

**RESOLUTION NO. 25-79**

**A RESOLUTION OF THE CITY COUNCIL (1) ADOPTING THE FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, SECTION 15091; (2) CERTIFYING THE MITIGATED NEGATIVE DECLARATION (SCH NO. 2025060904); (3) ADOPTING THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM; AND (4) APPROVING GENERAL PLAN AMENDMENT 2023-02 TO AMEND THE 2040 KERMAN GENERAL PLAN PLANNED LAND USE DESIGNATIONS FOR ASSESSOR'S PARCEL NUMBER (APN) 020-120-06 TO MU – MIXED USE AND MDR – MEDIUM DENSITY RESIDENTIAL (SOUTHWEST CORNER OF WEST NIELSEN AVENUE AND NORTH MADERA AVENUE)**

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 Lifetime Communities, pertaining to two (2) parcels (APNs 020-120-06 and 020-120-03S) consisting of approximately 40 acres located on the south side of West Nielsen Avenue between North Madera Avenue (State Route 145) and North Del Norte Avenue ("project site"), requesting to amend the 2040 Kerman General Plan through General Plan Amendment 2023-02; and

WHEREAS, the project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential ( $\pm$  30.19 acres) and GC – General Commercial ( $\pm$  9.64 acres); and

WHEREAS, General Plan Amendment 2023-02 requests to increase land designated MDR – Medium Density Residential from 30.19 acres to 30.39 acres, remove GC – General Commercial, and increase MU – Mixed Use from zero acres to 8.74 acres, representing an increase in acreages of MDR and MU 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 also require approval of General Plan Amendment 2023-02, Rezone 2023-03, Tentative Parcel Map 2024-01, Tentative Subdivision Map 2023-03, and Annexation 2023-03; and

WHEREAS, the proposed General Plan Amendment will be consistent with the General Plan and the underlying zoning district, as proposed by Rezone 2023-03; and

WHEREAS, the 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 (inclusive of the two parcels to be annexed), including the General Plan Amendment, Rezone, Annexation, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (SCH No. 2024060904) (“IS/MND”) to evaluate the project; and

WHEREAS, in compliance with CEQA Section 21080.4, a Notice of Intent (“NOI”) was prepared by the City and distributed for public comment to the State Clearinghouse, responsible agencies, and other interested parties for a 20-day public review and comment period commencing on June 18, 2025 and ending on July 9, 2025; and,

WHEREAS, the Draft IS/MND was circulated for a 20-day public review and comment period commencing on June 18, 2025 to July 9, 2025, and a copy of the Draft IS/MND 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 IS/MND ended on July 9, 2025; and

WHEREAS, a Final IS/MND was prepared for the proposed Project consistent with CEQA Guidelines Section 15070(b) which addressed comments received on the Draft, as well as any appropriate revisions and clarifications to the Draft IS/MND; 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 September 22, 2025, and adopted a resolution with a recommendation to the City Council to approve General Plan Amendment 2023-02 and certify the IS/MND; and

WHEREAS, with all requirements having been met, the City Council now desires to approve General Plan Amendment 2023-02 and certify the IS/MND.

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. IS/MND Contents. The IS/MND consists of the following, hereafter collectively referred to as the “IS/MND”.

- a. The IS/MND including any attached appendices.
  - b. The Notice of Intent and comments received in response to the notice.
  - c. The Mitigation Monitoring and Reporting Program.
  - d. The Notice of Completion of the IS/MND for public review.
  - e. Any other information added by the Lead Agency.
3. **Certification of Compliance with CEQA.** The City Council does hereby find that the IS/MND, including the Mitigation Monitoring and Reporting Program, has been prepared in accordance with the requirements of CEQA and the CEQA Guidelines.
4. **IS/MND Certification.** The City Council does hereby approve, certify, and adopt the following.
  - a. **Certify the Initial Study and Mitigated Negative Declaration.** The City Council hereby certifies that 1) the IS/MND has been completed in compliance with CEQA, 2) that it has reviewed and considered the information contained in the IS/MND prior to approving the project, and 3) that the IS/MND reflects the City Council's independent judgment and analysis.
  - b. **Find Feasible and Binding Effect of Mitigation Monitoring and Reporting Program.** 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.
  - c. **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 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 2023-02, 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 residential use, remove the acreage of land designated for commercial, and increase the acreage of land designated for mixed use. 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-1.6 (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 mixed-use uses, which requires removal of 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, Tentative Parcel Map, and Tentative Subdivision Map, and has prepared an Initial Study and Mitigated Negative Declaration (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.

