CITY COUNCIL REGULAR MEETING AGENDA

Wednesday, January 22, 2025 at 6:00 PM

Kerman City Hall, 850 S. Madera Avenue, Kerman, CA 93630

LEVINE ACT DISCLOSURE. Pursuant to the Levine Act (Govt Code Section 84308), any party to a permit, license, contract, or other entitlement before the City Council is required to disclose on the record any campaign contribution, including aggregated contributions, of more than $500 made by the party or the party's agents within the preceding 12 months to any City official. Participants and agents are requested to make this disclosure as well. The disclosure should be made when the agenda item is called and must include the name of the party, participant, or agent, and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made. Council Members are also required to make such disclosures and recuse themselves.

CONFLICT OF INTEREST. City Council Members with a conflict of interest under the Political Reform Act are required to make disclosure of financial interest when the item is called and recuse themselves.

1. **OPENING CEREMONIES**

   A. Call to Order

   B. Roll Call

   C. Invocation

   D. Flag Salute

2. **AGENDA APPROVAL/ADDITIONS/DELETIONS**
   To accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed.

3. **PRESENTATIONS/CEREMONIAL MATTERS**

   A. Proclamation - African American History Month

   B. Proclamation - KHS Football

4. **PUBLIC FORUM** (*for matters not on agenda)*
   This portion of the meeting is reserved for members of the public to address the Council on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Council. Speakers shall be limited to three minutes. It is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Council on items on

the Agenda should notify the Mayor when that Agenda item is called, and the Mayor will recognize your discussion at that time. It should be noted that the Council is prohibited by law from taking any action on matters discussed that are not on the Agenda. Speakers are asked to please use the microphone, and provide their name and address.

5. **CONSENT CALENDAR**

Matters listed under the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, a member of the audience or a Council Member may request an item be removed from the Consent Calendar and it will be considered separately.

A. **SUBJECT:** Minutes - January 8, 2025

RECOMMENDATION: Council to approve minutes as presented.

B. **SUBJECT**: Payroll (JA)

12/08/2024 to 12/21/2024: $252,406.25; Retro Pay & Other: $3,787.87; Overtime: $9,655.74; Standby: $2,012.91; Comp Time Earned: 22.50

RECOMMENDATION: Council approve payroll as presented.

C. **SUBJECT:** Monthly Investment Report (JA)

RECOMMENDATION: Council accept monthly investment report as presented.

D. **SUBJECT:** Municipal Financial Advisor and Selection of Consultant (JA)

RECOMMENDATION: Staff recommends that Council adopt resolution approving Municipal Financial Advisor contract with Fieldman, Rolapp & Associates Inc. in the amount not to exceed $38,500 for conducting the financial advisor services for proposed lease revenue bond public offering to finance new capital improvement projects (new Police Station and Resiliency Center) and authorize the City Manager to sign the Consultant Agreement.

6. **PUBLIC HEARINGS**

These hearings are scheduled at the time stated and will be heard by the Council as close to the time stated as possible.

A. **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).

7. **DEPARTMENT REPORTS**

A. **SUBJECT:** Presentation by Reclaim our Power (JAJ)

RECOMMENDATION: Council hear a presentation by Reclaim our Power about their Utility Justice Campaign, and their next steps in seeking legislation in support of their proposal, with possible direction to staff.

B. **SUBJECT:** Local Law Enforcement Interaction with Undocumented Immigrants (SW)

RECOMMENDATION: City Council receive a presentation addressing Local Law Enforcement's Interaction with Undocumented Immigrants.

C. **SUBJECT:** Request by Mayor Pacheco to discuss "Sanctuary Cities" with the City Council, with possible direction to staff. (JAJ)

RECOMMENDATION: City Council discuss the subject of "Sanctuary Cities", with possible direction to staff.

D. **SUBJECT:** Public Street Right-of-Way for the Vineland Avenue Widening Project from Whitesbridge Road to 660' to the South (JG)

RECOMMENDATION: Council by motion adopt a resolution:

1. Approving an agreement with The J. S. and S. K. Sidhu Family 2009 Revocable Trust in the amount of $53,600 for the purchase of public street right-of-way for the Vineland Avenue Widening Project from Whitesbridge Road to 660' to the South and;

2. Approving the Certificate of Acceptance and authorizing the City Manager to execute the same on behalf of the City.

E. **SUBJECT:** Appointment of Members to the Parks, Recreation and Community Services Commission and to the Planning Commission (TJ & JJ)

RECOMMENDATION: Council by motion:

1. Adopt resolution approving appointments by Mayor Pacheco of two applicants to the Parks, Recreation and Community Services Commission; and

2. Adopt resolution approving appointment by Mayor Pacheco of one applicant to the Planning Commission.

F. **SUBJECT:** City Council Appointments to Committees, Commissions and Boards (JAJ)

RECOMMENDATION: Council by minute order approve;

1. The appointment of a City Councilmember to serve as the primary representative to the Upper Kings Basin Water Authority, and appoint one City Councilmember to serve as the alternate City Council representative to the Upper Kings Basin Water Authority and;

2. The appointment of Mayor ProTem to serve as Kerman City Council alternate representative to the Fresno County Council of Governments (FCOG).

8. **CITY MANAGER/STAFF COMMUNICATIONS**

9. **MAYOR/COUNCIL REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS**
(This portion of the meeting is reserved for the Mayor and Council Members (i) to make brief reports on boards, committees, and other public agencies, and at public events, (ii) to request updates, (iii) to initiate future agenda items at the request of a Council Member, and (iv) to take action on matters initiated under this section of the agenda items. Under this section the Council may take action only on items specifically agendized and which meet other requirements for action.)

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**

NOTICE OF AVAILABILITY OF AGENDA MATERIALS: Any writings or documents provided to a majority of the City Council within 72 hours of the meeting regarding any item on this agenda will be made available for public inspection at the City Clerk's Office located at 850 S. Madera Ave., Kerman, CA 93630 and on the City website at www.cityofkerman.net.

ADA Compliance and Reasonable Accommodation. The Council has adopted a Reasonable Accommodation Policy, which is available on the City website at www.cityofkerman.net or upon request by emailing the City Clerk at publicmeeting@cityofkerman.org or calling (559) 550-1414. The Policy provides a procedure for receiving and resolving requests for accommodation to participate in this meeting. If you need assistance in order to attend this Council meeting or require auxiliary aids or services, e.g., hearing aids or signing services to make a presentation to the Council, please contact the City Clerk at (559) 550-1414 or email at publicmeeting@cityofkerman.org so such aids or services can be arranged. Accommodations should be requested as early as possible as additional time may be required in order to provide the requested accommodation. The meeting room is accessible to persons with physical disabilities.

AGENDA POSTING CERTIFICATION

I, Josie Camacho, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that I caused the above agenda to be posted at City of Kerman Council Chambers at 850 S. Madera Ave., Kerman, CA 93630 and on the City website at www.cityofkerman.net.

