findings may be very lengthy, as they must explain, for example, why some measures are rejected as being infeasible. In contrast, where the approving agency chooses to adopt each and every mitigation measure recommended in an EIR, there would seem to be little point in repeated invoking, over many dozens of pages, the finding that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." Guideline Section 15091(a).

Where significant impacts are not avoided or significantly lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. CEQA Guidelines §§15093, 15043(b).

The findings below are the City Council's best efforts to set forth the evidentiary and policy bases for its decision to approve the proposed Project in a manner consistent with the requirements of CEQA. These findings are not merely informational but, rather, constitute a binding set of obligations that come into effect with the City Council's approval of the proposed Project. The City Council adopts these findings for the entirety of the actions described in these findings and in the Final EIR.

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, based on the substantial evidence the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines.

1. Findings regarding the environmental review process and the contents of the Final EIR.

2. Findings regarding the environmental impacts of the proposed Project and the mitigation measures (General Plan policies, etc.) for those impacts identified in the Final EIR and incorporated into the Project.
3. Findings regarding alternatives and the reasons that such alternatives are rejected.
4. Statement of Overriding Considerations determining that the benefits of implementing the proposed Project outweigh the significant and unavoidable environmental impacts that will result and therefore justify approval of the proposed Project despite such impacts.
5. Findings regarding the Mitigation Monitoring and Reporting Program.

The City Council of the City of Kerman certifies that these findings are based on its full appraisal and consideration of all viewpoints expressed in written correspondence and testimony regarding the proposed Project, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The City Council adopts the findings and the statement of overriding considerations for the approvals that are set forth below.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Chapter 3, Environmental Setting, Impacts and Mitigation of the Draft EIR. Responses to comments on the Draft EIR, along with copies of the comments, are provided in Chapter Two of the Final EIR.

The EIR evaluated 20 major environmental categories for potential impacts as outlined in Appendix G of the *CEQA Guidelines*. Of these 20 major environmental categories, this City Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Subsection 5.2, Subsection 5.3, and Subsection 5.4, below are either no impacts, less than significant without mitigation, or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Subsection 5.5, overriding considerations exist that make these potential impacts acceptable to this City Council.

## 5.2 No Environmental Impacts

The City Council hereby finds, based upon substantial evidence in the record including the EIR and as discussed below, that the following potential environmental areas result in no impacts by the Project and no mitigation is necessary or required.

### **Agriculture and Forestry Resources**

**Impact 3.2-3:** The Project would not conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or timberland zoned Timberland Production (as defined by Government Code section 51104(g)), OR result in the loss of forest land or convert forest land to non-forest use.

**Facts and Findings:** The Project is not zoned for forestland, timberland, or timberland zoned Timberland Production and does not propose any zone changes related to forest or timberland. No loss of forest land would occur, and no conflicts with forest land zoning would occur. As such, there are no impacts related to this topic.

### **Biological Resources**

**Impact 3.4-4:** The proposed Project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance OR conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

**Facts and Findings:** No trees or biologically sensitive areas will be impacted and there is no adopted Habitat Conservation Plan, Natural Communities Conservation Plan or other approved local, regional, or state habitat conservation plan that has been adopted in the area. There is no impact.

### **Geology And Soils**

**Impact 3.7-5:** The Project site does not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

**Facts and Findings:** The proposed Project will connect to the City's wastewater/sewer system. The Project does not include the construction, replacement, or disturbance of septic tanks or alternative wastewater disposal systems. Therefore, there is no impact.



## **Hazards and Hazardous Materials**

**Impact 3.9-5:** The Project is not located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area.

**Facts and Findings:** The nearest public airport is the Fresno Chandler Executive Airport, approximately 13.45 miles east of the Project site Fresno Yosemite International Airport is located approximately 19.4 miles to the east. There are no public or private airport land use plans that are applicable to the Project.

## **Mineral Resources**

**Impact 3.12-1:** The Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state OR a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

**Facts and Findings:** There are no known mineral resources within the proposed Project area and as such, no loss of availability to known mineral resources would occur as a result of proposed Project development. There would be no impacts.

## 5.3 Less Than Significant Environmental Impacts

The City Council hereby finds, based on substantial evidence in the record including the EIR and as noted below, that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of mitigation measures.

### **Aesthetics**

**Impact 3.1-1:** The Project will not have a substantial adverse effect on a scenic vista.

**Facts and Findings:** There are no established scenic vistas in the area. Thus, the impact is less than significant and no mitigation is required.

**Impact 3.1-2:** The Project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

**Facts and Findings:** There are no established scenic resources such as rock outcroppings or scenic highways in the Project area. Thus, the impact is less than significant and no mitigation is required.

**Impact 3.1-3:** In non-urbanized areas, the Project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from a publicly accessible vantage point.) The project would not conflict with applicable zoning and other regulations governing scenic quality.

**Facts and Findings:** The improvements such as those proposed by the Project are typical of City urban areas and are generally expected from residents of the City. The proposed Project would be similar in visual appearance to existing developments found throughout the City. Therefore, the impact is determined to be less than significant.

**Impact 3.1-4:** The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

**Facts and Findings:** An incremental increase in the amount of daytime glare created can be expected, but substantial increases would not be likely. Nighttime lighting would increase with a greater number of lighting sources to the extent that significant impacts from nighttime glare increases would be expected. However, compliance with the City's General Plan Policies as well as applicable ordinances related to lighting and glare will help ensure that impacts remain less than significant and no mitigation is required.

### **Agricultural and Forestry Resources**

**Impact 3.2-4:** The Project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

**Facts and Findings:** The requested General Plan Amendment and annexation is site specific and does not apply to any properties other than the proposed Project site. Therefore, it is unlikely that the Project would result in the conversion of other farmland or forest land.

## **Air Quality**

**Impact 3.3-1:** The Project would not conflict with or obstruct implementation of the applicable air quality plan.

**Fact and Findings:** The proposed Project would comply with all applicable ARB and SJVAPCD rules and regulations. Therefore, the Project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan with regards to this criterion. The Project's regional operational emissions would not exceed any applicable SJVAPCD thresholds prior to the incorporation of mitigation measures (see Impact 3.3-2). Therefore, the Project would be considered consistent with the existing AQPs.

**Impact 3.3-2:** Would the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

**Fact and Findings:** The proposed Project would incorporate design features and required mitigation measures that reduce air quality impacts. In addition, regulations adopted by the SJVAPCD and the State of California provide emission reductions that would align with requirements of the mitigation measures included in the EIR and relevant General Plan policies. For example, Rule 9510 ISR, adopted in 2006, requires projects subject to the Rule to reduce operational NO<sub>x</sub> emissions by 33 percent and PM<sub>10</sub> emissions by 50 percent through the implementation of design features or payment of off-site mitigation fees. Rule 4901 regulates the installation of wood burning devices in project residences. Rule 9401 Employee Trip Reduction requires large employers to prepare plans to reduce employee trips with measures listed in the mitigation measure, among others. Title 24 Building Energy Efficiency Standards are updated every three years and require increasingly stringent energy efficiency measures over time. Solar panels continue to be required under 2022 Title 24 standards that became effective on January 1, 2023. Individual development projects will be subject to the most recent Title 24 in effect at the time that building permits are issued, which will ensure that building energy consumption would not be wasteful or inefficient. The buildout of the proposed project would provide future residents, visitors, and employees connectivity within the project site and to adjoining land uses through pedestrian and bicycle connections. The proximity of the proposed new development to existing buildout in the City of Kerman, coupled with the design features of the proposed project, would improve mobility and connectivity within the project area. Overall, the proposed project would create a considerable amount of internal capture between its components to reduce VMT compared to the same level of development built with land uses geographically separated from each other.

**Impact 3.3-3:** The Project would not expose sensitive receptors to substantial pollutant concentrations.

**Fact and Findings:** The proposed Project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant. The Project is not a significant source of TAC emissions during construction or operation. The Project is not in an area with suitable habitat for Valley fever spores and is not in an area known to have naturally occurring asbestos. Therefore, the Project would not result in significant impacts to sensitive receptors.

**Impact 3.3-4:** The Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

**Fact and Findings:** Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The proposed Project is not anticipated to facilitate any development projects that engage in any of these activities. Therefore, the proposed Project would not be considered a generator of objectionable odors during operations.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the immediate area where construction would be occurring. Therefore, potential for odor impacts from construction of development of the proposed Project would be less than significant.

## **Biology**

**Impact 3.4-2:** The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service, or have a substantial adverse effect on federally or state-protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

**Fact and Findings:** The proposed Project site does not support any sensitive natural communities. No riparian habitat, wetlands or other sensitive natural community is present and the site does not overlap critical habitat. Additionally, the Project site does not have any riparian habitat or other sensitive natural communities that are identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

## **Energy**

**Impact 3.6-1:** The Project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

**Facts and Findings:** The Project would result in less than significant impacts, and it would not result in the wasteful, inefficient, or unnecessary use of energy due to Project design features that will comply with the City's design guidelines and regulations that apply to the Project, such as Title 24 Building Energy Efficiency Standards and the California Green Building Standards Code that apply to commercial and residential buildings. The installation of solar panels required by 2022 Title 24 standards is required for most residential development. Furthermore, various federal and state regulations, including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program, would serve to reduce the transportation fuel demand by the Project.

With the adherence to the increasingly stringent building and vehicle efficiency standards as well as implementation of the Project's design features that would reduce energy consumption, the proposed Project would not result in the wasteful or inefficient use of energy. As such, the Project would not result in a significant environmental impact, due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

**Impact 3.6-2:** The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

**Facts and Findings:** The proposed Project is consistent with applicable plans and policies and would not result in wasteful or inefficient use of nonrenewable energy sources; therefore, impacts would be less than significant.

## **Geology And Soils**

**Impact 3.7-1:** The Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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

iii. Seismic-related ground failure, including liquefaction?

iv. Landslides?

**Facts and Findings:** The proposed project site is not located in an earthquake fault zone as delineated by the 1972 Alquist-Priolo Earthquake Fault Zoning Map Act. The nearest known potentially active fault is the San Andreas Fault, located over sixty miles west of the site. No active faults have been mapped within the project boundaries, so there is no potential for fault rupture. It is anticipated that the proposed Project site would be subject to some ground acceleration and ground shaking associated with seismic activity during its design life. The proposed Project site would be engineered and constructed in strict accordance with the earthquake resistant design requirements contained in the latest edition of the California Building Code (CBC) for seismic zone II, as well as Title 24 of the California Administrative Code, and therefore would avoid potential seismically induced hazards on planned structures.

**Impact 3.7-3:** The Project is not located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

**Facts and Findings:** The proposed Project would be located on soils that exhibit low to moderate potential for liquefaction during an earthquake, and the potential for lateral spreading, subsidence, or collapse to occur is considered low. The site would be designed in accordance with engineering design standards and structural improvement requirements to withstand the effects of soil settlement and collapsible soils. Engineered compacted fill would likely be used during construction in accordance with building code requirements, which would reduce the potential for lateral spreading of soils from Project construction. Therefore, with foundation and structural design in accordance with the City of Kerman and current California Building Code standards, ground shaking impacts on the proposed Project area would be less than significant.

**Impact 3.7-4:** The Project is not located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

**Facts and Findings:** With foundation and structural design in accordance with the City of Kerman and current California Building Code standards, impacts from expansive soil on the proposed Project would be less than significant.

## **Greenhouse Gas Emissions**

**Impact 3.8-1:** The Project would not generate direct or indirect greenhouse emissions that would result in a significant impact on the environment.

**Facts and Findings:** The Project would not conflict with relevant 2022 Scoping Plan actions or strategies that aim to achieve the State’s climate target of reducing anthropogenic emissions to 85 percent below 1990 levels and achieving carbon neutrality by 2045.

The 2017 Scoping Plan provides an intermediate target that is intended to achieve reasonable progress toward the 2050 target. In addition, the 2022 Scoping Plan outlines objectives, regulations, planning efforts, and investments in clean technologies and infrastructure that outlines how the State can achieve carbon-neutrality by 2045. Accordingly, taking into account the proposed Project’s design features (including strategically planning new mixed-use development in such a way that minimizes VMT) and the progress being made by the State towards reducing emissions in key sectors such as transportation, industry, and electricity, the proposed project would be consistent with State GHG Plans and would further the State’s goals of reducing GHG emissions 40 percent below 1990 levels by 2030, carbon neutral by 2045, and 80 percent below 1990 levels by 2050, and does not obstruct their attainment. Impacts are less than significant.

**Impact 3.8-2:** The Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

**Facts and Findings:** The City of Kerman has not adopted a GHG reduction plan. In addition, the City has not completed the GHG inventory, benchmarking, or goal-setting process required to identify a reduction target and take advantage of the streamlining provisions contained in the CEQA Guidelines. The SJVAPCD has adopted a Climate Action Plan, but it does not contain measures that are applicable to the project. Therefore, the SJVAPCD Climate Action Plan cannot be applied to the project. Since no other local or regional Climate Action Plan is in place, the project is assessed for its consistency with ARB’s adopted Scoping Plans. This assessment is included under Impact GHG-1 in the Draft EIR. As demonstrated in the analysis contained under Impact GHG-1, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce the emissions of greenhouse gases.