7. Approval of General Plan Amendment 2023-02. Given that all the findings can be made, the City Council adopts a resolution to amend the Kerman General Plan land use designations for the parcel identified as Assessor's Parcel Number (APN) 020-120-06, resulting in an increase in land designed MDR – Medium density Residential from 30.19 acres to 30.39 acres, remove GC – General Commercial, and increase MU – Mixed Use from zero acres to 8.74 acres, representing an increase in acreages of MDR and MU land use designations and decrease in acreage of the GC land use designation located on the south side of West Nielsen Avenue between North Madera Avenue (State Route 145) and North Del Norte Avenue (General Plan Amendment 2023-02) as set forth in **Exhibit '1'**.
8. Effective Date of Resolution. This Resolution shall become effective immediately. The City Clerk shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman.

The foregoing resolution was approved by the City Council of the City of Kerman at a regular meeting on the 22<sup>nd</sup> day of October 2025, by the following vote:

AYES: Dhaliwal, Hall, Yep

NOES: None

ABSTAIN: Pacheco

ABSENT: Herrera

The foregoing resolution is hereby approved.



ATTEST:  
  
Marisol Camacho  
Deputy Clerk

  
\_\_\_\_\_  
Maria Pacheco  
Mayor

Exhibit '1': General Plan Amendment 2023-02

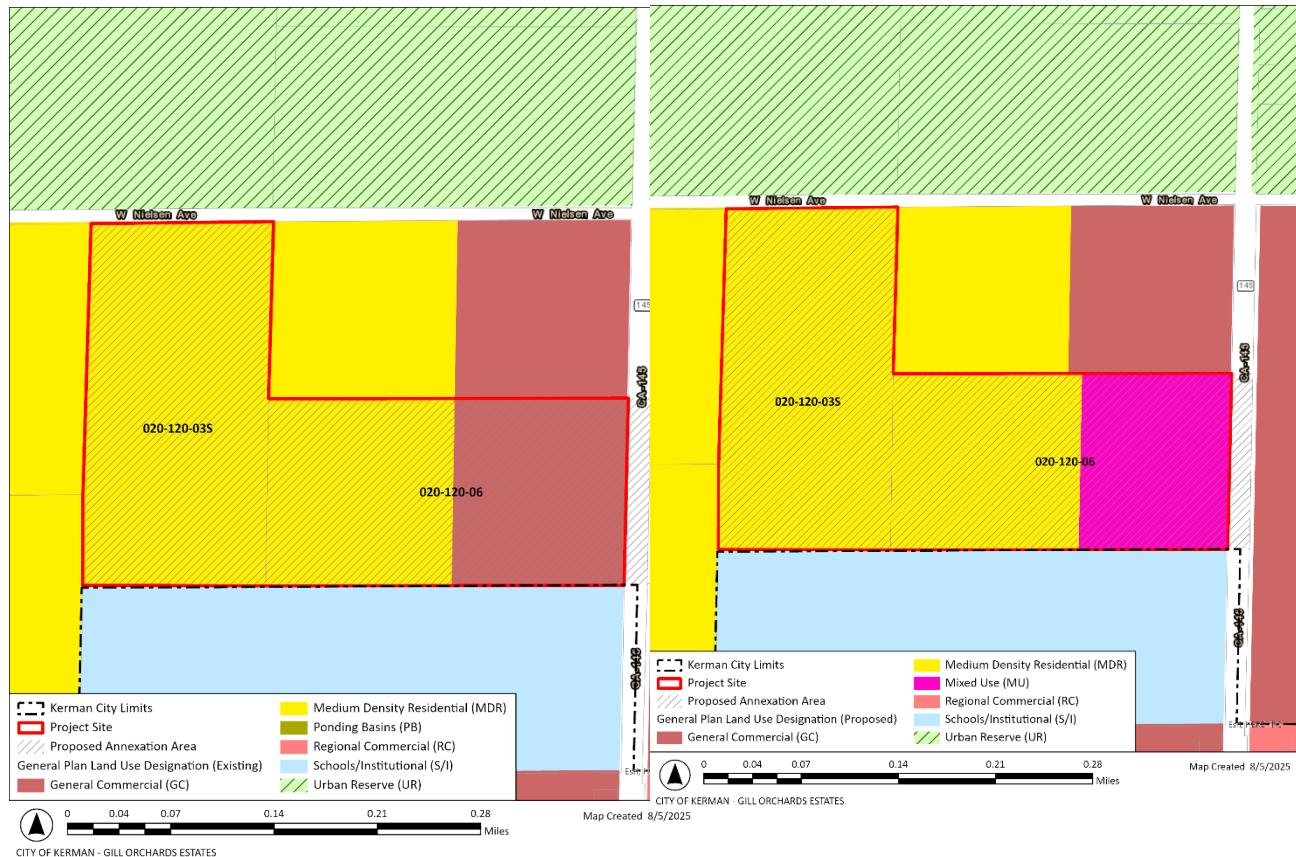
Exhibit '2': Initial Study and Mitigated Negative Declaration