Date: January 17, 2025 /s/ Josie Camacho, City Clerk

PROCLAMATION
Kerman City Council

AFRICAN AMERICAN HISTORY MONTH

WHEREAS, every February, Americans pay homage to the rich history and contributions of African Americans who have shaped our nation in countless ways through centuries of struggle and triumph; and

WHEREAS, Black History Month, as it was known, was first proposed by scholar Carter G. Woodson in 1926, to lift up the Black experience in a fuller telling of America's story; and

WHEREAS, this year's theme, "African Americans and Labor", focuses on the various work and profound ways of all kinds – free and unfree – intersect with the collective experiences of Americans of African descent; and

WHEREAS, African American labor has been a powerful agent of change and social uplift throughout our nation's history. Various forms of work have had pivotal roles in opening new dialogues, challenging us to examine hard truths, and inspiring us to work toward something better; and

WHEREAS, African Americans' contributions to the landscape of the United States can be found in every part of the nation as they constructed and designed some of the most iconic examples of architectural heritage in the country; and

WHEREAS, African American educators stress the importance of vocational training, self-help strategies and entrepreneurship in African American communities fighting both economic and social injustice. African Americans' work and talents have been transformational throughout the United States, Africa, and the Diaspora; and

WHEREAS, African American History Month, allows us to draw inspiration from this legacy as we continue together on the path toward equality, liberty, and opportunity for all, and that history shows that we rise and fall together.

NOW, THEREFORE BE IT PROCLAIMED, the City Council of the City of Kerman does hereby proclaim February 2025, as "African American History Month."

I have hereunto set my hand and caused the Official Seal of the City of Kerman to be affixed on this 22nd day of January 2025.

_____

Maria Pacheco
Mayor

PROCLAMATION
Kerman City Council

KERMAN HIGH SCHOOL FOOTBALL TEAM

WHEREAS, Coach Damon Jenkins joined the Kerman Unified team in 2022; and

WHEREAS, he led the Kerman High School football team in the regular season with an impressive 8-2 record and tied for first place in the Division 3 League; and

WHEREAS, Kerman secured their first-ever Valley Championship defeating Madera High School 4-28; and

WHEREAS, multiple awards were received as a result of a very successful 2024 football season, such as Damon Jenkins for Coach of the Year, Adrian Torres as Most Valuable Player, Julien Velez for Offensive Player of the Year, and Vaughn Blunt for Defensive Player of the Year; and

WHEREAS, the football season led to the selection of a few Kerman players to play in the Kings Canyon Division First Team All-League:

Logan Castro ~ Nicholas Grewal ~ Jacob Molina ~ Adam Ortiz
Ignacio Sanchez ~ Christian Villa

NOW THEREFORE, BE IT PROCLAIMED, the City Council of the City of Kerman congratulates the Kerman Unified School District 2024 Football Team for their remarkable achievements.

I have hereunto set my hand and caused the Official Seal of the City of Kerman to be affixed on this 22nd day of January 2025.

_____
Maria Pacheco
Mayor

CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, January 08, 2025 at 6:00 PM

Kerman City Hall, 850 S. Madera Avenue, Kerman, CA 93630

1. OPENING CEREMONIES

A. Call to Order - **6:01 p.m.**

B. Roll Call - **All present except Mayor Pro Tem Yep**

C. Invocation - **Performed by Mayor Pacheco**

D. Flag Salute – **Performed**

2. AGENDA APPROVAL/ADDITIONS/DELETIONS

Motion made by Councilmember Herrera, Seconded by Councilmember Dhaliwal
Ayes: Herrera, Dhaliwal, Hall, Pacheco
Noes: None
Abstain: None
Absent: Yep
Motion passes 4-0-0-1

3. PRESENTATIONS/CEREMONIAL MATTERS

A. Proclamation - Human Trafficking Awareness Month - **Presented to Centro La Familia and Breaking the Chains. Central Valley Justice Coalition also present and provided information.**

B. Mid Valley Disposal Annual Update & Recycler of the Year - **Presentation conducted by Billie Hansen and Jessie Guajardo.**

4. PUBLIC FORUM (*for matters not on agenda)* - **None**

5. CONSENT CALENDAR

A. **SUBJECT:** Minutes - December 11, 2024

RECOMMENDATION: Council to approve minutes as presented.

B. **SUBJECT:** Warrants (JA)

1. Nos.30461-31024 $4,118,575.61 ACH $594,007.15.

RECOMMENDATION: Council approve warrants and electronic bank transfers as presented. (Pursuant to Government Code 37208)

C. **SUBJECT**: Payroll (JA)

11/10/24 - 11/23/24: $235,339.51; Retro Pay & Other: $3,554.25; Overtime: $11,401.72; Holiday at 1/2: $2,470.01; Standby: $2,109.04; Comp Time Earned: 37.88

11/24/24 - 12/07/24: $255,545.45; Retro Pay & Other: $11,134.57; Overtime: $11,296.69; Holiday at 1/2: $4,918.11; Standby: $2,084.25; Comp Time Earned: 19.13

RECOMMENDATION: Council approve payroll as presented

D. **SUBJECT:** Monthly Investment Report

RECOMMENDATION: Council accept monthly investment report as presented.

E. **SUBJECT:** Consideration of Rescheduling or Canceling the Regularly Scheduled Council Meetings on November 26, and December 24, 2025 (JC)

RECOMMENDATION: Council by motion consider the following:

1. Cancel the November 26, 2025, meeting due to Thanksgiving holiday; or reschedule to alternate date;

2. Cancel the December 24, 2025, meeting due to the Christmas Holiday; or reschedule to alternate date.

Herrera stepped out of chambers at time of motion.

Motion made by Councilmember Dhaliwal, Seconded by Councilmember Hall
Ayes: Dhaliwal, Hall, Pacheco, Herrera
Noes: None
Abstain: None
Absent: Yep
Motion passes 4-0-0-1

Herrera returns 6:52 p.m. and goes on record to approve consent agenda.

6. PUBLIC HEARINGS – None

7. DEPARTMENT REPORTS

A. **SUBJECT:** Community Organization Grant Program Application - Kerman Martial Arts, LLC (TJ)

RECOMMENDATION: Council by motion adopt resolution approving grant award of $500 to the Kerman Martial Arts, LLC in support of their 2025 Regional Tournament and Exhibition hosted in Kerman on January 11, 2025. - **Res. 25-01**

Motion made by Councilmember Herrera, Seconded by Councilmember Dhaliwal
Ayes: Herrera, Dhaliwal, Hall, Pacheco
Noes: None
Abstain: None
Absent: Yep
Motion passes 4-0-0-1

B. **SUBJECT:** Community Organization Grant Program Application - Kerman FFA 2025 Boots and Buckles Fundraising Dinner Dance (TJ)

RECOMMENDATION: Council by motion adopt resolution, approving grant award of $500 to the Kerman FFA in support of their 2025 Boots and Buckles Fundraising Dinner Dance on January 25, 2025. - **Res. 25-02**

Motion made by Councilmember Herrera, Seconded by Councilmember Dhaliwal
Ayes: Herrera, Dhaliwal, Hall, Pacheco
Noes: None
Abstain: None
Absent: Yep
Motion passes 4-0-0-1

C. **SUBJECT:** Consideration of Resolution in Support of the State Water Resources Control Board Amending the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed (Bay Delta Plan) (JAJ)

RECOMMENDATION: City Council adopt a resolution of support and direct City Clerk to transmit adopted resolution to the California League of Cities demonstrating the City of Kerman's support.

Discussion held and comments received from public regarding whether to table item.

Motion made by Councilmember Hall, Seconded by Councilmember Dhaliwal to table item, with additional directive for staff to bring forth more information/presentation from State Water Resource Control Board at a future meeting.