## **Hazards and Hazardous Materials**

**Impact 3.9-3:** The Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

**Facts and Findings:** Upon Annexation and approval of entitlements, the proposed site will be located within the Kerman Unified School District. Kerman High School is located approximately 0.18 miles south of the site, and Enterprise Continuation High School located approximately 0.43 miles south.

Project construction would involve the use of diesel-fueled vehicles and equipment that emit diesel particulate matter (DPM), which is considered a toxic air contaminant (TAC). The SJVAPCD's 2015 GAMAQI does not currently recommend analysis of TAC emissions from Project construction activities, but instead focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years.

The Project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant, and the Project is not a significant source of TAC emissions during construction or operation. Therefore, the Project would not result in significant impacts to sensitive receptors such as schools.

Based on the proposed Project description of a mixed use residential and commercial development, it is not reasonably foreseeable that the proposed Project will cause a significant impact by emitting hazardous waste or bringing hazardous materials within one-quarter mile of an existing or proposed school. Residential and general commercial developments typically do not generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials.

**Impact 3.9-4:** The Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

**Facts and Findings:** The proposed Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Geotracker and DTSC EnviroStor databases). The proposed site was not identified within the GeoTracker Database. The Database did not identify any PUST facilities, or open LUST / SLIC cases in the search radius of this report (GeoTracker, 2024). There are no locations listed within a quarter-mile radius of the site. According to the Envirostor database, there are no waste facilities or site cleanup facilities located on the proposed

site. There has been one School Investigation listed approximately 700 feet east of the site, Kerman Proposed Elementary School & High School Athletic Facilities, with a status of 'No Further Action'.

**Impact 3.9-6:** The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**Facts and Findings:** The overall layout of the proposed Project is block form, with shortened roadway lengths and a cul-de-sac in order provide limited thru-traffic and to create a walkable urban environment. The residential site has been designed with four points of ingress and egress. Additional access points will be provided for the commercial uses. The City of Kerman has reviewed the Project layout and street configuration and has determined that the Project would not inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities and as such, the Project would not interfere with the City's adopted emergency response plan.

**Impact 3.9-7:** The Project would not expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.

**Facts and Findings:** According to CalFire's Local Responsibility Area map, no land within or adjacent to the Project site or the City of Kerman designated as a High or Very High Fire Hazard Severity Zone. Additionally, according to Fresno County's Wildfire Severity Zones map, the City of Kerman is not located in a Moderate, High, or Very High Severity zone. The MJHMP notes that as development continues throughout the County planning area, especially in the wildland-urban interface, such as the City of Kerman, the risk and vulnerability to wildfires will likely increase. Two fire safe councils have been created to address this increased wildfire threat in the wildland -urban interface: Highway 168 and Oak to Timberline fire safe councils.

There are no other factors of the proposed Project or the surrounding area that would exacerbate wildfire or the uncontrolled spread of a wildfire.

## **Hydrology and Water Quality**

**Impact 3.10-2:** The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin (Less than significant at project level only, cumulative impact is significant and unavoidable. See Section 5.5).

**Facts and Findings:** Since the City's 2020 UWMP has projected sufficient reasonably available volumes of water and because the Project is within the population growth assumptions (and associated water availability) identified in the City's 2020 UWMP, there is sufficient water to serve the Project on an on-going basis. The proposed Project will be required to pay water impact fees based on projected impacts from the development. In addition, in order to reduce demands on the groundwater system, the Project will be required to comply with several existing standards. The impact is determined to be less than significant. The less than significant determination is for project level only, the cumulative impact is significant and unavoidable. See Section 5.5.

**Impact 3.10-4:** The Project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

**Facts and Findings:** The Project site is designated Flood Insurance Rate Map Zone "X" (outside the 500-year flood zone). Urban development is allowed under this flood zone. The site has been designed with adequate storm drain capacity, and compliance with the requirements for SWPPP and BMPs will ensure that risk of release of pollutants due to project inundation is less than significant. The site is also located more than 75 miles from the nearest ocean that could cause a tsunami and there are no bodies of water near the Project site that would represent any impacts related to seiche zones. Therefore, there is a less than significant impact related to flooding and related hazards.

**Impact 3.10-5:** The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

**Facts and Findings:** The City of Kerman, as a member of the North Kings Groundwater Sustainability Agency (GSA), will work with the GSA to implement the projects and management actions identified by the GSA. Upon Project approval and annexation into the City of Kerman, the Project will be subject to the requirements of the Sustainability Plan of the North Kings GSA. Therefore, the Project will not conflict with or obstruct a sustainable groundwater management plan.

## **Land Use and Planning**

**Impact 3.11-1:** The Project would not physically divide and established community.

**Facts and Findings:** The Project site is located in an area with a mix of urban and rural residential, and agricultural area. Residential subdivisions are located to the west and south of the site, agricultural

land to the east and north, and rural residences to the east. Because the Project would not physically divide an established community, the impact is determined to be less than significant.

**Impact 3.11-2:** The Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

**Facts and Findings:** The proposed Project is an appropriate use for the site, and as demonstrated in Table 3.11-2 of the Draft EIR, once annexed into the City, the Project will be consistent with the applicable objectives, goals and policies outlined in the City of Kerman General Plan. Implementation of these policies and measures will ensure that impacts remain less than significant.

## **Noise**

**Impact 3.13-2:** The Project would not lead to generation of excessive groundborne vibration or groundborne noise levels.

**Facts and Findings:** The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. None of these sources are anticipated from the Project site. It is unlikely that vibration from construction activities could be detected at the closest sensitive land uses. After full Project build out, it is not expected that ongoing operational activities will result in any vibration impacts at nearby sensitive uses. Any impacts would be less than significant and no mitigation is required.

**Impact 3.13-3:** The Project is not located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and the Project would not expose people residing or working in the project area to excessive noise levels.

**Facts and Findings:** The Project is not located within two miles of a public airport or private airstrip. The nearest public airport is the Fresno Chandler Executive Airport, approximately 13.45 miles east of the Project site. Fresno Yosemite International Airport is located approximately 19.4 miles to the east. The Project site is not within any airport land use plans and the Project would not expose people residing or working in the Project area to excessive airport-related noise levels.

## **Population and Housing**

**Impact 3.14-1:** The Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

**Facts and Findings:** The anticipated population and housing unit increase associated with the proposed Project is within the growth projections of the City's 2040 General Plan and the City's Housing Element. While other future residential developments are also likely to occur in the City, it is anticipated that the City can accommodate the Project and other residential developments in the City. The City's General Plan anticipates a population increase of 4,170 residents, with the total population of 19,650 by the 2040 General Plan buildout.<sup>1</sup> Given the City's current population (16,955 persons) and housing stock (4,880 units), the City could accommodate the proposed Project plus an additional 1,630 persons and 535 housing units according to the City's General Plan. Based on the City's General Plan, infrastructure planning documents, and the City's Housing Element, it is determined that the proposed Project will not induce unplanned population growth beyond that which can be accommodated by the City. It has been determined that the City has adequate capacity to serve the Project and therefore, the Project will have a less than significant impact occurring from inducement of unplanned population.

**Impact 3.14-2:** The Project will not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

**Facts and Findings:** The eastern parcel of APN 02012030S currently consists of rural residences in the northeastern portion which will be removed as part of the Project. The remaining Project site is currently undeveloped and contains no housing or structures. Thus, the proposed Project would not displace a significant number of existing housing units or people. There is a less than significant impact.

## **Transportation/Traffic**

**Impact 3.17-1:** The Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

**Facts and Findings:** All intersections currently operate at an acceptable level of service and are anticipated to do so through 2044, prior to and with the addition of Project traffic. Therefore, no

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<sup>1</sup> City of Kerman 2040 General Plan Draft EIR. Table 4.3-5.

intersection improvements are required. All roadway segments within the scope of the study currently operate at or above LOS C and are expected to continue to do so through the year 2044, prior to and with the addition of project traffic. Therefore, no roadway improvements are required. Therefore, the Project will result in less than significant impacts. The Project therefore will not conflict with the City's General Plan or other planning document addressing the circulation system.

**Impact 3.17-2:** The Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

**Facts and Findings:** The project results in a net decrease in total VMT. Therefore, the project is not expected to result in a significant transportation impact under CEQA and no mitigation is required.

**Impact 3.17-3:** The Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

**Facts and Findings:** The overall layout of the proposed Project is block form, with shortened roadway lengths and a cul-de-sac in order to provide limited thru-traffic and to create a walkable urban environment. The residential site has been designed with four points of ingress and egress. Additional access points will be provided for the commercial uses. All proposed internal roadways will be constructed to meet local and State standards and requirements. No sharp roadway curves currently exist in the proposed Project area, nor would such curves be created by the proposed Project. No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. There are no agricultural uses (such as farm equipment) associated with the Project. Access for emergency vehicles is adequate and available at the four points of ingress/egress (for the residential portion) and additional access points for the commercial portion of the Project. Any impacts would be less than significant.

### **Tribal Cultural Resources**

**Impact 3.18-1:** The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

**Facts and Findings:** Based on the results of the SSJVIC and NAHC records searches, the tribal outreach, the review of historical maps, and the Meyer et al. (2010) geoarchaeological sensitivity model, the APE appears to have low archaeological sensitivity. This impact is considered less than significant.

### **Utilities and Service Systems**

**Impact 3.19-1:** The Project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

**Facts and Findings:** The Project is proposing annexation into the City of Kerman. Once annexed, the Project site would be required to connect to water, stormwater, and wastewater services, and will require solid waste collection services. The City has reviewed the Project to determine adequate capacity in these systems and ensure compliance with applicable connection requirements. In addition to connections to water, stormwater, solid waste, and wastewater services, the Project would be served by PG&E for natural gas and electricity and by a private telecommunications provider for the Project site. Therefore, all wet and dry public utilities, facilities, and infrastructure are in place and available to serve the Project site without the need for relocated, new, or expanded facilities. While new utility and service connections would need to be extended to and from the Project site (e.g., water, sewer, stormwater, electrical), these new connections would not result in a need to modify the larger off-site infrastructure. Therefore, the proposed Project will not require or result in the relocation or construction of new or expanded water or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities that will result in environmental impacts that are not analyzed elsewhere in this document. Any impacts are less than significant.



**Impact 3.19-2:** The Project will have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (Less than significant at project level only, cumulative impact is significant and unavoidable. See Section 5.5).

**Facts and Findings:** Since the City's 2020 UWMP has projected sufficient reasonably available volumes of water and because the Project is within the population growth assumptions (and associated water availability) identified in the City's 2020 UWMP, there is sufficient water to serve the Project on an on-going basis. The proposed Project will be required to pay water impact fees based on projected impacts from the development. In addition, in order to reduce demands on the groundwater system, the Project will be required to comply with several existing standards. The impact is determined to be less than significant.

**Impact 3.19-3:** The Project will not result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

**Facts and Findings:** The Project would demand approximately 216,195 gallons of water per day. This estimate is inclusive of all water users and uses. If all of the water used by the Project resulted in discharge to the City's WWTP, this would account for approximately ten percent of the WWTP's daily capacity of 2.0 MGD. The City has reviewed the Project and has determined that it has adequate capacity to serve the Project's wastewater demands. In addition, the proposed Project will be required to pay wastewater impact fees based on projected impacts from the development. Therefore, the wastewater treatment plant would have the capacity to meet the wastewater generated from maximum buildout of the site and the Project's impacts on wastewater facilities would be less than significant.

**Impact 3.19-4:** The Project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

**Facts and Findings:** The City of Kerman's solid waste is primarily landfilled at the American Avenue Landfill in Tranquility. The landfill is permitted to accept 2,200 tons per day and has a permitted capacity of 29.3 million cubic yards. The original closure date was 2031; however, due to enhanced recycling efforts, particularly on the part of the City of Fresno, the closure date has been extended to 2050.

The proposed Project would be required to comply with all federal, State, and local regulations related to solid waste. Furthermore, the proposed Project would be required to comply with all standards



related to solid waste diversion, reduction, and recycling during project construction and operation. The proposed Project will comply with all federal, state and local statutes and regulations related to solid waste. As such, any impacts would be less than significant.

**Impact 3.19-5:** The Project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

**Facts and Findings:** The proposed Project would be required to comply with all federal, State, and local statutes and regulations related to the handling and disposal of solid waste and impacts would be less than significant.

## **Wildfire**

**Impact 3.20-1:** The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan, OR expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, as the Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones.

**Facts and Findings:** The proposed Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. Instead, the Project is located in an area developed with commercial, agricultural and residential uses, which precludes the risk of wildfire. The area is flat in nature which would limit the risk of downslope flooding and landslides, and limit any wildfire spread. The proposed Project does not require the installation or maintenance of associated infrastructure that would increase wildfire risk or result in impacts to the environment.