Exhibit '3': Mitigation Monitoring and Reporting Program

## Exhibit '1'

General Plan Amendment 2023-02

### Prior General Plan Land Use Designation      New General Plan Land Use Designation



**Exhibit '2'**

**Initial Study and Mitigated Negative Declaration**

The Initial Study and Mitigated Negative Declaration (SCH No. 2025060904) 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 Orchards at Gill 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: Reduce Conflicts Between Urban and Agricultural Uses.</b> In order to reduce potential conflicts between urban and agricultural uses, the following measures shall be implemented:</p> <ol style="list-style-type: none"> <li>1. Potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase / lease of property within the development. Notification shall be provided by the project proponent to the potential resident. Notification shall occur at the time of each property sale or lease agreement, as demonstrated through disclosure statements included in the purchase agreements or lease documents, with a signed acknowledgement by the buyer/lessee. Verification that this notification process has been consistently implemented shall be provided by the project proponent to the City of Kerman Community Development Department prior to the approval of occupancy for each property.</li> <li>2. A Right-to-Farm Covenant shall be recorded on each parcel map and residential tract map or be made a condition of each tract map or parcel map to protect continued agricultural practices in the area. The City of Kerman Community Development Department shall be responsible for requiring the condition as part of the tentative map approval. The project proponent shall be responsible for ensuring the covenant is recorded. Verification of recording shall occur by the City of Kerman Community Development Department prior to the final map approval.</li> </ol>	1. Project Proponent  2. City of Kerman Community Development Department (Conditions of approval) and Project Proponent (Recordation)  3. Project Proponent	1. Prior to occupancy approval for each unit  2. Prior to final map approval  3. Prior to occupancy approval for each unit	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>3. Potential residents and commercial tenants shall be informed of the Right-to-Farm Covenant at the time of purchase / lease of property within the development. Notification shall be provided by the project proponent to the potential resident. Verification shall occur at the time of each property sale or lease agreement, as demonstrated through disclosure statements included in the purchase agreements or lease documents, with a signed acknowledgement by the buyer/lessee. Verification that this notification process has been consistently implemented shall be provided by the project proponent to the City of Kerman Community Development Department prior to the approval of occupancy.</p>				
<b>Biological Resources</b>				
<p><b>BIO-1:</b> San Joaquin kit fox Avoidance. The following measures shall be implemented to avoid any potential impact to San Joaquin kit fox during construction. These measures are designed to avoid and minimize any impact on San Joaquin kit fox in the unlikely event an individual is present within the Study Area at any time during construction. A description of the measures shall be included in the construction plans submitted to the City of Kerman Community Development Department by the project proponent during the building permit process for each phase of construction. Incorporation of measures shall be verified by the City of Kerman Community Development Department prior to issuance of building permits for each phase.</p>	Project Proponent	Prior to issuance of grading or building permits	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>1. <b>Prior to Construction:</b> Prepare and conduct an employee education program prior to the start of construction. The program shall consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program shall include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation (as summarized below). A fact sheet conveying this information shall be prepared for distribution to the previously referenced people and anyone else who may enter the Project site.</p> <p>2. <b>Avoidance and Minimization Measures During Construction:</b> The following measures shall be included within the worker education program and in any Project specification and contract.</p> <p>a. Project-related vehicles shall observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. No nighttime construction shall occur, given the species is primarily nocturnal.</p> <p>b. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep shall be</p>				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below.</p> <p>c. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped.</p> <p>d. All food-related trash items such as wrappers, cans, bottles, and food scraps shall be disposed of in securely closed containers and removed at least once a week from a construction or Project site.</p> <p>e. No firearms shall be allowed on the Project site.</p> <p>f. No pets, such as dogs or cats, shall be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens.</p>				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>g. The use of rodenticides and herbicides in Project areas shall be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds shall observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide shall be used because of a proven lower risk to kit fox.</p> <p>h. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program, and their name and telephone number shall be provided to the Service.</p> <p>i. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, etc., shall be re-contoured if necessary and revegetated, if possible, to promote restoration of the area to pre-Project conditions.</p> <p>j. Any contractor or employee responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured, or entrapped kit fox.</p> <p>k. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental</p>				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or the finding of a dead or injured animal and any other pertinent information.</p> <p>l. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDDB). A copy of the reporting form and a topographic map marked with the location of where the kit fox was observed shall also be provided to the U.S. Fish and Wildlife Service.</p>				
<b>Cultural Resources</b>				
<p><b>CUL-1:</b> In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented in conjunction with the construction of each phase of the Project:</p> <p>If previously unknown historical, archeological, cultural, or paleontological resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified archeologist, historical resources specialist, or paleontologist, shall be consulted to determine whether the resource requires further study. Notification of discovery shall be provided to the City of Kerman Community Development Department.</p> <p>The qualified archeologist, historical resources specialist, or paleontologist shall make recommendations to the project proponent on the measures that shall be implemented to protect the discovered</p>	Project Proponent	During construction activities for all phases	City of Kerman Community Development Department	