Ayes: Hall, Dhaliwal, Herrera, Pacheco
Noes: None
Abstain: None
Absent: Yep
Motion passes 4-0-0-1

D. **SUBJECT:** Council Assignment for Committees, Commissions and Boards (JAJ)

RECOMMENDATION: Council discuss various assignments and by minute order approve appointments.

Council assignments discussed and appointments made.

Motion made by Councilmember Dhaliwal, Seconded by Councilmember Hall
Ayes: Dhaliwal, Hall, Herrera, Pacheco
Noes: None
Abstain: None
Absent: Yep

8. CITY MANAGER/STAFF COMMUNICATIONS

9. MAYOR/COUNCIL REPORTS/ANNOUNCEMENTS/FUTURE AGENDA ITEMS

Mayor Pacheco requests for the next council meeting to be an open discussion on Law Enforcement's contact with the undocumented community and resources the City offers, as well as information on what it is to be a sanctuary city. Present, FFA youth provided recommendation to Council for potential future projects.

10. CLOSED SESSION – None

11. ADJOURNMENT - 8:26 p.m.

MINUTES CERTIFICATION

I, Josie Camacho, City Clerk for the City of Kerman, do hereby declare under penalty of perjury that the above minutes are a true depiction of all actions taken at the City Council meeting held on the first date above written at Kerman City Hall, 850 S. Madera Ave, Kerman, CA.

Date: January 9, 2025 /s/ Josie Camacho, City Clerk

CITY OF KERMAN
PAYROLL REPORT

PAY PERIOD: December 08, 2024 - December 21, 2024

	Salary	RETRO PAY & OTHER	OVERTIME Hours	OVERTIME Amount	HOLIDAY at 1/2 TIME Hours	HOLIDAY at 1/2 TIME Amount	STANDBY Hours	STANDBY Amount	GROSS SALARY	COMP TIME EARNED
Grand Total	$ 252,406.25	$ 3,787.87	198.15	$ 9,655.74	0.00	$ -	88.50	$ 2,012.91	$ 267,862.78	22.50

CITY OF KERMAN
CD/Securities Portfolio
As of December 31, 2024

Institution	Account Number	Interest Rate/ Trans. Date	Opening Date	Maturity Date	6/30/2023 Book Balance	Additions/ (Deletions)	Cashed In	6/30/2024 Book Balance	Fair Value	Interest Paid
CD's:										
American Express National Bank	615-030525-245	3.30%	6/29/22	7/1/24	245,000.00	(245,000.00)		-	-	4,097.88
Capital One National Mclean	615-030525-245	3.30%	6/29/22	7/1/24	245,000.00	(245,000.00)		-	-	4,097.88
Customers Bank Phoenixville PA	615-030525-245	4.70%	2/16/23	8/16/24	250,000.00	(250,000.00)		-	-	5,858.90
Charles Schwab Bank	615-030525-245	5.20%	3/7/23	9/16/24	250,000.00	(250,000.00)		-	-	6,767.12
Wells Fargo Bank in Sioux Falls	615-030525-245	4.35%	10/14/22	10/15/24	249,000.00	(249,000.00)		-	-	3,650.08
Morgan Stanley Private National Bank	615-030525-245	4.80%	4/20/23	10/21/24	244,000.00	(244,000.00)		-	-	5,904.13
Western Alliance Bank	615-030525-245	4.85%	4/13/23	10/21/24	244,000.00	(244,000.00)		-	-	5,933.21
Brookline Bank Mass	615-030525-245	5.30%	8/30/23	10/30/24	248,000.00	(248,000.00)		-	-	5,509.68
Morgan Stanley Bank	615-030525-245	5.20%	8/30/23	3/3/25	243,000.00			243,000.00	243,354.78	6,335.31
Bank of Wisonsin	615-030525-245	5.40%	9/27/23	4/2/25	248,000.00			248,000.00	248,657.20	6,714.33
Merrick Bank	615-030525-245	5.40%	9/27/23	4/4/25	248,000.00			248,000.00	248,674.56	6,714.33
Synchrony Bank	615-030525-245	5.50%	11/3/23	5/5/25	243,000.00			243,000.00	244,020.60	6,737.42
Bank of America	615-030525-245	5.50%	11/8/24	5/8/25	243,000.00			243,000.00	244,013.31	6,737.42
State Bank of India	615-030525-245	1.10%	5/28/20	5/28/25	248,000.00			248,000.00	244,872.72	1,375.21
Capital One National National	615-030525-245	3.35%	6/29/22	6/30/25	245,000.00			245,000.00	244,010.20	8,229.98
Pacific Member Bank Irvine	615-030525-245	5.00%	3/15/24	9/15/25	243,000.00			243,000.00	244,397.25	6,124.93
Discover Bank Greenwood	615-030525-245	3.55%	9/20/22	9/22/25	245,000.00			245,000.00	244,049.40	4,384.49
BMW Bank North Amer Salt Lake	615-030525-245	0.50%	9/25/20	9/25/25	249,000.00			249,000.00	242,530.98	627.62
Bank of Hapoalim B M New York	615-030525-245	5.05%	4/24/24	10/29/25	200,000.00			200,000.00	201,426.00	5,063.84
Flagstar Bank National Association	615-030525-245	5.20%	6/11/24	1/13/26	243,000.00			243,000.00	245,604.96	6,335.31
US Government Bonds										
Federal Home Loan Bank	615-030525-245	4.75%	8/21/24	8/13/27		250,000.00		250,000.00	250,032.50	-
Federal Home Loan Bank	615-030525-245	4.75%	10/30/24	10/30/29		500,000.00		500,000.00	499,345.00	
Federal Home Loan Bank	615-030525-245	5.05%	1/30/23	1/28/25	500,000.00	(500,000.00)		-	-	18,937.50
Federal Home Loan Bank	615-030525-245	5.10%	1/30/23	1/28/26	500,000.00	(500,000.00)		-	-	19,125.00
Federal Home Loan Bank	615-030525-245	5.30%	7/15/24	7/15/27		500,000.00		500,000.00	499,650.00	-
Federal Home Loan Bank	615-030525-245	5.00%	10/29/24	10/30/29		500,000.00		500,000.00	499,510.00	
Federal Home Loan Bank	615-030525-245	4.00%	9/23/22	9/23/24	500,000.00	(500,000.00)		-	-	10,000.00
United Security Bank CD										
United Security Bank	1317802	4.75%	2/2/24	2/2/26		250,000.00		250,000.00	250,000.00	-
United Security Bank	1317802	4.75%	6/27/24	6/27/26		250,000.00		250,000.00	250,000.00	-
	Average Rate	**4.45%**								
Total CD's					**6,373,000.00**	**(1,225,000.00)**	**-**	**5,148,000.00**	**5,144,149.46**	**155,460.25**