To receive building permits, the proposed Project would be required to be in compliance with the City's fire suppression requirements (e.g. adequate water pressure for fire suppression, location of fire hydrants, fire sprinklers in commercial facilities, etc.) and any adopted emergency response plan. As such, any wildfire risk to the project structures or people would be less than significant.

## 5.4 Less Than Significant Environmental Impacts With Mitigation

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects unless the public agency makes one or more of the following findings:

- Changes or alternations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The following issues from the environmental categories analyzed in the EIR were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. This City Council hereby finds, based on substantial evidence in the record including the EIR and as noted below, pursuant to Public Resources Code Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this City Council. Specific findings of this City Council for each category of such impacts are set forth in detail, below.

### **Biological Resources**

**Impact 3.4-1:** After mitigation, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

**Mitigation Measure:** BIO-1

**Facts in support of the Finding:** The project site has the potential to be used for nesting by a variety of birds and raptors protected by state and federal law. If project construction takes place during the nesting season, birds nesting on the site could be injured or killed by construction activities or

disturbed such that they would abandon their nests. Significant construction-related disturbance is also a possibility for birds nesting adjacent to the project site, potentially including the Swainson's hawk (*Buteo swainsoni*), a California Threatened species. Construction-related mortality of nesting birds and disturbance leading to nest abandonment would violate state and federal laws and constitute significant impacts of the project. Moreover, such incidents would violate the Migratory Bird Treaty Act, California Fish and Game Code, and, in the case of Swainson's hawk, the California Endangered Species Act.

Swainson's hawks are not expected to be adversely affected by project -related loss of habitat. Orchards are not suitable foraging habitat for Swainson's hawks and the loss of approximately 24 acres of disked field in an area with many more acres of similar or more suitable foraging habitat is unlikely to substantially adversely affect individuals or populations of this species. Therefore the loss of habitat on site is not considered to be a significant impact.

**Impact 3.4-3:** After mitigation, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

**Mitigation Measure:** BIO-1

**Facts in support of the Finding:** The proposed Project could impede the use of nursery sites for native birds protected under the MBTA and CFGC. Migratory birds could be expected to nest on and near the Project site. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment or loss of reproductive effort can be considered take under the MBTA and CFGC. Loss of fertile eggs or nesting birds, or any activities resulting in nest abandonment, could constitute a significant effect if the species is particularly rare in the region. Construction activities such as excavating, trenching, and grading that disturb a nesting bird on the Project site or immediately adjacent to the construction zone could constitute a significant impact. Mitigation Measure BIO-1 shall be required to reduce potential impacts to a less than significant level.

## **Cultural Resources**

**Impacts 3.5-1 and 3.5-2:** After mitigation, the Project would not cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5 OR cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

### **Mitigation Measure: CUL-1**

**Facts in support of the Finding:** According to the records search and site survey, there are no recorded cultural resources within the Project area. Project construction and operation would occur on existing disturbed lands (most recently in agricultural use); however, further disturbance associated with the Project could potentially discover buried sensitive historical, archaeological or cultural resources. This would be a potentially significant impact. However, mitigation measure CUL – 1 included herein will reduce the impact to a less than significant level.

**Impact 3.5-3:** After mitigation, the Project would not disturb any human remains, including those interred outside of formal cemeteries.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

### **Mitigation Measure: CUL-2**

**Facts in support of the Finding:** California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Although soil-disturbing activities associated with development in accordance with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that impacts to human remains would not be significant. Project development would occur on existing disturbed lands; however, further disturbance could potentially uncover human remains. This would be a potentially significant impact. However, mitigation measure CUL-2 included herein will reduce the impact to a less than significant level.

## **Geology and Soils**

**Impact 3.7-2:** After mitigation, the Project would not result in substantial soil erosion or the loss of topsoil.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

**Mitigation Measure:** GEO-1

**Facts in support of the Finding:** Construction activities associated with the Project involves ground preparation work for the proposed development of the site. These activities could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site. The Applicant and/or contractor would be required to employ appropriate sediment and erosion control Best Management Practices (BMPs) as part of a Stormwater Pollution Prevention Plan (SWPPP) that would be required and submitted to the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) in accordance with the National Pollution Discharge Elimination System (NPDES). In addition, soil erosion and loss of topsoil would be minimized through implementation of the San Joaquin Valley Air Pollution Control District (SJVAPCD) fugitive dust control measures. Once construction is complete, the Project would not result in significant soil erosion or loss of topsoil. Mitigation Measure GEO – 1 (requirement to prepare a SWPPP) will ensure that impacts remain less than significant.

**Impact 3.7-6:** After mitigation, the Project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

**Mitigation Measure:** CUL-1

**Facts in support of the Finding:** There are currently no unique geologic features located in the Project Area. While the discovery of paleontological resources within the Project footprint is considered unlikely, Project buildout would adhere to California Public Resources Code Section 21083.2 which requires all earth-disturbing work to be temporarily suspended or redirected until a qualified paleontologist has evaluated the nature and significance of the records, in accordance with federal, State, and local guidelines. In addition, Mitigation Measure CUL-1 would be implemented in the case of any inadvertent discoveries. With adherence to these regulatory requirements and measures, impacts would be less than significant with mitigation.

## **Hazards and Hazardous Materials**

**Impact 3.9-1:** After mitigation, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

**Mitigation Measure:** GEO-1

**Facts in support of the Finding:** Project construction activities may involve the use and transport of hazardous materials used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, State, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, the Project would be required to comply with Mitigation Measure GEO-1 which ensures the Project adhere to the National Pollutant Discharge Elimination System (NPDES) permit program through the submission and implementation of a Stormwater Pollution Prevention Plan during construction activities to prevent contaminated runoff from leaving the Project site. Therefore, after mitigation, no significant impacts would occur during construction activities.

The operational phase of the proposed Project would occur after construction is completed and residents move in to occupy the structures on a day-to-day basis. The proposed Project includes land uses that are considered compatible with the surrounding uses, including single and multi-family residential uses, commercial uses, and a stormwater basin. None of these land uses routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential and commercial hazardous materials such as cleaners, paint, petroleum products, etc. The proposed Project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials, nor would a significant hazard to the public or to the environment through the reasonably foreseeable upset and accidental conditions involving the likely release of hazardous materials into the environment occur.

Compliance with all federal, State and local regulations would ensure that the Project would not cause an adverse effect on the environment with respect to the use, storage, or disposal of general household and commercial hazardous substances generated from future development or uses. In addition, Mitigation Measure GEO – 1 (requirement for SWPPP and erosion BMPs) will ensure impacts remain less than significant.

**Impact 3.9-2:** After mitigation, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

**Mitigation Measure:** HAZ-1 and HAZ-2

**Facts in support of the Finding:** The Phase I revealed that gasoline and diesel aboveground storage tanks are present. Several containers of unidentified substances were observed. The subject property currently obtains water from a private well. Sanitary waste is discharged to three septic systems. The aboveground storage tanks should be removed and properly disposed of. Containers with unidentified substances should be identified and properly disposed of. The well and septic system represent pathways to the subsurface, and should the subject property be redeveloped, these should be properly abandoned.<sup>2</sup> Mitigation measure HAZ – 2 will be implemented to reduce this impact to a less than significant level.

Based on the presence of agricultural chemicals (RECs) and aboveground storage tanks (BERs), the project will be required to implement mitigation measures to reduce the impact to a less than significant level (See Mitigation Measures HAZ – 1 and HAZ – 2).

Based on the proposed Project description of a mixed use residential and commercial development, it is not reasonably foreseeable that the proposed Project will cause a significant impact by emitting hazardous waste or using hazardous materials. Residential and general commercial developments typically do not generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials.

## **Hydrology and Water Quality**

**Impact 3.10-1:** After mitigation, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

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<sup>2</sup> Phase I ESA (CREtelligent), October 2023, page 3.



**Mitigation Measures: GEO – 1.**

**Facts in support of the Finding:** The Project has the potential to impact water quality standards and/or waste discharge requirements during construction (temporary impacts) and operation (polluted stormwater runoff due to an increase in impervious surfaces and urban runoff).

The Project site is located within the Central Valley RWQCB and is subject to the applicable requirements of the Basin Plan administered by the RWQCB in accordance with the Porter-Cologne Water Quality Control Act. In accordance with the NPDES Stormwater Program, and as described in Section 3.6 - Geology and Soils of the Draft EIR, Mitigation Measure GEO – 1 ensures the Project will comply with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement. Implementation of Mitigation Measure GEO - 1 would ensure that the proposed Project would have a less than significant impact.

Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the RWQCB would ensure that wastewater discharges coming from the proposed Project site and treated by the WWTP system would not exceed applicable Central RWQCB wastewater treatment requirements. The Project will not result in a violation of any water quality standards or waste discharge requirements. Therefore, with mitigation, impacts result in a less than significant impact.

**Impact 3.10-3:** After mitigation, the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i. result in substantial erosion or siltation on- or offsite;
- ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
- iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- iv. impede or redirect flood flows?

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

**Mitigation Measures: GEO – 1.**

**Facts in support of the Finding:** Construction and long-term operations of the proposed Project could result in potential impacts to surface water quality from urban stormwater runoff. The proposed Project would result in new impervious areas associated with site improvements, including new asphalt, concrete and the proposed structures on site. In accordance with the NPDES Stormwater Program, and as described in the Section 3.6 - Geology and Soils of the Draft EIR, the Project will be required to comply with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement. Construction of the storm drain basin and implementation of Mitigation Measure GEO - 1 would ensure that the proposed Project would have a less than significant impact relative to this topic.

## **Noise**

**Impact 3.13-1:** After mitigation, the Project will not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

**Mitigation Measures:** NOI-1, NOI-2, and NOI-3

**Facts in support of the Finding:** Noise levels from new stationary noise sources associated with proposed commercial land uses within the project site could potentially impact both existing and proposed on-site sensitive receptors. The exact uses of the commercial component were not known at the time this analysis was prepared. Mitigation Measure NOI – 1 will be implemented to reduce this impact to a less than significant level.

A noise impact could occur if new proposed sensitive receptors (residential land uses) are located within the cumulative 60 dB Ldn traffic noise contours. Table 3.13-6 of the Draft EIR provides the setback distances from the centerline of Del Norte Avenue and Whitesbridge Avenue to the 60 dB Ldn exterior noise level contour. Based upon the project site plan and the analysis on traffic noise exposure levels, noise levels at the closest proposed residential lots to Whitesbridge Avenue would be expected to be approximately 68 dB Ldn (future 2044 traffic conditions) within individual backyards. Based upon the traffic noise analysis and the site plan, noise levels at the closest proposed residential land

uses to Del Norte Avenue would not be expected to exceed 60 dB Ldn. Mitigation Measure NOI – 2 will be implemented to reduce this impact to a less than significant level.

Finally, A noise impact could occur if construction activities occur outside of the allowable hours of construction and/or do not incorporate appropriate best management practices in regards to construction-related noise. Mitigation Measure NOI – 3 will be implemented to reduce this impact to a less than significant level.

## **Public Services**

**Impact 3.15-1:** The Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

**Finding:** Upon approval and annexation into the City, the City would provide public services to the Project. Potential impacts to public services are discussed individually by topic below.

**Mitigation Measure:** REC-1.

**Facts in Support of Finding:** The proposed Project does not trigger the need for a new fire station or expansion of existing facilities at this time. It is anticipated that the existing fire station, located approximately 0.5 miles to the southwest, can maintain current response times and can adequately serve the Project. Any future development of a fire station will require environmental review when it is proposed, and the environmental review will determine if there will be an adverse physical impact associated with its construction pursuant to CEQA. A new fire station is not proposed at this time, and the proposed Project would not directly result in the need for the construction of new fire facilities; thus, the Project will have a less than significant impact relative to construction of new fire protection facilities.

The proposed Project does not trigger the need for a new police station or expansion of existing facilities at this time. It is anticipated that the existing station, approximately one mile southeast of the Project site, can maintain the KPD's current response times and can adequately serve the Project. Any future development of a police station will require environmental review when it is proposed, and the environmental review will determine if there will be an adverse physical impact associated with its construction pursuant to CEQA. A new police station is not proposed at this time, and the proposed Project would not directly result in the need for the construction of new police facilities; thus, the

Project will have a less than significant impact relative to construction of new police protection facilities.

The proposed Project will be required to pay impact fees from new development based on the Developer Fee rates that are in place at the time payment is due. The payment amount is determined by the School District and the State Allocation Board who sets the maximum per-square-foot Level 1 school impact fees every two (even) years at its January meeting. Payment of the applicable impact fees by the Project applicant would fund capital and labor costs associated with providing school services to the Project. The Project will be required to pay its the school impact fee as a condition of approval. The impact fee amount will be the amount established by the School District and the State Allocation Board in place at the time of submittal of building permit applications. Thus, the impact is less than significant.