<b>Mitigation Measure</b>	<b>Party responsible for Implementing Mitigation</b>	<b>Timing</b>	<b>Party responsible for Monitoring</b>	<b>Verification (name/date)</b>
<p>resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and City's policies and procedures related to historical, cultural, and paleontological resources. Notification of the measures shall be provided to the City of Kerman Community Development Department.</p> <p>If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the project proponent, who shall notify the City of Kerman Community Development Department. Appropriate measures for significant resources could include avoidance or capping, preservation in-place, recordation, additional archeological resting, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.</p> <p>No further grading shall occur in the area of the discovery until the City of Kerman Community Development Department approves the measures to protect these resources. Any historical, archeological, cultural, or paleontological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.</p>				
<b>Geology and Soils</b>				
See <b>Mitigation Measure CUL-1.</b>	Project Proponent	During construction activities	City of Kerman Community	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
		for all phases	Development Department	
<b>Greenhouse Gas Emissions</b>				
<b>GHG-1</b> Prior to the approval of building permits, in order to meet with all project attributes in the 2022 Scoping Plan greenhouse gas emission thresholds, the project proponent shall present documentation to the satisfaction of the City of Kerman Community Development Department that each residential unit shall provide electric vehicle charging capabilities that meet the requirements of the latest version of the California Green Building Standards Code (CALGreen) Tier 2 Voluntary Standards as part of the final project designs.	Project Proponent	Prior to issuance of building permits for all phases	City of Kerman Community Development Department	
<b>Hazards and Hazardous Materials</b>				
<p><b>HAZ-1</b> Asbestos Survey. Prior to the demolition or renovation of any existing structure on site, an Asbestos Survey shall be conducted to determine the quantity of asbestos-containing construction material to be removed in the Project. As regulated by National Emission Standards for Hazardous Air Pollutants (NESHAP), the inspection must be conducted by a Cal-OSHA Certified Asbestos Consultant (CAC). The Asbestos Survey report shall be submitted to the City of Kerman Community Development Department for review and approval. Alternatively, if the developer is opting to treat all of the material as RACM and will notify as such, the survey may be bypassed.</p> <p>A completed and signed Asbestos Notification Form must be submitted to the San Joaquin Valley Air Pollution Control District (SJVAPCD) 10 working days prior to the commencement of any</p>	Project Proponent	Prior to issuance of demolition permits	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>regulated asbestos (RACM) abatement. If it is determined that there are asbestos-containing materials or soils on site, the developer shall utilize specialists/professionals for asbestos removal/abatement to reduce potential health risks to construction workers. Demolition activities that would expose construction workers and/or the public to asbestos-containing materials shall be conducted in accordance with the applicable regulations, including, but not limited to:</p> <ul style="list-style-type: none"> <li>• San Joaquin Valley Air Pollution Control District</li> <li>• California Health and Safety Code (Section 39650 et seq.)</li> <li>• California Code of Regulations (Title 8, Section 1529)</li> <li>• California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8, Section 1529 [Asbestos] and Section 1532.1 [Lead])</li> </ul> <p>Code of Federal Regulations (Title 40, Part 61 [asbestos], Title 40, Part 763 [asbestos], and Title 29, Part 1926 [asbestos and lead])</p>				
<p><b>HAZ-2</b> Lead-Based Paint Inspection. Prior to the demolition of any existing structure on site, a lead-based paint inspection is required to determine whether the lead-based paint is present in or on the original building materials. The inspection shall be conducted on-site by a state-certified Lead Inspector or Assessor in accordance with the California Code of Regulations, Title 8, Section 1532.1. The investigation report shall be submitted to the City of Kerman Community Development Department for review and approval prior to issuance of a demolition permit.</p> <p>If it is determined that lead-based paint exists on site, the project proponent shall utilize professionals for lead-based paint removal to reduce potential health risks to construction workers and/or the</p>	Project Proponent	Prior to approval of demolition permits	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
public. Pursuant Section 1532.1, construction workers must establish and implement a compliance program, and provide a written Pre-Job Notification to the nearest Division of Occupational Safety and Health Cal/OSHA office 24 hours before the start of a project.				
<p><b>HAZ-3</b> Test for Agricultural Pesticides. Prior to building permit approval for the first construction phase, a limited Phase II investigation shall be conducted to assess the surface soil of the project site for residual organochlorine and lead arsenate pesticides. The Phase II investigation shall be conducted in accordance with guidelines developed by the Department of Toxic Substances Control (DTSC) and Environmental Protection Agency (EPA) for site assessments. The Phase II investigation shall estimate the potential threat to public health and the environment if concentrations of pesticides are encountered using methods outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual and DTSC's Screening Level Human Health Risk Assessment guidance for implementing screening level risk analysis. The Phase II investigation shall be submitted to the City of Kerman Community Development Department for review and approval. If the Phase II testing reveals concentrations of organochlorine pesticides and lead arsenic above health-based screening levels for residential exposure, remediation of the site shall be required to address residual organochlorine and lead arsenate pesticides above health-based level of concern. Remediation may include excavation and disposal of impacted soil or capping elevated areas beneath paved areas. The Construction Contractor shall implement the recommendations outlined in the Phase II.</p>	Project Proponent	Prior to building permit approval for the first construction phase	City of Kerman Community Development Department	
<b>Noise</b>				