CITY OF KERMAN
CD/Securities Portfolio
As of December 31, 2024

Institution	Account Number	Interest Rate/ Trans. Date	Opening Date	Maturity Date	6/30/2023 Book Balance	Additions/ (Deletions)	Cashed In	6/30/2024 Book Balance	Fair Value	Interest Paid
Securities America Sweep Program										
Beginning Balance					**-**			-		
	Transfers In/(Out)		7/2-7/30/24			0.00		0.00		
			8/5-8/31/24			(0.00)		(0.00)		
			9/3-9/30/24			627.62		627.62		
			10/1-10/30/24			(627.62)		(627.62)		
			11/1-11/30/24			-		-		
			12/3-12/31/24			-		-		
					-	**0.00**	**-**	**0.00**	**0.00**	**-**
Local Agency Investment Fund										
Beginning Balance	98-10-400				17,636,545.69			17,636,545.69		-
	Interest	4.55%	7/15/24			199,072.39		199,072.39		199,072.39
		4.71%	10/15/24			211,511.36		211,511.36		211,511.36
								-		-
								-		-
	Transfers In/(Out)							-		
								-		
								-		
Total - LAIF		**4.63%**			**17,636,545.69**	**410,583.75**	**-**	**18,047,129.44**	**18,047,129.44**	**410,583.75**
Central Valley Money Market Acct	015030960									
Beginning Balance					3,646,347.63			3,646,347.63		
	Interest		7/31/23			263.74		263.74		263.74
			8/30/24			239.78		239.78		239.78
			9/30/24			247.79		247.79		
			10/31/24			247.80		247.80		247.80
			11/29/24			231.83		231.83		
			12/1/24			255.83		255.83		
								-		-
	Transfers In/(Out)							-		
								-		
								-		
		0.08%						-		
					3,646,347.63	1,486.77	-	**3,647,834.40**	3,647,834.40	751.32
Subtotal All City Investments		**3.05%**			**27,655,893.32**	**(812,929.48)**	**-**	**26,842,963.84**	**26,839,113.30**	**566,795.32**
			Total Investments		27,655,893.32	(812,929.48)	-	26,842,963.84	26,839,113.30	566,795.32
								Market Value Adjustment	(3,850.54)	
								(812,929.48)		
								(812,929.48)		
								(0.00)		

STAFF REPORT

MEETING DATE: January 22, 2025

PRESENTER: Josefina Alvarez, Finance Director

SUBJECT: Municipal Financial Advisor and Selection of Consultant (JA)

RECOMMENDATION: Staff recommends that Council adopt resolution approving Municipal Financial Advisor contract with Fieldman, Rolapp & Associates Inc. in the amount not to exceed $38,500 for conducting the financial advisor services for proposed lease revenue bond public offering to finance new capital improvement projects (new Police Station and Resiliency Center) and authorize the City Manager to sign the Consultant Agreement.

EXECUTIVE SUMMARY:

The City of Kerman issued a Request for Qualifications (RFQ) on October 23, 2024 for a Municipal Financial Advisor. Staff issued an RFQ to four (4) consulting firms experienced as Municipal Financial Advisors and also posted the RFQ on the City Website. The City of Kerman received a total of six (6) proposals from firms that responded to the RFQ. Five (5) proposal were received before the deadline of November 7, 2024 and one (1) was received late. The proposals were opened and scored by the committee that consisted of the Community Services Director, Administrative Assistant from the Community Services Deparment, Senior Accountant and the Finance Director on December 4, 2024. The committee recommends a contract award to Fieldman, Rolapp & Associates Inc. consultants based on the total tabulated scores. Scores were evaluated based on their qualifications, experience, and approach to the scope of work and costs of services to be provided and submitted in their response to the RFQ. Below is the schedule that reflects the total cost submitted by each firm.

Consultant	Amount
Del Rio Advisors	$39,500
Fieldman, Rolapp & Associates Inc	**$38,500**
Wulff, Hansen & Co	$39,500
NHA Advisors	$62,500
KNN Public Finance	$55,000

FISCAL IMPACT: The proposed agreeement fees would be paid from Measure M Funds.

ATTACHMENTS:

A. Resolution w/Exhibit

Attachment 'A'

RESOLUTION NO. 25-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING MUNICIPAL FINANCIAL ADVISOR SERVICES AGREEMENT WITH FIELDMAN, ROLAPP & ASSOCIATES, INC. CONSULTANTS TO CONDUCT THE FINANCIAL ADVISOR SERVICES FOR PROPOSED LEASE REVENUE BOND PUBLIC OFFERING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City of Kerman requires a consultant for Municipal Financial Services for proposed lease revenue bond public offering and issued a Request for Qualifications (RFQ) for such services; and

WHEREAS, Fieldman, Rolapp & Associates Inc. has responded to the RFQ and is qualified to provide the required services; and

WHEREAS, the City desires to enter an agreement with Consultant for the Municipal Financial Services.

NOW, THEREFORE, the City Council of the City of Kerman does resolve as follows:

1. The foregoing recitals are true and correct.

2. The City Council hereby approves the Municipal Financial Services Agreement with Fieldman, Rolapp & Associates Inc. in the amount not to exceed $38,500 attached as **Exhibit 'A'** and incorporated by reference.

3. The City Council authorizes the City Manager to execute same.

4. This resolution shall be effective immediately.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regularly scheduled meeting held on the 22nd day of January 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

ATTEST:

_____
Josie Camacho
City Clerk

Exhibit 'A'

CITY OF KERMAN

CONSULTANT SERVICES AGREEMENT

This Consultant Services Agreement ("Agreement") is entered into between the CITY OF KERMAN, a California general law city ("City") and FIELDMAN, ROLAPP & ASSOCIATES, INC. ("Consultant"). This Agreement shall be effective on the date signed by City which shall occur after execution by Consultant ("Effective Date").

RECITALS

A. City has sought, by a Request for Qualifications, to select a consultant to conduct the Municipal Financial Services.

B. Consultant submitted a proposal for performing the requested Services and is engaged in the business of furnishing such services as a consultant and hereby warrants and represents that it is qualified, licensed, and professionally capable of performing the Services called for in the Request for Qualifications and this Agreement.

C. City has selected Consultant to perform the requested Services on the basis of Consultant's demonstrated competence and professional qualifications.

D. City desires to retain Consultant, and Consultant desires to provide City with the Services, on the terms and conditions as set forth in this Agreement.

NOW, THEREFORE, in consideration of the promises and mutual agreements herein, City and Consultant agree as follows:

AGREEMENT

1. Scope of Services. Consultant shall perform, to the satisfaction of City in accordance with this Agreement, the Services described in the "Scope of Services" set forth in **Exhibit "A"** attached hereto and incorporated by reference herein, and as may be revised by mutual agreement of the parties. Consultant warrants that it is qualified to perform the Services under this Agreement. Consultant shall be familiar with and shall comply with all State and Federal laws and regulations applicable to the work to be performed under this Agreement.

2. Commencement of Services; Term of Agreement. The term of this Agreement shall be from January 22nd, 2025 to the completion of the services described or until such time as the Agreement is terminated by either party in accordance with this Agreement, whichever is earlier.

(a) Continuity of Personnel. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors assigned to perform the Services under this Agreement. Consultant shall notify City of any changes in Consultant's staff and subcontractors assigned to perform the Services under this Agreement.

(b) Additional Services. Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to or outside of those set forth in this Agreement or listed in **Exhibit "A",** unless such additional services are authorized by written amendment to the Agreement.

3. Compensation for Services. City shall compensate Consultant for rendering the Services as follows:

(a) Subject to any limitations set forth in this Agreement, City agrees to pay Consultant the fees outlined in **Exhibit "B."**

b) Each month Consultant shall invoice City for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories: labor (by subcategory), travel, materials, equipment, supplies, and sub-consultant contracts.

(c) City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. The invoiced amount shall be paid within 30 calendar days unless City disputes any charges or expenses. If any charges or expenses are disputed, City shall pay the undisputed amount, and notify Consultant of the nature and amount of the disputed charge or expense. The parties shall seek to resolve the disputed items(s) by mutual agreement.