The total park and recreational space requirements at full build out of the Project would total at least 4.26 acres for approximately 1,065 residents. This ratio satisfies the City's requirement of 4.0 acres per 1,000 residents. The required parks / recreational acreage could be met through a combination of construction of 4.26 acres of parkland and/or payment of park impact fees to the City of Kerman. The impact fees would support future recreational facilities throughout the City that are consistent with the City's planned recreational projects. Therefore, with implementation of Mitigation Measure REC – 1, the Project will provide sufficient park and recreational facilities per the City's requirements and will not significantly increase the demand on existing parks and recreation facilities. Therefore, the impact is less than significant with mitigation.

## **Recreation**

**Impact 3.16-1:** the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated OR include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

**Finding:** Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

**Mitigation Measures:** REC-1.

**Facts in support of the Finding:** The total park and recreational space requirements at full build out of the Project would total at least 4.26 acres for approximately 1,065 residents. This ratio satisfies the City's requirement of 4.0 acres per 1,000 residents. The required parks / recreational acreage could be met through a combination of construction of 4.26 acres of parkland and/or payment of park impact

fees to the City of Kerman. The impact fees would support future recreational facilities throughout the City that are consistent with the City's planned recreational projects. Therefore, with implementation of Mitigation Measure REC – 1, the Project will provide sufficient park and recreational facilities per the City's requirements and will not significantly increase the demand on existing parks and recreation facilities. Therefore, the impact is less than significant with mitigation.

## 5.5 Environmental Impacts Not Fully Mitigated to a Less Than Significant Level

The City Council finds, based on substantial evidence in the record including the EIR and as noted below, the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures, as set forth below. The City also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given in the EIR and this Section of these Findings. In accordance with CEQA Guidelines Section 1092(b)(2), the City Council of the City of Kerman cannot approve the Project unless it first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein. Each potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations as described further in Section 5.8, and the City finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

### **Agriculture and Forestry Resources**

**Impact 3.2-1:** The Project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

**Finding:** There are no mitigation measures available that would reduce the impact resulting from loss of farmland on the Project site, thus the impact is significant and unavoidable.

**Mitigation Measures:** None.

**Facts in Support of the Findings:** The City has not yet developed an Agricultural Mitigation Program to which the Project could participate. The Lead Agency has considered mitigation through agricultural easements for the proposed Project. However, in a recent Court of Appeals decision, *King & Gardiner Farms v. County of Kern* (2020) 45 Cal. App. 5<sup>th</sup> 814, the Court found that a mitigation measure that requires a conservation easement over off-site farmland would not provide adequate mitigation for the loss of farmland that would result from the project. In the Court's findings, it was determined that conservation easements do not compensate for the impact of converting farmland to non-farmland use because the mitigation would not create new farmland that would offset the loss of converted farmland.

Under CEQA, mitigation measures are deemed effective if they will substantially lessen or minimize an environmental impact. In this case, since an agricultural conservation easement or payment of in-lieu fees wouldn't reduce the impacts associated with loss of farmland on the proposed Project site, an agricultural conservation easement or payment of in-lieu fees would not be considered "effective" mitigation.

In addition, neither the City nor the County of Fresno have a farmland mitigation or agricultural conservation easement program in which the proposed Project can participate. Absent such a City-wide or regional program, the City cannot impose mitigation in the form of agricultural easements or payment of in-lieu fees on a case-by-case basis. Thus, the City's finding is that the loss of farmland associated with the proposed Project will be a significant and unavoidable impact under CEQA and this Statement of Overriding Considerations has been prepared for consideration by the City as Lead Agency.

**Impact 3.2-2:** The Project would conflict with a Williamson Act contract.

**Finding:** There are no mitigation measures available that would reduce the impact resulting from loss of farmland on the Project site, thus the impact is significant and unavoidable.

**Mitigation Measures:** None.

**Facts in Support of the Findings:** As previously noted, the proposed 48-acre Project site contains land under Williamson Act Contract pursuant to Government Code Section 51200 et seq., AP-8116 and AP-8119, which will be cancelled or terminated as part of the Project. There are no Williamson Act Contracts on the adjacent 23-acres that are also being annexed. Canceling a Williamson Act contract can be an option pursuant to conditions set forth in Government Code Section 51280 et seq. In the alternative, the City may also exercise its decision to decline to succeed to certain qualifying contracts pursuant to Government Code Section 51243.5, resulting in the termination of the contract. Nevertheless, the Project site is currently under Williamson Act contracts and there is no feasible

mitigation measures available to reduce impacts associated with a project's conflict with an existing Williamson Act contract. Therefore, the proposed Project's conflicts with Williamson Act contracts would be significant and unavoidable.

### **Hydrology and Water Quality**

**Impact 3.10-2:** The Project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin (Less than significant at project level only, cumulative impact is significant and unavoidable).

**Finding:** There are no feasible mitigation measures to reduce the cumulative impact to a less than significant level.

**Facts in Support of the Findings:** With respect to water supplies, the City of Kerman is part of the North Kings Groundwater Sustainability Agency. The proposed Project, if approved, would then come under the jurisdiction and purview of the City of Kerman, which is subject to the GSA's Groundwater Sustainability Plan. The City of Kerman utilizes groundwater as its sole source of potable water. As identified herein, the City anticipates being able to provide adequate potable water to the City through the year 2045. However, development of the Project in combination with future projects within the Basin would increase the amount of overdraft in the Basin, which is already in a state of overdraft. Therefore, even with compliance with the GSP and implementation of water-reduction measures required by the City, the Project would result in cumulatively considerable and unavoidable significant impacts to groundwater supplies in the Basin.

### **Utilities and Service Systems**

**Impact 3.19-2:** The Project will have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years at the project level, but cumulative impacts are determined to be significant and unavoidable.

**Finding:** There are no feasible mitigation measures to reduce the cumulative impact to a less than significant level.

**Facts in Support of the Findings:** With respect to water supplies, the City of Kerman is part of the North Kings Groundwater Sustainability Agency. The proposed Project, if approved, would then come under the jurisdiction and purview of the City of Kerman, which is subject to the GSA's Groundwater Sustainability Plan. The City of Kerman utilizes groundwater as its sole source of



potable water. As identified herein, the City anticipates being able to provide adequate potable water to the City through the year 2045. However, development of the Project in combination with future projects within the Basin would increase the amount of overdraft in the Basin, which is already in a state of overdraft. Therefore, even with compliance with the GSP and implementation of water-reduction measures required by the City, the Project would result in cumulatively considerable and unavoidable significant impacts to groundwater supplies in the Basin.

## 5.6 Alternatives

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed Project that could feasibly attain most of the objectives of the proposed Project. The EIR analyzed the following alternatives:

- **No Project Alternative:** Under this Alternative, the Project would not be constructed and the site would remain as agricultural land.
- **Alternate Locations Alternative:** Under this Alternative, the Project would be developed on a different site of similar size and scale.
- **Reduced (50%) Project Alternative:** Under this Alternative, the site would be developed with reduced residential densities which would result in development of fewer number of units and a decrease in population as compared to the proposed Project. This alternative would keep the same acreage, but would reduce the number of units by 50%. All other project components, including overall acreage would remain (commercial, parks, etc.). This would result in larger lot sizes as compared to the proposed Project.

### **Environmentally Superior Alternative**

Because the No Project Alternative cannot be the Environmentally Superior Alternative under CEQA, the Reduced (50%) Project Alternative would be the Environmentally Superior alternative because it would result in less adverse physical impacts to the environment with regard to air, water, noise, public services, population/housing, utilities, and traffic. However, the Reduced (50%) Project Alternative does not eliminate the proposed Project's significant and unavoidable impacts associated with Agriculture - Loss of Farmland (project and cumulative) or Hydrology – Water Supply (cumulative only). Furthermore, the Reduced (50%) Project Alternative does not meet all the Project objectives, particularly with regard diversity of housing.

## Summary and Determination

Only the No Project and Reduced Project Alternatives could potentially result in fewer impacts than the proposed Project's impacts. These Alternatives however, would not meet the objectives of the proposed Project. After this full, substantial, and deliberate analysis, the proposed Project remains the preferred alternative.

### 5.7 Growth Inducing Impacts

CEQA Sections 15126 (d) and 15126.2(e) require that any growth-inducing aspect of a project be addressed in an EIR. This discussion includes consideration of ways in which the proposed Project could directly (e.g. construction of residential or commercial facilities) or indirectly (e.g. construction of oversized public utilities) result in physical impacts on the environment if the Project's construction or operation induces economic or population growth in the surrounding area, including an analysis of the infrastructure and planning changes necessary to accommodate any induced growth.

The proposed Project involves the establishment of a mixed-use development that is being proposed in response to the demand for housing and commercial facilities in the area. Upon approval, the Project would be consistent with the City of Kerman's General Plan and Zoning Ordinance and will connect to all existing City utility services. The anticipated population and housing unit increase associated with the proposed Project are within the growth projections of the City's General Plan. The proposed Project would create a relatively minor amount of new employment opportunities during construction and for the proposed commercial facilities associated with the Project. It is anticipated that those new employment opportunities associated with the Project would likely be filled by the existing employment base. There are no other indirect aspects of the Project (such as creation of oversized public utility lines, etc.) that would induce further growth in the area. The proposed Project would not result in significant growth-inducing impacts.

### Irreversible Environmental Changes

Section 15126(c) of the CEQA Guidelines requires that an EIR include a discussion of significant irreversible environmental changes that would result from project implementation. CEQA Section 15126.2(d) identifies irreversible environmental changes as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents.

Irreversible changes associated with the project include the use of nonrenewable resources during construction, including concrete, plastic, and petroleum products and renewable resources such as timber. To the extent nonrenewable uses are used during construction, the Project is being created to meet existing demand for housing and services in the City, which would lead to the

consumption of these resources elsewhere if the Project were not built. Therefore, the Project would not result in a new impact to nonrenewable resources. During the operational phase of the proposed Project, energy would be used for lighting, heating, cooling, and other requirements and petroleum products would be used by vehicles associated with the residents of the proposed development and the commercial facilities. The use of these resources would not be substantial, would not be inefficiently used, and would not constitute a significant effect. Refer to Section 3.6 – Energy of the Draft EIR for more information pertaining to the proposed Project’s energy use.

In the future, the site could be rezoned or redeveloped for a different use also allowed in the existing General Plan or Zoning Ordinance designations, in which case, at the end of the useful life of the Project, the use could change. Therefore, the Project would not commit future generations to a significant change in land use. This is in contrast to a large industrial use, where reuse for non-industrial uses likely would require extensive remediation, making such reuse difficult, or large infrastructure projects that are rarely moved or dismantled once constructed.

The proposed Project would not result in irreversible damage resulting from environmental accidents. The Project consists of a mixed-use residential and commercial development. None of these land uses routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential and commercial hazardous materials such as cleaners, paint, petroleum products, etc. Handling and use of hazardous materials and the disposal of the resulting hazardous wastes would be required to follow the applicable laws and regulations, as described in Section 3.9-1 – Hazards & Hazardous Materials of the EIR. As such, irreversible environmental accidents are unlikely.

## 5.8 Statement of Overriding Considerations

Public Resources Code Section 21081 mandates that no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the Project is approved or carried out unless the following occur:

- The public agency makes one or more of the following findings with respect to each significant impact:
  - Changes or alternatives have been required in, or incorporated into, the Project that mitigate or avoid the significant impacts on the environment.
  - Those changes or alternatives are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.
- With respect to the third point, the public agency finds that specific overriding economic, legal, social and technological, or other benefits of the Project outweigh the significant impact on the environment.

As discussed in Subsection 5.4, significant impacts were identified, but mitigation measures have been incorporated into the Project that mitigate or avoid the significant impacts on the environment. Additionally, as discussed in Subsection 5.5, there were significant and unavoidable impacts that could not be mitigated to a less than significant level.

Accordingly, the Kerman City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically for the following impact areas:

- **Agriculture & Forestry Resources** - Loss of farmland (project and cumulative level)
- **Hydrology & Water Quality** – Water supply (cumulative level only)
- **Utilities & Service Systems** – Water supply (cumulative level only)

The City Council hereby declares that, pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the Project against any significant and unavoidable environmental impacts in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable”.

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Subsection 5.5, herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not to be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they may not substantially reduce environmental impacts associated with the

Project, and would prohibit the realization of the Project objectives and/or specific economic, social, or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighted the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic, and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project reflects the stated vision, goals and objectives of the City of Kerman.
- The Project will ensure orderly development patterns to accommodate projected increases in population through buildout of the General Plan by providing strategic land use designations that avoid or minimize land use conflicts.
- The Project will provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future demand for quality housing in the area.
- The Project will maximize and broaden the City's sales tax base by providing local and regional tax-generating uses.
- The Project will improve and maximize economic viability of the Project site and area by providing strategic land use designations.
- The Project will provide a residential development that assists the City in meeting its General Plan and Housing Element requirements and objectives.

As the CEQA Lead Agency for the proposed action, the City of Kerman has carefully reviewed the Project and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this City Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. This City Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section 5.6, above, and finds that approval of the Project is appropriate.

In Section 5.8, the City Council has identified economic and social benefits and important policy objectives that will result from implementing the Project. The City Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this City Council finds that these specific overriding benefits of the Project outweigh the significant impact on the environment.