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p><b>NOI-1:</b> To ensure that exterior noise levels at future residential and other noise-sensitive land uses within the project site do not exceed an Ldn of 60 dB due to transportation noise from adjacent roadways (N. Madera Avenue, W. Nielsen Avenue, and Harvest Elementary Road), the following noise attenuation measures shall be incorporated into the project design and implemented during construction. These measures shall be clearly depicted on the project's site, grading, landscape, building, and other required plans and are subject to review and approval by the City of Kerman Community Development Department prior to issuance of building permits.</p> <p>The project shall implement one or a combination of the following noise mitigation strategies to achieve the 60 dB Ldn noise contour within the project boundaries, consistent with the following existing noise contours:</p> <ul style="list-style-type: none"> <li>• <b>N. Madera Avenue:</b> The 60 dB Ldn contour extends approximately 121 feet from the roadway centerline.</li> <li>• <b>W. Nielsen Avenue:</b> The 60 dB Ldn contour extends approximately 5 feet from the roadway centerline.</li> <li>• <b>Harvest Elementary Road:</b> The 60 dB Ldn contour extends approximately 42 feet from the roadway centerline.</li> </ul> <p>1. <b>Building Setbacks:</b> All proposed residential structures and other noise-sensitive uses shall be setback from the centerlines of the adjacent roadways by a distance sufficient to ensure that exterior noise levels do not exceed 60 dB L<sub>dn</sub>. This shall be demonstrated through the project's site, grading, landscape, building, and other</p>	Project Proponent	Prior to issuance of building permits	City of Kerman Community Development Department	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>required plans and are subject to review and approval by the City of Kerman Community Development Department prior to issuance of building permits. The minimum setbacks shall be no less than:</p> <ul style="list-style-type: none"> <li>• <b>N. Madera Avenue:</b> 121 feet from the roadway centerline, unless an alternative noise mitigation measure (Sound Wall) is implemented to achieve the 60 dB L<sub>dn</sub> at a lesser setback.</li> <li>• <b>W. Nielsen Avenue:</b> 5 feet from the roadway centerline, unless an alternative noise mitigation measure (Sound Wall) is implemented to achieve the 60 dB L<sub>dn</sub> at a lesser setback.</li> <li>• <b>Harvest Elementary Road:</b> 42 feet from the roadway centerline, unless an alternative noise mitigation measure (Sound Wall) is implemented to achieve the 60 dB L<sub>dn</sub> at a lesser setback.</li> </ul> <p><b>Sound Walls:</b> Where sufficient building setbacks alone are not feasible to achieve the 60 dB L<sub>dn</sub> at outdoor activity areas or building facades of noise-sensitive uses, a continuous, solid sound wall with a minimum height of six (6) feet above the finished project site grade shall be constructed along the project boundary adjacent to the applicable roadway(s). This shall be demonstrated through the project's site, grading, landscape, building, and other required plans and are subject to review and approval by the City of Kerman Community Development Department prior to issuance of building permits.</p>				
<p><b>Mitigation Measure NOI-2:</b> To mitigate potential noise impacts from future stationary noise sources on existing or proposed noise-</p>	Project Proponent	Prior to issuance of	City of Kerman Community	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/date)
<p>敏感 receptors within or adjacent to the Project site, the following measures shall be implemented:</p> <p>1. <b>Trigger for Acoustical Analysis:</b> Prior to the issuance of a building permit for any proposed commercial use that is reasonably anticipated to generate significant stationary noise (including, but not limited to, HVAC systems, loading docks, outdoor processing equipment, amplified sound, or other potentially loud operations) and is located within the following distances of an existing or proposed noise-sensitive receptor (e.g., residential dwellings, schools, hospitals, parks, libraries), the project proponent shall be required to prepare an acoustical analysis prepared by a qualified acoustical consultant.</p> <ul style="list-style-type: none"> <li>a. <b>HVAC Mechanical Equipment:</b> when equipment is within 50 feet of an existing or proposed noise-sensitive receptor.</li> <li>b. <b>Truck Movements:</b> when truck access routes are located within 100 feet of an existing or proposed noise-sensitive receptor.</li> <li>c. <b>Parking Lot Activities:</b> when a parking lot is located within 50 feet of an existing or proposed noise-sensitive receptor.</li> <li>d. <b>Loading Dock Activities:</b> when loading docks are located within 100 feet of an existing or proposed noise-sensitive receptor.</li> <li>e. <b>Compactor:</b> when a compactor is located within 10 feet of an existing or proposed noise-sensitive receptor.</li> </ul> <p>2. <b>Requirements for Acoustical Analysis:</b> The acoustical analysis shall, at a minimum, identify all potential significant stationary noise sources associated with the proposed use, including operational characteristics, predict noise levels at the property</p>		building permits	Development Department	