4. Independent Contractor Status. Consultant and its subcontractors shall perform the Services as independent contractors and not as officers, employees, agents or volunteers of City. Nothing contained in this Agreement shall be deemed to create any contractual relationship between City and Consultant's employees or subcontractors, nor shall anything contained in this Agreement be deemed to give any third party, including but not limited to Consultant's employees or subcontractors, any claim or right of action against City.

5. Standard of Care. Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement. Consultant represents

that to the extent Consultant utilizes subcontractors, such subcontractors are, and will be, qualified in their fields. Consultant also expressly represents that both Consultant and its subcontractors, if any, are now, and will be throughout their performance of the Services under this Agreement, properly licensed or otherwise qualified and authorized to perform the Services required and contemplated by this Agreement. Consultant and its subcontractors, if any, shall utilize the standard of care and skill customarily exercised by members of their profession, shall use reasonable diligence and best judgment while performing the Services, and shall comply with and keep themselves informed of all applicable laws and regulations.

6. Identity of Subcontractors and Sub-Consultants. Consultant shall, before commencing any work under this Agreement, provide to City in writing: (a) the identity of all subcontractors and sub-consultants (collectively referred to as "subcontractors"), if any, Consultant intends to utilize in Consultant's performance of this Agreement; and (b) a detailed description of the full scope of work to be provided by such subcontractors. Consultant shall only employ subcontractors pre-approved by City and in no event shall Consultant replace an approved subcontractor without the advance written permission of City, with the understanding that City's permission will not be unreasonably withheld. Notwithstanding any other provisions in this Agreement, Consultant shall be liable to City for the performance of Consultant's subcontractors.

7. Subcontractor Provisions. Consultant shall include in its written agreements with its subcontractors, if any, provisions which: (a) impose upon the subcontractors the obligation to provide to City the same insurance and indemnity obligations that Consultant owes to City; (b) make clear that City intends to rely upon the reports, opinions, conclusions and other work product prepared and performed by subcontractors for Consultant; and (c) entitle City to impose upon subcontractors the assignment rights found elsewhere in this Agreement.

8. Power to Act on Behalf of City. Consultant shall not have any right, power, or authority to create any obligation, express or implied, or make representations on behalf of City except as may be expressly authorized in advance in writing from time to time by City and then only to the extent of such authorization.

9. Record Keeping; Reports. Consultant shall keep complete records showing the type of Services performed. Consultant shall be responsible and shall require its subcontractors to keep similar records. City shall be given reasonable access to the records of Consultant and its subcontractors for inspection and audit purposes. Consultant shall provide City with a working draft of all reports and five (5) copies of all final reports prepared by Consultant under this Agreement.

10. Ownership and Inspection of Documents. All data, tests, reports, documents, conclusions, opinions, recommendations and other work product generated by or produced for Consultant or its subcontractors in connection with the Services, regardless of the medium, including physical drawings and materials recorded on computer discs ("Work Product"), shall be and remain the property of City. City shall have the right to use, copy, modify, and reuse the

Work Product as it sees fit. Upon City's request, Consultant shall make available for inspection and copying all such Work Product and all Work Product shall be turned over to City promptly at City's request or upon termination of this Agreement, whichever occurs first. Consultant shall not release any Work Product to third parties without prior written approval of the City Manager. This obligation shall survive termination of this Agreement and shall survive for four (4) years from the date of expiration or termination of this Agreement.

11. Confidentiality. All data, reports, conclusions, opinions, recommendations and other work product prepared and performed by and on behalf of Consultant in connection with the Services performed pursuant to this Agreement shall be kept confidential and shall be disclosed only to City, unless otherwise provided by law or expressly authorized by City. Consultant shall not disclose or permit the disclosure of any confidential information acquired during performance of the Services, except to its agents, employees, affiliates, and subcontractors who need such confidential information in order to properly perform their duties relative to this Agreement. Consultant shall also require its subcontractors to be bound to these confidentiality provisions.

12. City Name and Logo. Consultant shall not use City's name or insignia, photographs relating to the City projects for which Consultant's services are rendered, or any publicity pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of City.

13. Conflicts of Interest. Consultant warrants that neither Consultant nor any of its employees have an interest, present or contemplated, in the Services. Consultant further warrants that neither Consultant nor any of its employees have real property, business interests or income that will be affected by the Services. Consultant covenants that no person having any such interest, whether an employee or subcontractor shall perform the Services under this Agreement. During the performance of the Services, Consultant shall not employ or retain the services of any person who is employed by the City or a member of any City Board or Commission. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is unaware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section. City understands and acknowledges that Consultant will, perform non-related services for other governmental agencies and private parties following the completion of the Services under this Agreement, and any such future service shall not be considered a conflict of interest for purposes of this section.

14. Non-liability of Officers and Employees. No officer or employee of City shall be personally liable to Consultant, or any successors in interest, in the event of a default or breach by City for any amount which may become due Consultant or its successor, or for any breach of any obligation under the terms of this Agreement.

15. Termination of Agreement. This Agreement shall terminate upon expiration of the Term as set for above or earlier pursuant to the following.

a.. Termination by City: Without Cause. This Agreement may be terminated by City at its discretion upon thirty (30) days prior written notice to Consultant.

b. Termination by City or Consultant: For Cause. Either party may terminate this Agreement upon twenty (20) days prior written notice to the other party of a material breach, and a failure to cure within that time period.

c. Compensation to Consultant Upon Termination. In the event termination is not due to fault attributable to Consultant and provided all other conditions for payment have been met, Consultant shall be paid compensation for services performed prior to notice of termination. As to any phase partially performed but for which the applicable portion of Consultant's compensation has not become due, Consultant shall be paid the reasonable value of its services provided. However, in no event shall such payment when added to any other payment due under the applicable part of the work exceed the total compensation of such part as specified in Section 3 herein. In the event of termination due to Consultant's failure to perform in accordance with the terms of this Agreement through no fault of City, City may withhold an amount that would otherwise be payable as an offset to City's damages caused by such failure.

d. Effect of Termination. Upon receipt of a termination notice (or completion of this Agreement), Consultant shall: (i) promptly discontinue all Services affected (unless the notice directs otherwise); and (ii) deliver or otherwise make available to the City, without additional compensation, all data, documents, procedures, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Consultant in performing this Agreement, whether completed or in process. Following the termination of this Agreement for any reason whatsoever, City shall have the right to utilize such information and other documents, or any other works of authorship fixed in any tangible medium of expression, including but not limited to physical drawings, data magnetically or otherwise recorded on computer disks, or other writings prepared or caused to be prepared under this Agreement by Consultant. Consultant may not refuse to provide such writings or materials for any reason whatsoever.

16. Insurance. Consultant shall obtain and maintain in full force and effect during the term of this Agreement the insurance policies set forth in **Exhibit "C"** attached hereto and incorporated herein by this reference. All insurance policies shall be subject to City approval as to form and content. Consultant shall provide City with copies of required certificates of insurance upon request.

17. Indemnity and Defense. Consultant hereby agrees to indemnify, defend and hold the City, its officials, officers, employees, agents, and volunteers harmless from and against all claims, demands, causes of action, actions, damages, losses, expenses, and other liabilities,

(including without limitation reasonable attorney fees and costs of litigation) of every nature arising out of the acts, errors, or omissions constituting negligence, gross negligence, willful misconduct or fraud of Consultant or its subcontractors relating to the performance of Services described herein. Consultant's duty to defend and indemnify City shall not extend to injuries or damages that are the result of City's sole negligence or willful misconduct.