Public Resource Code 21002 provides, “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” Section 21002(c) provides, “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency”.

Finally, California Administrative Code, Title 4, 15093(a) states, “If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR, and finds those impacts to be acceptable.

## 6.0 Certification of the Final Environmental Impact Report

### 6.1 Findings

The City Council finds that it has reviewed and considered the EIR in evaluating the Project, that the EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines, and that the EIR reflects the independent judgment of the City Council. The City Council declares that no new significant information as defined by State CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the Draft EIR that would require recirculation. All of the information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an already adequate Draft EIR pursuant to State CEQA Guidelines Section 15088.5(b). The City Council hereby certifies the EIR based on the following findings and conclusions.

#### **CEQA Compliance**

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding

Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

### **Significant Unavoidable Impacts / Statement of Overriding Considerations**

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. As set forth in Section 5.5 of these Findings, the significant environmental impacts have been identified in the Final EIR and no feasible mitigation measures are available to reduce these impacts to a level of insignificance. The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

### **Conclusions**

All potentially significant environmental impacts from implementation of the Project have been identified in the EIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less than significant level, except for the impacts identified in Section 5.5, above. Other reasonable alternatives to the Project that could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project. Environmental, economic, social, and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further mitigation measures beyond those incorporated into the Project.

## **7.0 Adoption of Mitigation Monitoring and Reporting Program**

Pursuant to Public Resources Code Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the Mitigation Monitoring and Reporting Program (MMRP). In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.



## **ATTACHMENT H**

Rezone 2023-04

### **Ordinance No. 25-**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING REZONE 2023-04 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN FOR THREE (3) PARCELS IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-29S (24.24 ACRES), 020-120-30S (24.14 ACRES), AND 020-120-28ST (23.91 ACRES), PRE-ZONING THE PARCELS CONSISTENT WITH THE PROPOSED LAND USE DESIGNATIONS, RESULTING IN APPROXIMATELY 38 ACRES WITHIN THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 5,000 SQUARE FEET (SD-R-5.0), 10.96 ACRES WITHIN THE TWO-FAMILY RESIDENTIAL (R-2), FOUR (4) ACRES WITHIN THE MULTI-UNIT RESIDENTIAL (R-3), AND 18.95 ACRES WITHIN THE GENERAL COMMERCIAL (CG) ZONING DISTRICTS, TOTALING APPROXIMATELY 72.29 ACRES LOCATED ON THE NORTH SIDE OF WHITESBRIDGE ROAD (STATE ROUTE 180) BETWEEN NORTH SISKIYOU AVENUE AND NORTH MADERA AVENUE**

**WHEREAS**, Rezone-2023-04 pertains to three (3) parcels (APNs 020-120-29S, 020-120-30S, 020-120-28ST) consisting of approximately 72.29 acres located on the north side of Whitesbridge Road (State Route 180) between North Siskiyou Avenue and North Madera Avenue (“project site”), requesting to amend the Official Zoning Map of the City of Kerman; and

**WHEREAS**, the project site is located within the City of Kerman Sphere of Influence but since it is outside City limits, the site is zoned by the County and is within the County of Fresno's Agricultural Exclusive – 20 Acres (AE-20) and Limited Agricultural – 20 Acres (AL-20) zone districts; and

**WHEREAS**, because the project site is outside City limits, the project requires annexation and pre-zoning to a zone district consistent with the City of Kerman 2040 General Plan; and

**WHEREAS**, Rezone 2023-04 requests to pre-zone/rezone the three (3) parcels (APNs 020-120-29S, 020-120-30S, 020-120-28ST) to zoning districts consistent with the planned land use designations, upon approval of General Plan Amendment 2023-03; and

**WHEREAS**, the pre-zone/rezone would result in approximately 38 acres within the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (SD-R-5.0), 10.96 acres within the Two-Family Residential (R-2), four (4) acres within the Multi-Unit Residential (R-3), and 18.95 acres within the General Commercial (GC) zoning districts as shown in Exhibit 1; and

**WHEREAS**, approval of the project would require approval of Rezone 2023-04, General Plan Amendment 2023-03, Annexation 2023-04, and Tentative Subdivision Map 2023-04; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project and the project is in compliance with CEQA; and

**WHEREAS**, public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission completed its review of the Staff Report and documents submitted for the proposed project at a special meeting on December 16, 2024, and adopted a resolution with a recommendation to the City Council to approve Rezone 2023-04; and

**WHEREAS**, pursuant to the provision of Title 17 of the Kerman Municipal Code, the City of Kerman City Council held a public hearing on January 22, 2025 to consider Rezone 2023-04 during which the Council solicited public testimony, and considered the environmental assessment; and

**WHEREAS**, the City Council now desires to approve Rezone 2023-04 to amend the Official Zoning Map of the City of Kerman for three (3) parcels (APNs 020-120-29S, 020-120-30S, and 020-120-28ST), rezoning the parcels to SD-R-5.0, R-2, R-3, and CG zoning districts, consistent with the planned land use designations, upon approval of General Plan Amendment 2023-04.

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

1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
2. CEQA. The City Council previously certified the EIR (SCH No. 2024031008) for the project. The EIR identified the pre-zoning of the project site. The pre-zoning does not change the environmental assessment of the EIR. Further, the EIR was recently certified at the public hearing regarding the project. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the 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 project is undertaken which will require major revisions of the EIR 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 recommendation for certification that the project will have significant effect not discussed in the EIR. As such, the City Council finds Rezone 2023-04 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
3. Rezone Findings. The City Council finds as follows:
  - a. The change is consistent with the General Plan. The project site is currently planned for residential and commercial uses. The project requests an amendment to the General Plan and Zoning Map to increase the acreage of land designated for medium density and high-density residential uses, which requires a reduction in the acreage of land designated for commercial uses. The project would facilitate future residential and commercial development within an area with existing and planned residential, commercial, recreational, and public institutional uses. Through compliance with applicable development standards, environmental mitigation

measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.5 (High Density Residential Development Near Goods and Services), LU-1.6 (Agricultural Buffers), LU-3.2 (Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development), LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). Therefore, the change is consistent with the General Plan goals and policies.

b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community. The project requests to pre-zone the parcels to be annexed and rezone them to zoning districts consistent with the proposed land use designations. The proposed zoning districts are identified as compatible zoning districts for the proposed land use designations as shown in the General Plan. Future development proposed on the project site would be subject to compliance with the applicable standards and requirements of the Zoning Ordinance, standards which were adopted by the City to ensure preservation and promotion of public health, safety and welfare of the city and to facilitate growth and expansion of the city in a precise and orderly manner. Further, the project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with the purpose of the Zoning Ordinance.

c. There will not be significant effects upon the quality of the environment and natural resources. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level except for Agriculture (loss of farmland) and Hydrology (water supply). The City has carefully considered all the environmental impacts that have not been mitigated to an insignificant level and has prepared a Statement of Overriding Considerations which identifies the specific economic, legal, social, technological, and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City.

4. Approval of Rezone. Given that all the findings can be made, the City Council approves Rezone 2023-04 to amend the Official Zoning Map of the City of Kerman for three (3) parcels (APNs 020-120-29S, 020-120-30S, and 020-120-28ST), pre-zoning the parcels to SD-R-5.0, R-2, R-3, and CG zoning districts, consistent with the planned land use designations as set forth in Exhibit 1.
5. Severability: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more

sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

6. Certification: This ordinance shall be published in accordance with the provisions of Government Code Section 36933.
7. Effective Date of Ordinance: This ordinance shall be in full force and effect thirty (30) days after its passage.

The foregoing ordinance was introduced at a regular meeting of the City of Kerman City Council on the 22<sup>nd</sup> day of January, 2025, and passed and adopted at a regular meeting of the City Council on the 26<sup>th</sup> day of February, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

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Maria Pacheco, Mayor

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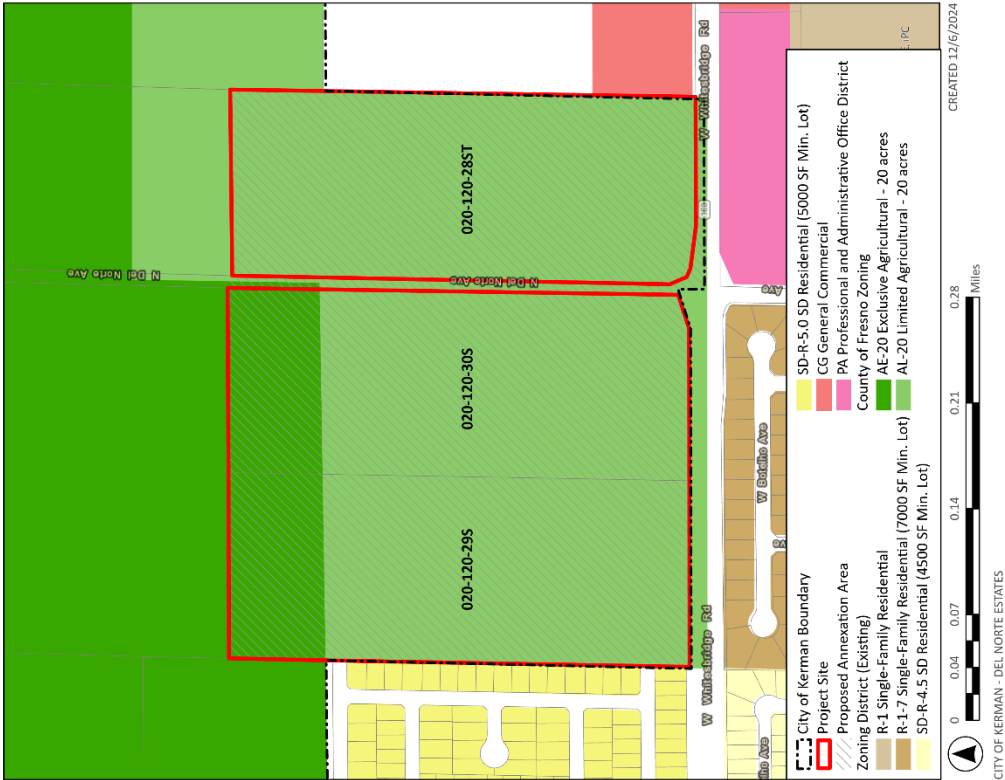
Josie Camacho, City Clerk

Exhibit '1': Rezone 2023-04

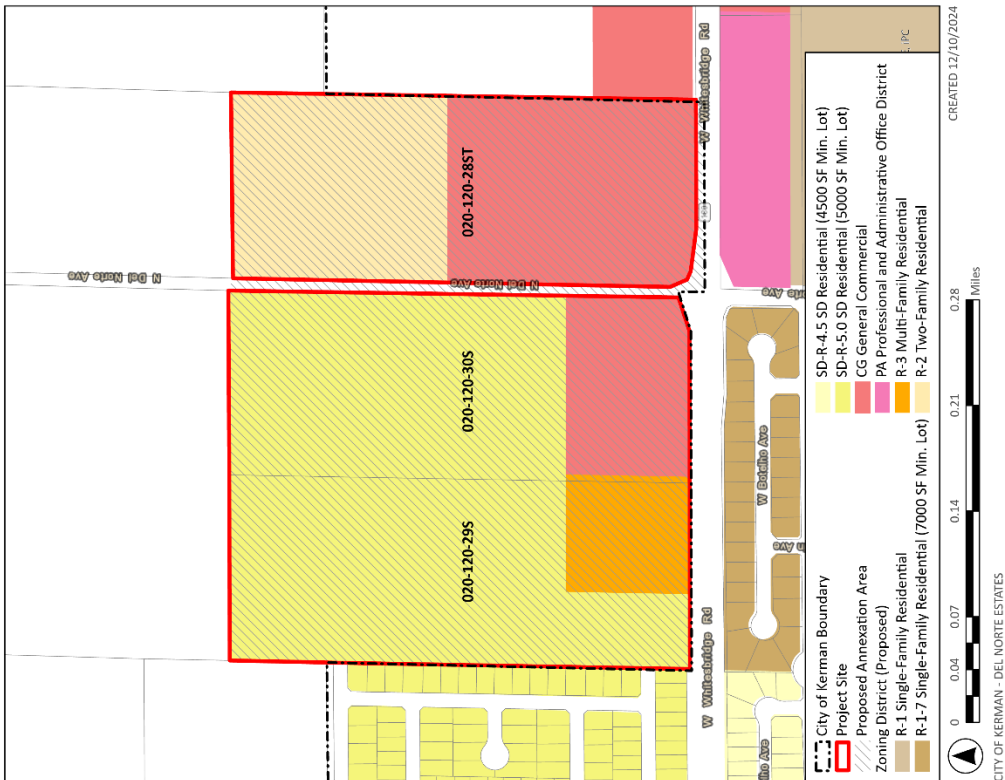
Exhibit 1

Rezone 2023-04

Prior Zoning (County)



New Zoning (City)