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<p>line of the noise source and nearest existing or proposed noise-sensitive receptors, and evaluate the predicted noise levels against the City of Kerman's applicable stationary noise standards in the General Plan and Municipal Code. If noise levels are predicted to exceed the City's standards at sensitive receptors, the analysis shall recommend specific, feasible, and effective mitigation measures to achieve compliance with the City's standards. The acoustical analysis shall be submitted by the project proponent to the City of Kerman Community Development Department during the entitlement process. All noise mitigation measures recommended in the acoustical analysis shall be clearly incorporated into the project's site plans prior to issuance of building permits.</p> <p><b>Implementation of Mitigation Measures:</b> Mitigation measures may include but are not limited to: relocation or redesign of noise-generating equipment, installation of sound barriers or enclosures, use of quieter equipment or operational practices, limitations on hours of operation for specific noise-generating activities, or architectural soundproofing. The analysis shall clearly demonstrate the expected noise reduction and confirm that the City's noise standards will be met at all sensitive receptor locations. Prior to issuance of occupancy, the project proponent shall submit verification to the City of Kerman Community Development Department confirming that all required noise mitigation measures have been implemented in accordance with approved plans.</p>				
<p><b>NOI-3</b> The following mitigation measures and best management practices shall be applied during periods of project construction.</p>	Project Proponent	Prior to issuance of	City of Kerman	