Consultant's duty to defend shall immediately arise when a claim is asserted and/or a lawsuit is initiated against the City arising out of or occurring in connection with the acts, errors, or omissions constituting negligence, gross negligence, fraud or willful misconduct of Consultant or its subcontractors relating to the performance of Services described herein and regardless of whether others may owe the City a duty of defense and/or indemnity. Consultant and City agree that said indemnity and defense obligations shall survive the expiration or termination of this Agreement for any items specified herein that arose or occurred during the term of this Agreement for a period of two (2) years.

18. Assignment. Neither this Agreement nor any duties or obligations hereunder shall be assignable by Consultant without the prior written consent of City. In the event of an assignment to which City has consented, the assignee shall agree in writing to personally assume and perform the covenants, obligations, and agreements herein contained. In addition, Consultant shall not assign the payment of any monies due Consultant from City under the terms of this Agreement to any other individual, corporation or entity. City retains the right to pay any and all monies due Consultant directly to Consultant.

19. Form and Service of Notices. All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by mail addressed as follows:

To City:	John Jansons City of Kerman 850 S Madera Avenue Kerman, CA 93630	To Consultant:	Fieldman, Rolapp & Associates Inc. 1 Sansome Street, Suite 3500 San Francisco, CA 94104

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or email; or if mailed, three (3) days after deposit of the same in the custody of the United States Postal Service.

20. Entire Agreement. This Agreement, including the attachments, represents the entire Agreement between City and Consultant and supersedes all prior negotiations, representations or agreements, either written or oral with respect to the subject matter herein. This Agreement may be amended only by written instrument signed by both City and Consultant.

21. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

22. Authority. The signatories to this Agreement warrant and represent that they have the legal right, power, and authority to execute this Agreement and bind their respective entities.

23. Severability. In the event any term or provision of this Agreement is declared to be invalid or illegal for any reason, this Agreement will remain in full force and effect and will be interpreted as though such invalid or illegal provision were not a part of this Agreement. The remaining provisions will be construed to preserve the intent and purpose of this Agreement and the parties will negotiate in good faith to modify any invalidated provisions to preserve each party's anticipated benefits.

24. Applicable Law and Interpretation and Venue. This Agreement shall be interpreted in accordance with the laws of the State of California. The language of all parts of this Agreement shall, in all cases, be construed as a whole, according to its fair meaning, and not strictly for or against either party. This Agreement is entered into by City and Consultant in the County of Fresno, California. Consultant shall perform the Services required under this Agreement in the County of Fresno, California. Thus, in the event of litigation, venue shall only lie with the appropriate state or federal court in Fresno County.

25. Attorney's Fees. If either party is required to commence any proceeding or legal action to enforce or interpret any term, covenant, or condition of this Agreement, the prevailing party in such proceeding or action shall be entitled to recover from the other party its reasonable attorneys' fees and legal expenses.

26. Amendments and Waiver. This Agreement shall not be modified or amended in any way, and no provision shall be waived, except in writing signed by the parties hereto. No waiver of any provision of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. Failure of either party to enforce any provision of this Agreement shall not constitute a waiver of the right to compel enforcement of the remaining provisions of this Agreement.

27. Third Party Beneficiaries. Nothing in this Agreement shall be construed to confer any rights upon any party not a signatory to this Agreement.

28. Non-Discrimination. Consultant shall not discriminate on the basis of any protected class under federal or State law in the provision of the Services or with respect to any Consultant employees or applicants for employment. Consultant shall ensure that any subcontractors are

bound to this provision. A protected class, includes, but is not necessarily limited to race, color, national origin, ancestry, religion, age, sex, sexual orientation, marital status, and disability.

29. Compliance with All Laws. In providing the services required under this Agreement, Consultant shall at all times comply with all applicable laws of the United States, the State of California, and with all applicable regulations promulgated by federal, state, regional, or local administrative and regulatory agencies, now in force and as they may be enacted, issued, or amended during the term of this Agreement.

30. Execution in Counterparts. This Agreement may be executed in counterparts such that the signatures may appear on separate signature pages. A copy or an original, with all signatures appended together, shall be deemed a fully executed Agreement.

Now, therefore, the City and Consultant have executed this Agreement on the date(s) set forth below.

JAMES FABIAN, PRINCIPAL

By:_____
James Fabian, Principal

Date: _____

CITY OF KERMAN

By: _____
John Jansons, City Manager

Date: _____

EXHIBIT "A"

SCOPE OF SERVICES

The Project

The City seeks funding for the remodeling/ construction of a new city police station ($11M) and approximately $7M to serve as matching funds to grant funds of $7.25M already secured for a new Multi-Generational Resiliency Community Center.

Financing Structure

Lease Revenue Bonds to deliver a project fund of $18 million, supported by real property, general fund, and sales tax measure revenues.

Consultants

Oppenheimer & Co. Inc. is serving as underwriter and Jones Hall is serving as bond counsel and disclosure counsel to the City.

EXHIBIT "B"

Compensation

Service	Cost
Municipal Financial Advisor	$38,500

Hourly Rates

	Hourly Rates
Principal	$405
Executive/Senior Vice President	$394
Vice President	$336
Assistant Vice President	$310
Senior Associate	$279
Associate	$247
Analyst	$137
Administrative Assistant	$100

EXHIBIT "C"

Insurance

A. Insurance Requirements. AUDITOR shall provide and maintain insurance, acceptable to the City Manager or City Council, in full force and effect throughout the term of this AGREEMENT, against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by AUDITOR, its agents, representatives or employees. Insurance is to be placed with insurers with a current AM. Best's rating of no less than A:VII. AUDITOR shall provide the following scope and limits of insurance:

(1) Minimum Scope of Insurance. Coverage shall be at least as broad as:

1) Insurance Services Office form Commercial General Liability coverage (at least as broad as the most recent Insurance Services Office (ISO) Form CG 00 01).

2) As broad as the most recent edition of Insurance Services Office form number CA 00 01 covering Business Automobile Liability, including code 1 "any auto.".

3) Workers' Compensation statutory insurance as required by the Labor Code of State of California and Employer's Liability insurance and covering all persons providing services on behalf of the AUDITOR and all risks to such persons under this AGREEMENT.

4) Professional Liability Insurance that insures against professional errors and omissions that may be made in performing professional services associated to the AUDITOR's profession.

(2) Minimum Limits of Insurance. AUDITOR shall maintain limits of insurance no less than:

1) General Liability: $1,000,000 per occurrence, $2,000,000 general aggregate, and $1,000,000 products and completed operations for bodily injury, personal injury and property damage.

2) Automobile Liability: $1,000,000 per accident combined single limit for bodily injury and property damage.

3) Workers' Compensation and Employer's Liability: Statutory Workers' Compensation as required by the Labor Code of the State of California and Employers Liability limits of $1,000,000 per accident/disease.

4) Professional Liability Errors and Omissions: $1,000,000 per occurrence and in the aggregate.