## **ATTACHMENT I**

Tentative Subdivision Map No. 2023-04

### **Resolution 2025-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING THE DEL NORTE ESTATES SUBDIVISION OF TWO (2) PARCELS IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-29S (24.24 ACRES) AND 020-120-30S (24.14 ACRES) INTO 200 SINGLE-FAMILY LOTS RANGING IN SIZE FROM 5,000 SQUARE FEET TO 10,972 SQUARE FEET, ONE (1) MULTI-FAMILY LOT ( $\pm$  3.64 ACRES), AND FOUR (4) COMMERCIAL LOTS ( $\pm$  4.99 ACRES), AND FIVE (5) OUTLOTS, TOTALING APPROXIMATELY 48.38 ACRES LOCATED ON THE NORTHWEST CORNER OF NORTH DEL NORTE AVENUE AND WEST WHITESBRIDGE ROAD (STATE ROUTE 180) (TENTATIVE SUBDIVISION MAP 2023-04)**

**WHEREAS**, the Holland Group submitted Tentative Subdivision Map 2023-04, "Del Norte Estates," pertaining to two (2) parcels (APNs 020-120-29S and 020-120-30S) consisting of approximately 48.38 acres located on the northwest corner of North Del Norte Avenue and West Whitesbridge Road (State Route 180) ("project site"); and

**WHEREAS**, Tentative Subdivision Map 2023-04 proposes to subdivide the 48.38 acres into 200 single-family lots, ranging in size from 5,000 square feet to 10,972 square feet, one (1) multi-family lot ( $\pm$  3.64 acres), and four (4) commercial lots ( $\pm$  4.99 acres) (Exhibit 1); and

**WHEREAS**, General Plan Amendment 2023-03, Rezone 2023-04, and Annexation 2023-04, were considered concurrently by the Planning Commission with Tentative Subdivision Map 2023-04; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project and the project is in compliance with CEQA; and

**WHEREAS**, public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission completed its review of the Staff Report and documents submitted for the proposed project at a special meeting on December 16, 2024, and adopted a resolution with a recommendation to the City Council to approve Tentative Subdivision Map 2023-04; and

**WHEREAS**, all legal prerequisites to the adoption of this Resolution have occurred, and the City Council now desires adoption of a resolution approving Tentative Subdivision Map 2023-04.

**NOW, THEREFORE**, the City Council of the City of Kerman resolves as follows:

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

1. CEQA. The City Council concurrently certified the EIR (SCH No. 2024031008) for the project. The EIR identified the subdivision. The subdivision does not change the environmental assessment of the EIR. Further, the City Council certified the EIR for this project. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the 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 project is undertaken which will require major revisions of the EIR 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 certification that the project will have significant effect not discussed in the EIR. As such, the City Council finds that Tentative Subdivision Map 2023-04 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.
2. Subdivision Findings. The City Council determines that none of the findings required by the City's Subdivision Ordinance and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project, or that findings regarding flood protection cannot be made. To the contrary, the City Council finds, as follows:
  - a. The proposed map is consistent with the applicable General Plan, Subdivision Ordinance, and the Subdivision Map Act. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, Tentative Subdivision Map 2023-04 is consistent with all local planning documents including the General Plan, Subdivision Ordinance, and Zoning Ordinance, and the Subdivision Map Act.
  - b. The design or improvement of the proposed land division is consistent with applicable general plan and specific plans. Tentative Subdivision Map 2023-04 is consistent with the intended land uses, density, and development standards outlined in the General Plan. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the subdivision is consistent with the density and land use designated by the General Plan, as well as circulation, pedestrian accessibility, and other design or improvement requirements of the General Plan. There is no specific plan applicable to the site.
  - c. That the site is physically suitable for the proposed type of development. Tentative Subdivision Map 2023-04 would subdivide the two (2) parcels identified as APNs 020-120-29S and 020-120-30S into 200 single-family lots, one (1) multi-family lot, and four (4) commercial lots to facilitate future residential and commercial uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, land characteristics, including topography, soil conditions, drainage patterns, ingress/egress and access points, and utility availability are appropriate and can accommodate future development without significant challenges or modifications.



- d. That the site is physically suitable for the proposed density of development. Tentative Subdivision Map 2023-04 would subdivide the two (2) parcels identified as APNs 020-120-29S and 020-120-30S into 200 single-family lots, one (1) multi-family lot, and four (4) commercial lots. The lot areas conform to the standards of development as defined by the Zoning Ordinance for the applicable development zone districts. Future development would be subject to compliance with applicable development standards, including allowable density and intensity. Compliance with these standards would be ensured through the entitlement review process.
- e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level except for Agriculture (loss of farmland) and Hydrology (water supply). The City has carefully considered all the environmental impacts that have not been mitigated to an insignificant level and has prepared a Statement of Overriding Considerations which identifies the specific economic, legal, social, technological, and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City.
- f. The design of the subdivision and the type of improvements being required are not likely to cause serious public health problems. All improvements shall be required by the City and shall include sewer, water, underground power, telephone, gas, concrete curbs, gutters, sidewalks, permanent street pavement, and streetlights. The project will be tied into existing municipal water, sewer, and storm drain systems through the extension of existing systems. A sanitary sewer service would be provided through connections to existing services in North Del Norte Avenue. Domestic water service will be provided through an existing 12-inch line located near Whitesbridge Road and Del Norte Avenue and Sapphire Avenue. Sewer and water lines will connect to each lot throughout the site. Associated electric, natural gas, and related infrastructure is available and will serve the project site as needed. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the design of the subdivision and type of improvements being required are not likely to cause serious public health problems.
- g. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. Development of the project will include the continuation of a Fresno Irrigation District (FID) water line easement that is also used as a pedestrian trail. The project will incorporate a 25-foot-wide FID easement and pedestrian trail from Isabella Drive northbound to the northwest limit of Del Norte Estates. In addition to this easement, the City has required an additional 25-foot-wide trail easement that will connect to the FID easement and continue along the northern boundary of the subdivision and connect the pedestrian trail to Del Norte Avenue

(Outlot A and Outlot B) as shown on the Tentative Subdivision Map. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

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

3. Approval with Conditions. Based on the aforementioned findings, the City Council adopts a resolution to approve Tentative Subdivision Map 2023-04 (Exhibit '1'), subject to the conditions set forth in Exhibit '2' (Tentative Subdivision Map 2023-04 conditions of approval) attached hereto.
4. Effective Date of Resolution. This Resolution shall become effective immediately after the City Council approves Rezone 2023-04 and said ordinance adopting the same then becomes effective.

**I HEREBY CERTIFY** that the foregoing Resolution was approved at a regular meeting of the City of Kerman City Council on the 26<sup>th</sup> day of February 2025, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

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Maria Pacheco, Mayor

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Josie Camacho, City Clerk

Exhibit '1': Tentative Subdivision Map 2023-04

Exhibit '2': Conditions of Approval for Tentative Subdivision Map 2023-04

## Tentative Subdivision Map 2023-04

**GATEWAY**  
ENGINEERING, INC.  
CIVIL ENGINEERS | LAND SURVEYORS

## **Exhibit 2**

Tentative Subdivision Map No. 2023-04 Conditional of Approval  
Del Norte Estates Annexation and Residential Subdivision  
Tentative Map No. 6473

### Community Development Department Conditions of Approval

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the receipt of the applicant's signature upon these conditions of approval, within 30 days of the date of approval.
2. The applicant shall relay all conditions of approval for this project to all subsequent purchasers of individual lots, if applicable, or to subsequent purchasers of this entire subdivision.
3. All conditions of approval shall be the sole financial responsibility of the applicant, except where otherwise specified in the conditions of approval listed herein, via a separate development agreement, or as mandated by statutes.
4. It shall be the responsibility of the applicant to ensure that all required approvals, permits, and/or inspections from any entity having jurisdiction, are obtained prior to issuance of final occupancy for any lot.
5. For the lots designated for single-family within the smart development combining district, the applicant shall apply for a Development Plan Review Permit to ensure a comprehensive development of superior quality than which might otherwise occur from more traditional development. The Development Plan Review Permit shall be approved prior to the issuance of any building permit.
6. For the lots designated for multi-family residential and commercial use, any proposed development will be required to go through the development review process and obtain approvals for development separately.
7. The applicant shall obtain City approval in advance for any temporary or permanent subdivision signs through the sign review process, in accordance with the City's Zoning Code.
8. No more than two of the same unit type (floor layout and exterior materials package) shall be repeated side by side. When two of the same units are repeated side by side, they shall be different colors. These identical provisions may be waived by the Community Development Director on a specific lot basis within the project when the size or configuration of a lot would otherwise prevent compliance with the above requirements or any other siting or setback/yard requirements. If such a waiver is requested, the applicant and the Community Development Director shall work together to ensure that any siting of units not in compliance with the above requirements shall be of different materials and elevations in order to minimize any adverse visual impacts.

9. A right-to-farm covenant, approved as to legal form by the City Attorney, shall be recorded prior to the recording of the Final Map. The covenant shall be disclosed to all future homebuyers.
10. The applicant shall comply with any Mitigation Monitoring and Reporting Program or other mitigation required by the California Environmental Quality Act applicable to the project.
11. All landscaping (public planter/park strips, open space areas, outlots, typical lot plans, etc.) shall conform to the City's Model Water Efficient Landscape Ordinance (MWELO) and all other applicable City standards. Preliminary landscape plans for all landscape areas shall be submitted for review and approval by the Community Development Department prior to the submittal of construction documents for review and approval.
12. All residential lots shall provide an all-weather surface and path for the movement and storage of trash totes.
13. Approval of the entitlement for the project is for the benefit of the applicant. The submittal of the application by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Kerman and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record.

Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

#### Engineering Conditions of Approval

The conditions of development approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Section 66020(d) of the Government Code, these conditions constitute written notice of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby notified that the 90-day protest period commences from

the date of approval of the development. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exactions contained in this notice, complying with all the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

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

A. General

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.
2. Comply with all applicable conditions set forth in Title 16 of the Kerman Municipal Code (Subdivisions).
3. Comply with the City's Improvement Plans Checklist in preparation of construction documents.
4. Pay all applicable development impact fees at the rate in effect at the time of payment prior to the issuance of Building Permit(s). The applicant may be eligible for fee credits or fee reimbursements for over-sizing of facilities or construction of other eligible facilities included in the City of Kerman's Impact Fee Study. The City Engineer will determine the type and extent of improvements that are eligible for fee credits or reimbursements. For any improvements deemed eligible for fee credits or reimbursements, the applicant shall submit itemized quantity and unit costs for each item prior to acceptance of the improvements by the City.
5. Provide security in a sum to be determined by the City Engineer, prior to release of development permits, for the guarantee of improvements construction and against claims that may arise from contractors and material vendors.
6. Provide security in a sum to be determined by the City Engineer, prior to final acceptance of the off-site improvements by the City, for the guarantee and warranty of the improvements for a period of one (1) year following the completion and acceptance thereof by the City Council.
7. Provide a soils report or a waiver of soils report for approval by the City Engineer with the first submittal of the improvement plans.
8. Obtain and comply with encroachment permits from affected jurisdictions for all work performed within their rights-of-way and easements.
9. Comply with all the requirements of the local utility, gas, electric, telephone, cable, and other communication companies (Utilities). It shall be the responsibility of the applicant to notify Utilities to remove or relocate poles where necessary. The City will not accept first submittal of improvement plans without proof that the applicant has provided the improvement plans to the Utilities.

10. Underground all existing overhead and any new utility facilities located along the frontage of the development.
11. Contact the United States Postal Service and address all requirements for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction. Applicant shall submit a copy of the Method of Delivery Agreement (MODA) to the City.
12. Install all improvements within public right-of-way and easements in accordance with affected jurisdictions standards, specifications, master plans, and record drawings.
13. Provide and pay for all compaction testing required by the City Engineer. Compaction test locations and depths shall be established by the City Engineer. Compaction test results shall be submitted in a format acceptable to the City Engineer, for review and approval.
14. Maintain the construction site, and any public streets fronting the site, clear of any construction or landscaping debris. The site shall not be used as a storage area for equipment, materials, or other items.
15. Remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.
16. Provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of \$5,000.00 shall be submitted to the City to guarantee compliance. At any time, applicant is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.
17. Maintain pedestrian and vehicular access to all surrounding properties and buildings to the satisfaction of the City of Kerman Police Department, North Central Fire Protection District, and City Engineer. For developments occurring in phases, the applicant shall submit a schedule showing the sequence of development within the area covered by the tentative map.
18. Assume responsibility for all contractor's actions during the course of any work occurring on the site. Designate, in writing before starting work, an authorized representative who shall have complete authority to represent and to act for the applicant. Said authorized representative shall be present while work is in progress. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work which may be required. When the applicant or his authorized representative is not present for any part of the work where it may be necessary to give directions, orders may be given by the City Engineer which shall be received and obeyed by the person(s) in charge of the particular work in reference to which the orders are given. Whenever orders are given to the applicant's representative or superintendent or foreman to do work required for the convenience and safety of the general public, such work shall be done at the applicant's expense.



19. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

**B. Maps and Plans**

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

**C. Dedications and Street Improvements**

1. Comply with improvements stated in the Traffic Impact Study prepared by Rutters & Schuler.

2. Provide right-of-way acquisition or dedicate free and clear of all encumbrances and improve the following streets to City standards:
  - a) Del Norte Avenue
    - i) Dedicate sufficient right-of-way to achieve a total of 42' west of center/section line for public street and utility purposes along development frontage.
    - ii) Dedicate 2' pedestrian easement and 8' landscape easement west of proposed right-of-way line.
    - iii) Relinquish all direct vehicular access to Del Norte from all single-family residential lots backing or siding onto this street.
    - iv) Construct improvements west of center/section line in accordance with City Standard P-1 for a Collector Street and approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaped median island, landscaping, irrigation, and permanent paving.
    - v) Re-pave the northbound travel lane along the frontage of the development.
    - vi) Construct transitional paving as required.
    - vii) Install a Class II Bikeway along the development's frontage
  - b) 50', 56' and 60' Interior Residential Streets
    - i) Dedicate right-of-way for public street and utility purposes in accordance with City Standard P-1 for each proposed street width.
    - ii) Construct improvements including curb and gutter, sidewalk, drive approaches, curb ramps, streetlights, landscaping and irrigation, and permanent paving.
  - c) Outlots "A" and "B"
    - i) Dedicate 25' bike/pedestrian easement for class I trail purposes.
    - ii) Construct a 10' wide asphalt concrete class I trail including landscaping and irrigation.
  - d) Outlot "C" and "D"
    - i) Dedicate 30' bike/pedestrian easement for class I trail purposes.
    - ii) Construct a 10' wide asphalt concrete class I trail including landscaping and irrigation.
  - e) Interior Residential Streets – Street A and Street I
    - i) Install a traffic calming feature.
  - f) Whitesbridge Road (State Route 180)

Relinquish all direct vehicular access from single-family residential lots. Comply with requirements stipulated in Caltrans letters as conditioned in Other Agency and Department Conditions section below.
3. Dedicate a 10' public utility easement along all streets and all other locations requested by utility companies. Alternate widths must be approved in writing by all utility companies and a copy of said written approval shall be submitted to the City Engineer.
4. Obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests. These

designs shall be compared to the minimum section given below and approved by the City Engineer.

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

5. Install standard barricades with reflectors at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.
6. Install 2"x6" redwood header boards prior to street paving, at the end of any permanent pavement abutting undeveloped property.
7. Install temporary paved cul-de-sacs at the end of any dead-end streets, planned for future extension, longer than 150'. A 40' radius shall be provided to allow turnaround of emergency equipment.
8. Provide for all striping, stenciling, pavement markers, delineators and signage required of all street improvements within the development. All traffic signs and street name signs shall be installed in accordance with City Standards and the CA MUTCD (latest edition). A striping and signage plan shall be included with the construction plans and submitted for review and approval by the City Engineer.
9. Provide corner cut-offs at all street intersections. Corner cut-offs shall be sufficient to provide for sight distances and accommodate curb ramps.
10. Repair/replace any broken or buckled curb, gutter, and/or sidewalk along the site frontage in kind to the satisfaction of the Public Works Department.
11. Provide street names consistent with east-west street naming to the west and north-south street naming to the south. Names matching existing county roads or city streets must maintain the current suffix. When deemed practical, entry streets, cul-de-sacs, and courts should utilize the name of the nearest subdivision street. Street names shall be approved by the Community Development Director.
12. Install subdivision signage complying with applicable Building & Fire Code and Section 17.30.070 of the Kerman Municipal Code.

#### D. Sanitary Sewer

1. Identify and abandon all existing septic systems per City Standards and any other governing regulations.
2. Dedicate a 15' wide easement for all onsite sewer mains not located in dedicated rights-of-way.

3. Connect to the nearest 18" sanitary sewer main available to serve the development, located in Del Norte Avenue north of Whitesbridge Road. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of sewer service must be approved by the City Engineer and supported by appropriate calculations.
4. Install sanitary sewer mains of the size and in the locations indicated below. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
  - a) Del Norte Avenue: 18" sewer main along the development frontage.
  - b) Interior Streets: Minimum of 8" sewer mains throughout development

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

#### E. Water

1. Identify and abandon all existing water wells per City Standards and any other governing regulations.
2. Dedicate a 10' wide easement for all onsite water mains, hydrants, blow-offs, and water meters not located in dedicated rights-of-way.
3. Install water mains of the sizes and in the locations indicated below and provide an adequately looped water system, consisting of at minimum two connection points. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
  - a) Del Norte Avenue: 12" water main along the development frontage.
  - b) Connect existing 12" water main on west end of the development, in Sapphire Avenue to proposed Del Norte Avenue 12" water main. Route 12" water main from Sapphire Avenue through Street A, Outlot 'D' and Street J.
  - c) Interior Streets: Minimum of 8" water mains throughout development.
4. Install water services, size as necessary, to each lot within the development in accordance with City Standards. Water services shall be grouped at property lines. Additionally, install water services to existing parcels' property lines, not currently served and fronting the proposed water main improvements.
5. Install landscape water service(s), size as necessary, to each public landscape area within the development in accordance with City Standards.
6. Install one (1) water sampling station in accordance with City Standards. The location shall be determined by the City Engineer.

7. Install fire services in accordance with North Central Fire Protection District requirements and City Standards. Fire services shall include a detector check.
8. Install fire hydrants at locations approved by the North Central Fire Protection District. Fire hydrants and curbs shall be painted as directed by the North Central Fire Protection District.
9. Do not perform water service connection to the City of Kerman water system until a bacteriological report has been accepted by the City Engineer.

F. Grading and Drainage

1. Provide a temporary on-site retention basin for storm water disposal, near the southwest end of the development. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. Sizing calculations shall be provided on the grading plan. The owner of the property on which the temporary basin is to be constructed shall be responsible for maintenance. The temporary basin is solely for the convenience of the development.
2. Backfill the temporary basin within ninety (90) days after notice by the City that the permanent facility is available, and the temporary basin is no longer needed. In the event the owner fails to backfill said basin, the City may cause the basin to be backfilled. A lien to cover the cost of work will be placed on the property on which the basin is located. A covenant stating these requirements shall be prepared and recorded on the lot on which the basin is to be located.
3. Install storm drain mains of the sizes and in the locations indicated below. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.
  - a) Interior Streets: Minimum of 15" storm drain mains throughout development.
  - b) Connect 24" storm drain, commencing at Del Norte Avenue, to existing 30" storm drain on west end of the development, in Sapphire Avenue. Route 30" storm drain through Street A, Outlot 'D' and Street J.
4. Design the storm drain main system to drain to the west, towards existing tract 6236.
5. Submit hydrologic and hydraulic calculations (H&H) for any proposed storm drain system and submit with the grading plan for review and approval by the City Engineer. Form of H&H calculations shall be approved by the City Engineer prior to submittal.
6. Install concrete masonry block walls in accordance with City Standards, with a minimum height of 6 feet, and of a design and color approved by the City of Kerman Planning Division at the following locations:
  - a) Del Norte Avenue: along the development frontage.
  - b) Whitesbridge Road: along the frontage of lots 1 to 4; Sound wall shall be 7.5 feet in height per MMRP

- c) Lots 4 to 10 and 13 to 30: along the back of lots backside fronting Outlot D and the commercial lots. Sideyards of Lots 10 and 11.
- d) Sideyards of lots 20 and 21 adjacent to Outlot C
- e) Lots 109 to 117; 138 to 145; and 174 to 180 along the back of lots adjacent to Outlot A and B.

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

7. Show grade differentials between lots and adjacent properties and address in conformance with City Standards. Any retaining walls required shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.
8. Submit a copy of Storm Water Pollution Prevention Plan with Notice of Intent, or Construction Rainfall Erosivity Waiver, if applicable, prior to issuance of Grading Permit. The City is not a designated MS4 area and is regulated under the Construction General Permit Order 2022-0057-DWQ (CGP). Comply with all requirements of the NPDES General Permit, if applicable. Plans for these requirements shall be included in the construction plan set and shall be submitted to and approved by the City Engineer.
9. Submit a copy of the San Joaquin Valley Air Pollution Control District (SJVAPCD) Dust Control Plan or Construction Notification Form, if applicable, prior to issuance of a grading permit. The Project shall comply with all rules, regulations and conditions of approval imposed by the District. The applicant shall maintain a program of dust control to prevent air pollution as well as discomfort or damage to adjacent and surrounding properties. The applicant shall follow all requirements and recommendations made by the San Joaquin Valley Air Pollution Control District for dust and emission reduction.

#### G. Landscaping and Irrigation

1. Provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and all other areas reserved for landscaping. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately qualified professional and conform to the City of Kerman Standard Drawings and Specifications, Street Median Landscape Master Plan and the California Model Water Efficiency Ordinance. A preliminary landscape plan for all public areas shall be submitted to the Community Development Department for review and approval prior to submittal of construction documents. Public landscaping and irrigation shall be installed in the following locations:
  - a) Whitesbridge Road: along the development frontage from back of curb to block wall.
  - b) Del Norte Avenue: along the development frontage from back of curb to block wall.
  - c) Outlots "A", "B" and "D"
2. Install all landscape improvements prior to final occupancy of 50% of the development's building permits.

3. Request annexation to the City's Landscaping and Lighting Maintenance District (LLMD). The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recordation of the final map. The property owner shall consent to the first-year assessment and annual increases per the provisions of the LLMD. The property owner/applicant shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a LLMD. Said notification shall be in a manner approved by the City. The property owner/applicant shall supply all necessary assessment diagrams and other pertinent materials for the LLMD.
4. Applicant is required to provide evidence to the City that applicant has contact Fresno Irrigation District (FID) regarding that agency's facilities and interests regarding the property, and that such facilities have been addressed so as to minimize impacts to FID facilities. This may include, but not be limited to, dedicating easements, piping or relocating any existing FID canals or ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included in the previously required set of construction plans and submitted to and approved by FID prior to the release of any development permits or recording of the final map. If an FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.
5. Identify all existing onsite agricultural irrigation systems either onsite or within public rights-of-way, whether FID or privately owned prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of the development. Therefore, the applicant shall bear all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development. The applicant shall identify on the construction plans all existing irrigations systems and their disposition (abandonment, repair, relocation, and or piping) for approval by the City Engineer. The applicant shall consult with the FID for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation systems or for any service interruptions resulting from development activities.
6. Indicate on construction drawings the depth, location and type of material of any existing FID irrigation line along the proposed or existing street rights-of-way or onsite. Any existing canals or ditches shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.

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

#### Other Agency and Department Conditions

##### A. Caltrans



1. Access for Tentative Subdivision Map No. 6473 via State Route 180 (Whitesbridge Road) shall not be permitted, except via Street K (with Caltrans approval).
2. Right-of-way width and frontage improvements (raised median, lane, shoulder, curb, gutter, sidewalk, roadway lighting, etc.) along this portion of State Route 180 shall match the roadway configuration directly to the west.
3. Comply with alternative transportation policies:
  - a. Pedestrian walkways should link this project to transit facilities, bicycle pathways, and other walkways in the surrounding area.
  - b. Connections to local and regional bicycle pathways should be coordinated to encourage further use of bicycles for commuter and recreational purposes.
4. The proposed eastbound State Route 180 left-turn lane lengths for Del Norte Avenue and the new development access shall be a minimum of 485 feet. This length accounts for a 50-mph deceleration distance and two-vehicle storage, as outlined in Figure 405.2S of the Caltrans Highway Design Manual. A bay taper of 120 feet is recommended to complement these lane lengths.

B. Fresno County Road Maintenance and Operations Division

1. The full road right-of-way width for Del Norte Avenue along the subject parcels shall be annexed.
2. Any road improvements on Del Norte Avenue within the proposed annexation limits shall provide adequate transitions to tie into County maintained roads north of the subject parcels.

C. Fresno Local Agency Formation Commission

1. The applicant will be required to submit the appropriate application materials including fees to LAFCo for reorganization. These materials are enumerated on LAFCo's website ([www.fresnolafco.org](http://www.fresnolafco.org)) through the Applications and Documents tab under Items Necessary for a Complete Application.
2. The current fee schedule for changes of organization/reorganization (annexation) of 41-80 acres is \$12,000.
3. The City may send notice 5664(c) to the interested and affected agencies if the annexation is 100 percent uninhabited to reduce the project timeline.

4. The Agricultural Preserve Contracts (Williamson Act) Nos. AP 8116 and AP 8119 for APNs 020-120-29S and 020-120-30S must be cancelled prior to annexation approval.
5. Annexation of full rights of way contiguous to parcel boundaries should be presumed in the reorganization's legal description and map.

