

Attachment 'C'

Resolution No. 2024- _____

**A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF TENTATIVE
SUBDIVISION MAP (TSM) 2023-01 FOR A PROPERTY LOCATED ON THE
EAST SIDE OF SOUTH MODOC AVENUE BETWEEN WEST CALIFORNIA
AVENUE (PROPOSED) AND THE WEST CALIFORNIA AVENUE
ALIGNMENT/SAN JOAQUIN VALLEY RAILROAD
APN 020-160-36S**

WHEREAS, Whispering Falls, LLC. submitted Tentative Subdivision Map 2023-01 to subdivide the approximately 20-acre parcel identified as APN 020-160-36S located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad ("project site"); and

WHEREAS, Tentative Subdivision Map 2023-01 will subdivide the 20-acre parcel into 119 lots, 118 of which will be for single-family units and 1 will be for multi-family residential development consisting of 56 units and community center; and

WHEREAS, Annexation 2023-01, Rezone 2023-01, General Plan Amendment 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-02 were considered concurrently by the Planning Commission with Tentative Subdivision Map 2023-01; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study and Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH # 2024040147) for the project, and this related Tentative Subdivision Map; and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City of Kerman on June 26, 2024, published a legal notice in compliance with State law concerning Planning Commission consideration of Tentative Subdivision Map 2023-01 in the Kerwest News, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the approval of the Tentative Subdivision Map. In addition, on or prior to June 26, 2024, a public hearing notice was mailed to each property owner within at least 300 feet of the project site, indicating the date and time of the public hearing regarding the proposed project in accordance with State law; and

WHEREAS, on July 15, 2024, the Planning Commission conducted a duly noticed public hearing on the Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program dated June 2024, Annexation 2023-01, General Plan Amendment 2023-01, Rezone 2023-01, Tentative Subdivision Map (TSM) 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred, , and the Planning Commission desires to recommend the City Council adopt Tentative Subdivision Map 2023-01

NOW, THEREFORE, the Planning Commission of the City of Kerman resolves 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 approval of Initial Study and Mitigated Negative Declaration 2023-03 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the Project. As such, no additional environmental analysis is required, and the Planning Commission finds, and recommends the Council find, that the General Plan Amendment and Rezone and related project entitlements are specifically anticipated and assessed for the proposed project in the Mitigated Negative Declaration and are consistent with the purpose and intent of the Mitigated Negative Declaration.
3. 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 maps are consistent with applicable general and specific plans.

The subdivision map is consistent with the General Plan as amended. Specifically, the project is supported by policies LU-3.4 Leapfrog Development and CIRC-1.10 Adequate Egress/Ingress. There is no applicable specific plan. The Planning Commission has reviewed the analysis and all evidence presented in this matter and determines that proposed Tentative Subdivision Map 2023-01 is consistent with the General Plan as amended by General Plan Amendment 2023-01.

- b. The design and improvement of the proposed subdivisions are consistent with applicable general and specific plans.

As discussed above, Tentative Subdivision Map 2023-01 is consistent with the General Plan as amended by General Plan Amendment 2023-01. Additionally, the proposed parcel sizes, as shown on the tentative subdivision map, meet the standards of the Zoning Ordinance, and are therefore of adequate size to accommodate the uses that will be permitted on them. The property will be improved with new or expanded street system for which the traffic study prepared for the project indicates will operate within acceptable levels of service with recommended improvements and the project will also be provided with full City services that meet all City standards.

- c. That the site is physically suited for the type of development.

There is no evidence that the site is not physically suited for the type of development proposed by the tentative subdivision maps. To the contrary, Tentative Subdivision Map 2023-01 was thoroughly analyzed and compared to the General Plan. Additionally, all relevant CEQA environmental concerns were addressed in the Initial Study and Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #2024040147) that was prepared for the tentative subdivision map, including flooding, drainage, traffic, biological resources, and other items dealing with physical characteristics of the site and potential physical impacts of the proposed development. The proposed tentative subdivision map complies with the allowable land

use and residential planned land use density and acreage allocations, and with the goals, objectives, and policies contained in the General Plan. The proposed development meets all adopted standards and requirements, thus is physically suited for the type of development being proposed.

- d. That the site is physically suited for the density of development.

There is no substantial evidence in the record that the site is not suited for the density of development being proposed. Instead, each new lot will meet or exceed the minimum lot sizes required by the smart development zoning district. The tentative subdivision map is reviewed by City departments to ensure compliance with the development standards of the Zoning Ordinance. The proposed tentative subdivision map was thoroughly analyzed and compared to the Initial Study and Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #2024040147) that was prepared for the subdivision, which determined that the proposed density of development was appropriate for this site and is physically suited for the proposed development density.