B. Other Provisions. Insurance policies required by this AGREEMENT shall contain the following provisions:

(1) All Policies. Each insurance policy required by this paragraph 15 shall be endorsed and state the coverage shall not be suspended, voided, cancelled by the insurer or either party to this AGREEMENT, reduced in coverage or in limits except after 30 days' prior written notice by Certified mail, return receipt requested, has been given to the City Manager, City of Kerman. If a carrier will not provide the required notice of cancellation, the AUDITOR shall provide written notice to the City of a cancellation no later than 3 business days before cancellation.

(2) General Liability and Automobile Liability Coverage.

1) CITY, and its respective elected and appointed officers, officials, employees, agents, and volunteers are to be covered and named as additional insured as respects: liability arising out of activities AUDITOR performs; ongoing and products and completed operations of AUDITOR; premises owned, occupied or used by AUDITOR; or automobiles owned, leased, hired or borrowed by AUDITOR. The coverage shall contain no special limitations on the scope of protection afforded to CITY, and their respective elected and appointed officers, officials, or employees.

2) AUDITOR's insurance coverage shall allow and be endorsed primary insurance with respect to CITY, and its respective elected and appointed, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by CITY, and its respective elected and appointed officers, officials, employees or volunteers, shall apply in excess of, and not contribute with, AUDITOR's insurance.

3) Coverage shall allow and be endorsed to include a waiver of subrogation in favor of the CITY, and its respective elected and appointed, its officers, officials, employees and volunteers.

4) AUDITOR's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

5) Any failure to comply with the reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to CITY, and its respective elected and appointed officers, officials, employees or volunteers.

(3) Workers' Compensation and Employer's Liability Coverage. Unless the City Manager otherwise agrees in writing, the insurer shall agree to waive all rights of subrogation against CITY, and its respective elected and appointed officers, officials, employees and agents for losses arising from work performed by AUDITOR and provide a waiver of subrogation endorsement.

C. Other Requirements. AUDITOR agrees to deposit with CITY, at or before the effective date of this contract, certificates of insurance necessary to satisfy CITY that the insurance provisions of this contract have been complied with. The City Attorney may require that AUDITOR furnish CITY with copies of original endorsements effecting coverage required by this Section. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. CITY reserves the right to inspect complete, certified copies of all required insurance policies, at any time.

(1) AUDITOR shall furnish certificates and endorsements from each subcontractor identical to those AUDITOR provides.

(2) Any deductibles or self-insured retentions must be declared to and approved by CITY. At the option of CITY, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects CITY or its respective elected or appointed officers, officials, employees and volunteers or the AUDITOR shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims.

(3) The procuring of such required policy or policies of insurance shall not be construed to limit AUDITOR's liability hereunder or to fulfill the indemnification provisions and requirements of this AGREEMENT.

STAFF REPORT

MEETING DATE: January 22, 2025

PRESENTER: Jenna Chilingerian, 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
Total	46.84	25.45

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 ± 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 ± 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.

<u>Tentative Subdivision Map 2023-04</u>

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 ± 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 ± 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.

<u>Access, Circulation, and Off-Site Improvements</u>

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.

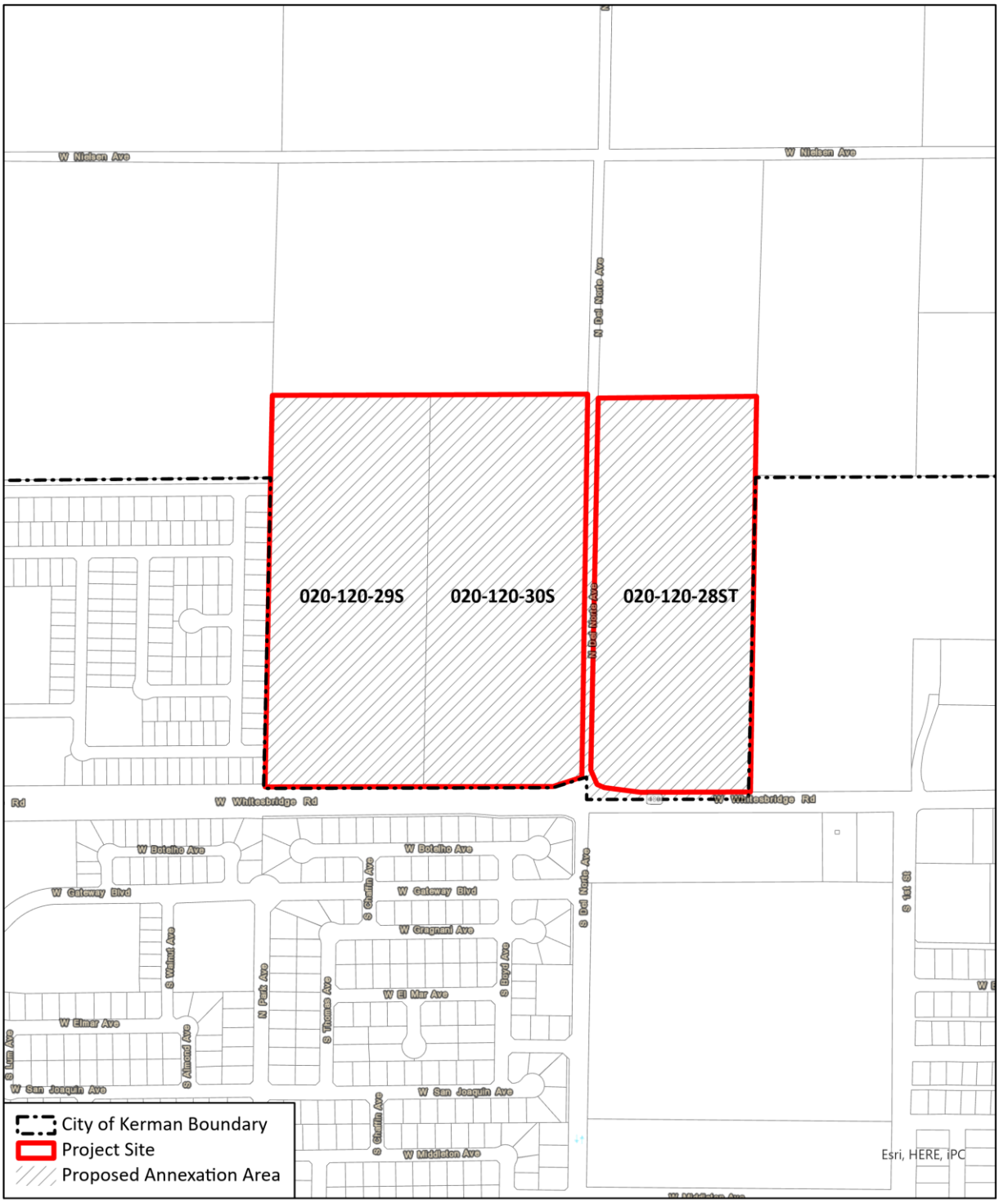
Findings regarding each of these items are set forth in the proposed Resolution (**Attachment J**).