D. Fresno Irrigation District

1. FID's Siskiyou Lateral No. 146 runs southwesterly, traversing the northwestern portion of the subject property, approximately 10 feet west of the subject property. The applicant shall grant a 10 foot wide exclusive easement, where FID only has an existing 30 feet-wide exclusive easement, such that FID has a total of 40 feet-wide exclusive easement to meet current FID standards.
2. The applicant and/or the applicant's engineer shall meet with FID at their earliest convenience to discuss specific requirements, e.g. easement width and alignment, right-of-way width and alignment, pipeline alignment, depth and size, fees, etc.
3. All exposed facilities (standpipes, air vents, covers, etc.) within the subject property or directly adjacent to the subject property must be adapted with additional features in order to transition from a rural setting to an urban setting, to mitigate for the effects of new development and increased population, and provide for public safety within FID's property/easement and the development.
4. Applicant shall provide evidence to the City that all improvement plans which affect FID's property/easements and canal/pipeline facilities including but not limited to Sewer, Water, Storm drain, Street, Landscaping, Dry Utilities, and all other utilities, have been reviewed by FID and do not adversely affect FID's property/easements.
5. The applicant/developer must provide evidence to the City that it has submitted a grading and drainage plan to FID and demonstrate that the proposed development will not endanger the structural integrity of the Pipeline or result in drainage patterns that could adversely affect FID.
6. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the development project limits.
7. FID does not allow FID owned property or easements to be in common use with public utility and/or road easements and right-of-ways but will in certain instances allow for its property to be in common use with landscape easements if the City of Kerman enters into the appropriate agreement.

8. FID easements must be shown on all maps/plans with proper recording information, and FID must be made a party to signing all final maps/plans to the extent required by law.
9. Footings of retaining walls shall not encroach onto FID property/easement areas.
10. Trees will not be permitted within FID's property/easement areas.
11. All FID easements be shown on all plans with the appropriate recording information.
12. No large earthmoving equipment (paddle wheel scrapers, graders, excavators, etc.) will be allowed within FID's easement and the grading contractor will be responsible for the repair of all damage to the pipeline caused by contractor's grading activities.
13. FID is concerned about the potential vibrations caused by construction efforts near existing District facilities as it may cause damage to FID's canals, pipelines and culverts. The developer and contractor(s) must keep all large equipment, construction material, and soil stockpile outside of FID's easement and a minimum of 30 feet away from existing cast-in-place concrete pipe. The developer and/or its contractor(s) will be responsible for all damages caused by construction activities.

E. Mid Valley Disposal

1. Each single-family unit shall require three (3) carts, which must be in the garage or elsewhere on the property until service day.

F. North Central Fire Protection District

1. The project shall comply with the requirements of the North Central Fire Protection District Operational Policy 403.002.

G. PG&E

1. The final map shall contain a statement setting forth dedications and offers to dedicate interests in real property for public utility purposes. If the offer of dedication has terminated, or the City declines to accept it, the applicant/developer may be required to provide an easement in gross satisfactory to PG&E. The following language is recommended to be expressly stated for office to dedicated Public Utility Easements (PUE): *I/We the undersigned, as Owner(s) of the land shown hereon, do hereby state that I/we am/are the only person(s) whose consent is necessary to pass clear title to said land and do hereby consent to the preparation and recordation of this map and offer for dedication and do hereby dedicate for public uses the Public Utility Easements (PUEs) shown on this map for public utility purposes including electric, gas, communication facilities and all other public utility purposes; together with any and all appurtenances thereto, including the right from time to*

*time to trim and to cut down and clear away or otherwise control any trees or brush. The PUEs hereby offered for dedication are to be kept open and free of buildings, structures and wells of any kind.*

H. San Joaquin Valley Air Pollution Control District

1. Prior to issuance of grading or building permits, the applicant/developer shall provide the City with evidence from the San Joaquin Valley Air Pollution Control District (SJVAPCD) of an approved Dust Control Plan or Construction Notification form under Regulation VIII – Fugitive Dust PM10 Prohibitions. The subdivision project may be subject to other rules including Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operation). The developer will be required to carry out measures of applicable SJVAPCD Rules and Regulations as noted.

## **ATTACHMENT J**

### **Annexation 2023-04 Resolution**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN INITIATING ANNEXATION OF THREE (3) PARCELS IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS (APNS) 020-120-29S (24.24 ACRES), 020-120-30S (24.14 ACRES) AND 020-120-28ST (23.91 ACRES), TOTALING APPROXIMATELY 72.29 ACRES LOCATED ON THE NORTH SIDE OF WHITESBRIDGE ROAD (STATE ROUTE 180) BETWEEN NORTH SISKIYOU AVENUE AND NORTH MADERA AVENUE (ANNEXATION 2023-04)**

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

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

**WHEREAS**, the specific changes of organization requested consists of an annexation into the City of Kerman and detachment from the County of Fresno and a reorganization from the Kings River Conservation District into the Fresno Irrigation District of the parcels identified as APNs 020-120-29S, 020-120-30S, and 020-120-28ST (“project site”); and

**WHEREAS**, within the project site, APNs 020-120-29S and 020-120-30S site are currently in Agricultural Preserve Contract (Williamson Act) Nos. AP 8116 and AP-8119 (APN 020-160-29S);

**WHEREAS**, the City will not succeed to the rights, duties, and powers of the County under the Williamson Act for APNs 020-120-29S and 020-120-30S, as allowed under California Government Code 51243.5, and meeting all the criteria under Subsection (d)/(e); and

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

**WHEREAS**, the affected territory proposed to be changed is inhabited, and on this day contains 1 registered voter, according to information received from the County Elections Office; and

**WHEREAS**, the proposed annexation area is inside the Sphere of Influence of the City of Kerman; and

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

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

**WHEREAS**, the reasons for this proposed annexation is to facilitate future residential, commercial, and public institutional development; and

**WHEREAS**, approval of the project would require approval of Annexation 2023-04, Rezone 2023-04, General Plan Amendment 2023-03, and Tentative Subdivision Map 2023-04; and

**WHEREAS**, pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 (“CEQA”), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project and the project is in compliance with CEQA; and

**WHEREAS**, public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

**WHEREAS**, the Planning Commission completed its review of the Staff Report and documents submitted for the proposed project at a special meeting on December 16, 2024, and adopted a resolution with a recommendation to the City Council to initiate Annexation 2023-04; and

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

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

**NOW, THEREFORE**, the City Council of the City of Kerman resolves as follows:

2. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.
3. CEQA. The City Council concurrently certified the EIR (SCH No. 2024031008) for the project. The EIR identified the annexation of the project site. The annexation does not change the environmental assessment of the EIR. The City Council further finds that no subsequent review is required under CEQA Guidelines section 15162 as since that time no substantial changes have been proposed in the project which will require major revisions of the 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 project is undertaken which will require major revisions of the EIR 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 recommendation for certification that the project will have significant effect not discussed in the EIR. As such, the City Council finds Annexation 2023-04 has already been fully assessed in accordance with CEQA, no subsequent review is required under CEQA Guidelines section 15162, and no further action or review is required under CEQA.

4. General Plan Consistency. The City Council finds that the annexation is consistent with the goals, objectives, and policies of the City of Kerman 2040 General Plan, as amended by General Plan Amendment 2023-03. In this regard, the City Council finds that public necessity, convenience, general welfare, or good zoning practices justify annexation of the project site. Specifically, the annexation and pre-zoning change is consistent with the General Plan goals and policies, any operative plan, or adopted policy including LU-3.2 Urban Form; LU-3.3 Prevent Sprawl Development; and LU-3.4 Leapfrog Development as described below and implements the planned residential and commercial land uses for the project site.
  - a. General Plan Policy LU-3.2 Urban Form: The project site is outside City limits but is within the City's Sphere of Influence. The project requires annexation and therefore would result in a change in City limits. The project as proposed would meet the considerations of General Plan Policy LU-3.2 Urban Form. Specifically, the project would facilitate future residential units which would help meet the city's residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing. The project would also facilitate future open space (multi-family development), recreational facilities (pedestrian trail), and schools (KUSD facility), meeting several community needs. The project would not result in obstacles to growth because future development would be able to connect to City services. The project would also result in infrastructure improvements, including roadway and circulation improvements. Although the project site is subject to the Williamson Act, non-renewal and cancellation efforts are underway concurrently. Lastly, the project would facilitate future commercial uses which would serve the city's economic development needs. Based on these considerations, the project as proposed maintains growth management controls and is consistent with General Plan Policy LU-3.2.
  - b. General Plan Policy LU-3.3 Prevent Sprawl Development: The project site is contiguous to existing and approved development within City Limits. Thus, the project does not encourage sprawl and is therefore consistent with General Plan Policy LU-3-3.
  - c. General Plan Policy LU-3.4 Leapfrog Development: The project site is contiguous to existing urban development and thus would not constitute leapfrog development.
5. Findings for Annexation. The City Council finds, as follows:
  - a. The proposed annexation is within the City's adopted Sphere of Influence. The project site is outside City limits but is within the City's Sphere of Influence. The project requires annexation and therefore would result in a change in City limits. The project as proposed would meet the considerations of General Plan Policy LU-3.2 Urban Form, which sets the City's growth management control measures. Specifically, the project would facilitate future residential units which would help meet the city's residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing. The project would also facilitate future open space (multi-family development), recreational facilities (pedestrian trail), and schools (KUSD facility), meeting several community needs. The project would not result in obstacles to growth because future development would be able to connect to City services. The project would also result in infrastructure improvements, including roadway and circulation improvements. Although the



project site is subject to the Williamson Act, non-renewal and cancellation efforts are underway concurrently. Lastly, the project would facilitate future commercial uses which would serve the city's economic development needs. Based on these considerations, the project as proposed maintains growth management controls and is consistent with General Plan Policy LU-3.2.

- b. The proposal is consistent with city general and specific plans, including adopted goals and policies. The project would facilitate future residential and commercial development within an area with existing and planned residential, commercial, recreational, and public institutional uses. Through compliance with applicable development standards, environmental mitigation measures, and conditions of approval, the project as proposed is consistent with General Plan Policies LU-1.4 (Limit Residential Development Along Highways), LU-1.5 (High Density Residential Development Near Goods and Services), LU-1.6 (Agricultural Buffers), LU-3.2 (Urban Form), LU-3.3 (Prevent Sprawl Development), LU-3.4 (Leapfrog Development), LU-4.5 (Right-to-Farm Disclosure), and LU-5.4 (New Incompatible Land Uses). There are no specific plans applicable to the proposed project.
- c. Pursuant to CEQA, the proposal mitigates any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan. Pursuant to the authority and criteria contained in the California Environmental Quality Act of 1970 ("CEQA"), the City, as the Lead Agency, has analyzed the proposed project, including the Rezone, General Plan Amendment, and Annexation, and Tentative Subdivision Map, and has prepared an Environmental Impact Report (SCH No. 2024031008) to evaluate the proposed Project. It was determined that all impacts were either less than significant or could be mitigated to a less than significant level except for Agriculture (loss of farmland) and Hydrology (water supply). The City has carefully considered all the environmental impacts that have not been mitigated to an insignificant level and has prepared a Statement of Overriding Considerations which identifies the specific economic, legal, social, technological, and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City.
- d. At least 25% of the area proposed for annexation has an approved tentative subdivision map(s) (single-family residential) and an approved site plan (for uses besides single-family). The proposed annexation would meet this condition whereby at least 25% of the proposed annexation area will include an approved tentative map for single-family residential, multi-family, and commercial uses.
- e. The annexation is to fulfill the city's Regional Housing Needs Allocation (RHNA) obligation which otherwise cannot be accommodated on lands currently within the city's incorporated boundary. The project would facilitate future residential uses, including single-family and multi-family, which would assist the City with fulfilling the city's RHNA obligation within the City's 6<sup>th</sup> Cycle Housing Element Update.

- f. The proposal would not create islands. Boundaries must ultimately minimize creation of peninsulas and corridors, or other distortion of boundaries. The proposed annexation area would not create islands. New boundaries would not create any peninsulas or corridors.
6. Approval of Initiation of Reorganization. Based on the information provided above, the City Council of the City of Kerman approves a resolution to initiate annexation and reorganization of the project site that is not within the City limits, by adopting a resolution of application requesting the Local Agency Formation Commission of Fresno County to initiate proceedings for the change of organization of territory as described in Exhibit '1', in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The City Council authorizes and directs the City Manager to take all necessary steps to effectuate and initiate such reorganization proceedings, and to support Developer's processing of the same at Developer's sole cost and expense.
7. Effective Date of Resolution. This Resolution shall become effective immediately after the City Council approves Rezone 2023-04 and said ordinance adopting the same then becomes effective. If said ordinance does not become effective within 65 days of the adoption of this Resolution, or the ordinance is not otherwise adopted by the City Council, then Annexation 2023-04 shall be returned to the City Council for further consideration and a final decision.

**I HEREBY CERTIFY** that the foregoing Resolution was approved at a regular meeting of the City of Kerman City Council on the 26<sup>th</sup> day of February 2025, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

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Maria Pacheco, Mayor

Attest:

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Josie Camacho, City Clerk

Exhibit '1': Annexation 2023-04

**Exhibit 1**  
**Annexation 2023-04**