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<p>Prior to issuance of building permits for all project phases, the project proponent shall include these measures and best management practices on the construction plans submitted to the City of Kerman Community Development Department. The Building Division shall verify that these measures and best management practices are included in the construction plans prior to approval of building permits.</p> <ul style="list-style-type: none"> <li><b>Adherence to City Ordinance:</b> Construction activities are strictly prohibited outside the hours of 7:00 am and 10:00 pm, as mandated by the City of Kerman Municipal Code. Any work outside these hours requires prior written approval from the City of Kerman's Planning and/or Building Division, demonstrating necessity and implementation of enhanced noise mitigation measures.</li> <li><b>Equipment Maintenance and Muffling:</b> All construction equipment shall be maintained in proper working order with effective muffling devices that meet or exceed manufacturer specifications for noise reduction. Documentation of equipment maintenance, including muffler checks, shall be kept on-site and made available for inspection. During inspections by the City of Kerman's Building Division, non-compliant equipment shall be tagged and prohibited from use until proper maintenance or muffling is implemented and verified by the City.</li> <li><b>Idling Reduction:</b> Noise-producing equipment shall not be left operating, running, or idling when not actively in use by construction personnel. Operators shall be instructed and regularly reminded to turn off equipment during periods of</li> </ul>		building permit	Community Development Department	

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<p>inactivity. This requirement shall be included in contractor agreements.</p> <ul style="list-style-type: none"> <li><b>Distance from Sensitive Receptors:</b> Noise-producing construction equipment shall be strategically located and operated as far as feasible from noise-sensitive land uses (e.g., residences, schools, hospitals, parks). Site plans submitted with the construction documents shall identify noise-sensitive areas and demonstrate how equipment placement maximizes distance. The City's review of the construction site plan will assess the proposed equipment locations relative to sensitive receptors. Any significant deviations during construction will require justification and potential relocation of equipment as directed by the City.</li> <li><b>Staging Area Location:</b> Construction staging areas, where equipment and materials are stored and where less intensive activities may occur, shall be located at the maximum possible distance from noise-sensitive land uses. The location of staging areas shall be clearly indicated on the construction site plan. The approved site plan will dictate the permissible locations for staging areas. Any unauthorized staging in closer proximity to sensitive receptors will require immediate relocation.</li> <li><b>Construction Hours Signage:</b> Clearly visible signs, in both English and Spanish, shall be posted at all construction site entrances and near adjacent sensitive receptors. These signs shall prominently display the permitted hours of construction activities and provide the name and contact phone number of a designated noise disturbance coordinator responsible for addressing noise complaints. The presence and legibility of these signs will be verified during initial site inspections and</li> </ul>				

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monitored throughout the construction period. Missing or inadequate signage will require immediate replacement. The contact information for the noise coordinator shall be provided to the City prior to the commencement of construction.				
<b>Tribal Cultural Resources</b>				
See <b>Mitigation Measure CUL-1</b>	Project Proponent	During construction for all phases	City of Kerman Community Development Department	