- e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

There is no evidence that the design or improvements will, in themselves, cause substantial environmental damage, etc. To the contrary, the Initial Study and Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #2024040147) prepared for the project analyzed the tentative subdivision map against all of the relevant CEQA environmental concerns, including fish and wildlife habitat. Further, the project has been conditioned with mitigation to reduce the significance of potential impacts on fish or wildlife or their habitat. As such, the design or improvements of the tentative subdivision map is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- f. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.

There is no substantial evidence in the record that the design of the tentative subdivision map will cause serious public health problems. Indeed, every new lot will be connected to City water, sewer and storm drainage systems which will minimize public health concerns. Mitigation has been imposed on the project to address potential environmental impacts. As such, the design of the tentative subdivision map or the type of improvements are not likely to cause serious public health problems.

- g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision.

The subdivision will be served by private streets that are connected to the proposed West California Avenue alignment dedicated to the City for public use and the parks and open spaces will be privately maintained by a Home Owners Association. The design of private streets and parks and open space within the project site have been thoroughly reviewed by City departments to ensure compliance with the General Plan and development

standards of the Zoning Ordinance. Dedications for public right of way, etc., are required for public utilities, roadways, and other improvements. There is no evidence in the record that the subdivision map or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

4. Approval with Conditions. Based on the aforementioned findings, the Planning Commission recommends the City Council approve Tentative Subdivision Map 2023-01 (Exhibit 'C-1-'), subject to the conditions set forth in Exhibit 'C-2' (Tentative Subdivision Map 2023-01 conditions of approval) attached hereto.
5. 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 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes:

Noes:

Absent:

Recused:

The foregoing resolution is hereby approved.

Scott Bishop
Chairperson

Attest:

Jesus R. Orozco
Planning Commission Secretary

Exhibit 'C-1': Tentative Subdivision Map 2023-01

Exhibit 'C-2': Conditions of Approval for Tentative Subdivision Map 2023-01

EXHIBIT 'C-1'

TENTATIVE SUBDIVISION MAP 2023-01
Whispering Falls Residential Development



EXHIBIT 'C-2'

Conditions of Approval Tentative Subdivision Map 2023-01 Whispering Falls Residential Development

Engineering Conditions of Approval

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

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

A. General

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.
2. Comply with all conditions set forth in Title 16 of the Kerman Municipal Code (Subdivisions).
3. Pay all applicable development impact fees at the rate in effect at the time of payment, prior to the issuance of Building Permit. The applicant may be eligible for fee credits or fee reimbursements for over-sizing of facilities or construction of other eligible facilities included in the City of Kerman's Impact Fee Study. The City Engineer will determine the type and extent of improvements that are eligible for fee credits or reimbursements. For any improvements deemed eligible for fee credits or reimbursements, the applicant shall submit itemized quantity and unit costs for each item prior to acceptance of the improvements by the City.
4. 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.
5. 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.

6. Provide a soils report or a waiver of soils report for approval by the City Engineer with the first submittal of the improvement plans.
7. Obtain and comply with encroachment permits from affected jurisdictions for all work performed within their rights-of-way and easements.
8. Comply with all the requirements of the local utility, gas, electric, telephone, cable, and other communication companies (Utilities). It shall be the responsibility of the applicant to notify Utilities to remove or relocate poles where necessary. The City will not accept first submittal of improvement plans without proof that the applicant has provided the improvement plans and documents showing all proposed work to the Utilities.
9. Underground all existing overhead and any new utility facilities located along the frontage of the development.
10. 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.
11. Install all improvements within public right-of-way and easements in accordance with affected jurisdictions standards, specifications, master plans, and record drawings.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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 tract map, prepared by a registered civil engineer or licensed land surveyor, and adhering to Subdivision Map Act requirements and City of Kerman Municipal Code. The final tract map shall be drawn at a scale of 1"=100' and include the current filing fee, closure calculations, preliminary title report dated within 90 days of submittal, legal descriptions and drawings of required dedications. Upon approval of the final tract map, applicant shall submit a reproducible/electronic copy (PDF) to the City Engineer.
3. Submit a set of 24" x 36" construction plans prepared by a licensed Civil Engineer for review and approval of all required improvements prior to the release of any development permits. The plans shall include a site grading and drainage plan, landscaping and irrigation plans, and on-site and off-site utilities plan, if applicable, showing locations and sizes of storm drain, sewer and water mains, laterals, manholes, meters, valves, hydrants, etc.
4. Submit a reproducible/electronic copy (PDF) and two (2) black line copies of the approved set of construction plans, and two (2) bound sets of the approved construction

specifications, if any, prior to beginning any construction, or within ten (10) calendar days of approval.

5. Submit Pad Certification(s) prior to issuance of building permits.
6. Submit a PDF file of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" prior to City acceptance of the improvements.

C. Dedications and Street Improvements

1. Provide right-of-way acquisition or dedicate free and clear of all encumbrances and improve the following streets to City standards:
 - a) California Avenue
 - i) Dedicate 42' north and south of center/section line (84' total) for public street and utility purposes along development frontage.
 - ii) Dedicate 2' pedestrian easement and 8' landscape easement north and south of proposed right-of-way lines.
 - iii) Relinquish all direct vehicular access to California Avenue for lots backing or siding onto this street.
 - iv) Construct improvements north and south of center/section line in accordance with City Standard P-1 for a Collector Street and approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaping, irrigation, and permanent paving.
 - v) Construct transitional paving as required.
 - b) Modoc Avenue
 - i) Dedicate a total of 42' east of center/section line for public street and utility purposes along development frontage, north of California Avenue.
 - ii) Dedicate 2' pedestrian easement and 8' landscape easement east of proposed right-of-way lines.
 - iii) Relinquish all vehicular access to Modoc Avenue from all lots backing or siding onto this street.
 - iv) Construct improvements east of center/section line in accordance with City Standard P-1 for a Collector Street and approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaping, irrigation, and permanent paving.
 - v) Construct transitional paving as required.
 - c) Whitesbridge (SR 180) and Lassen Avenues Intersection
Adhere to Caltrans requirements including those stated in the VRPA prepared Traffic Impact Study dated March 8, 2024 with approval date of March 15, 2024, including but not limited to:
 - i) Restripe of intersection approaches to include a left turn lane and shared through/right lane.
 - ii) Install a traffic signal as may be warranted.
 - d) Madera (SR 145) and California (A Street) Avenues Intersection

Adhere to Caltrans requirements including those stated in the VRPA prepared Traffic Impact Study dated March 8, 2024 with approval date of March 15, 2024, including but not limited to:

- i) Restripe of intersection east, west and southbound approaches to include a left turn lane and shared through/right lane.
 - ii) Install a traffic signal as may be warranted.
2. Dedicate a 10' public utility easement along all streets and all other locations requested by utility companies. Alternate widths must be approved in writing by all utility companies and a copy of said written approval shall be submitted to the City Engineer.
 3. Obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests. These designs shall be compared to the minimum section given below and approved by the City Engineer.

<u>Street Designation</u>	<u>Minimum Section</u>
Collector Street(s)	3" HMA/6" CLII AB/6" CNS

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

- Olive
- Cypress

- Pine
- Willow

- Poplar

Or;

B.

- Amanda
- Evie
- Michael
- Seth

- Bridget
- Madilyn
- Paige
- Trent

- Camille
- Max
- Robin
-

D. Sanitary Sewer

1. Identify and abandon all existing septic systems per City Standards and any other governing regulations.
2. Construct a permanent lift station near the eastern property line of the development for serving it and upstream master plan boundary area.
3. 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) California Avenue: 15" sewer main along the development frontage.
 - b) Modoc Avenue: 15" sewer main along the development frontage, north of California Avenue.
 - c) Interior Streets: 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.

4. Connect to the nearest 15" sanitary sewer main available to serve the development, located in California Avenue to the east of the development. 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.

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) California Avenue: 8" water main along the development frontage.
 - b) Modoc Avenue: 12" water main along the development frontage, north of California Avenue.
 - c) Interior Streets: 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. 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 basing 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) California Avenue: 12" water main along the development frontage.
 - b) Modoc Avenue: 12" water main along the development frontage, north of California Avenue.
 - c) Interior Streets: 8" water mains throughout development.

4. Design the site to drain to the proposed master planned storm drain facilities within the streets listed above. Any proposed storm drain system within the development shall connect to said facilities. Minimum storm drain pipe size within public right-of-way shall be 15".
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 Department at the following locations:
 - a) California Avenue: along the development frontage.
 - b) Modoc Avenue: along the development frontage, north of California Avenue.

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 and the California Model Water Efficiency Ordinance. Public landscaping and irrigation shall be installed in the following locations:
 - a) California Avenue: Along the frontage development from back of curb to block wall and within the median island.

- b) Modoc Avenue: Along the frontage development from back of curb to block wall and within the median island.
- 2. Install all landscape improvements prior to issuance 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. Contact and comply with all requirements of the Fresno Irrigation District (FID). 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.

H. Miscellaneous

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

- a) North property line of W California Ave., West property line of the Project along Modoc Ave., and south property line of the Project.

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

4. Provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of \$5,000.00 shall be submitted to the City to guarantee compliance. At any time, applicant is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.
5. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.
6. Install other private and public improvements as may be required under Development Plan Permit 2023-01 and 02.
7. Install subdivision signage complying with applicable Building & Fire Code and Section 17.30.070 of the Kerman Municipal Code.
8. The project shall comply with all applicable mitigation measures required by the Mitigated Monitoring and Reporting Program prepared for Mitigated Negative Declaration 2023-01, dated June 2024 (SCH #2024040147).
9. Any phasing of TSM 2023-01 shall be consistent with Title 16 of the Kerman Municipal Code and the Subdivision Map Act.

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