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

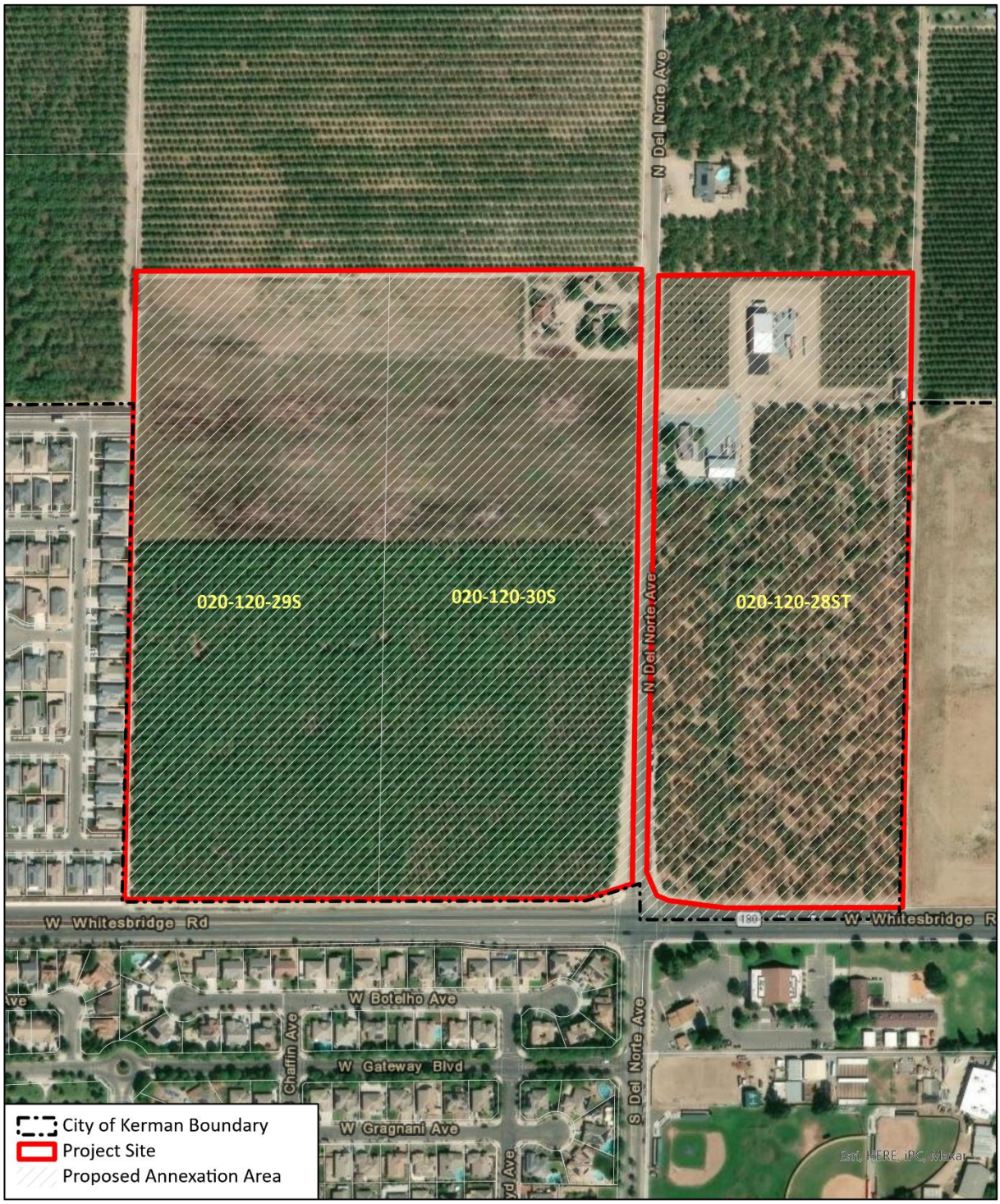
Project Vicinity Map



CITY OF KERMAN - DEL NORTE ESTATES

ATTACHMENT B

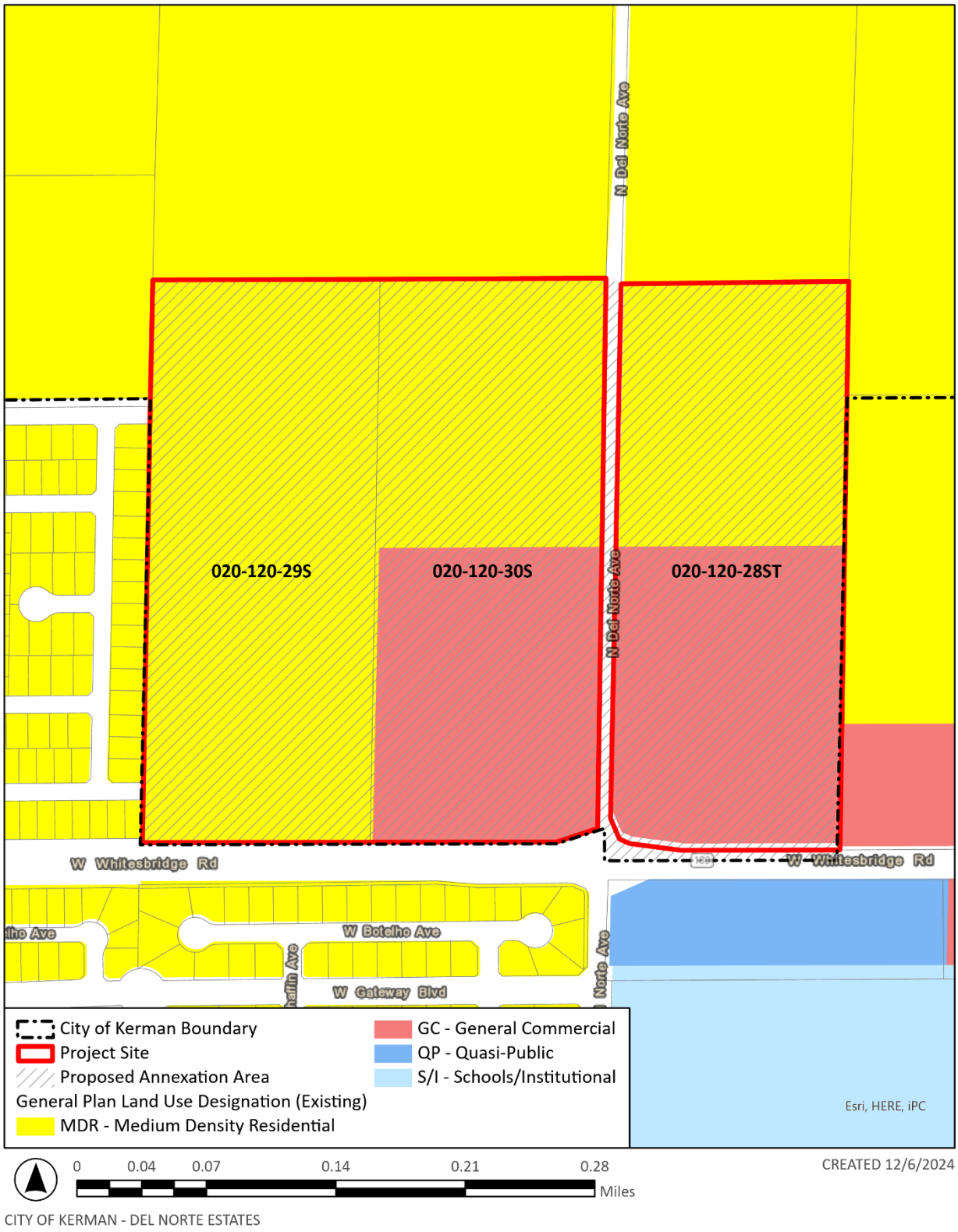
Aerial Map of Project Site



CITY OF KERMAN - DEL NORTE ESTATES

ATTACHMENT C

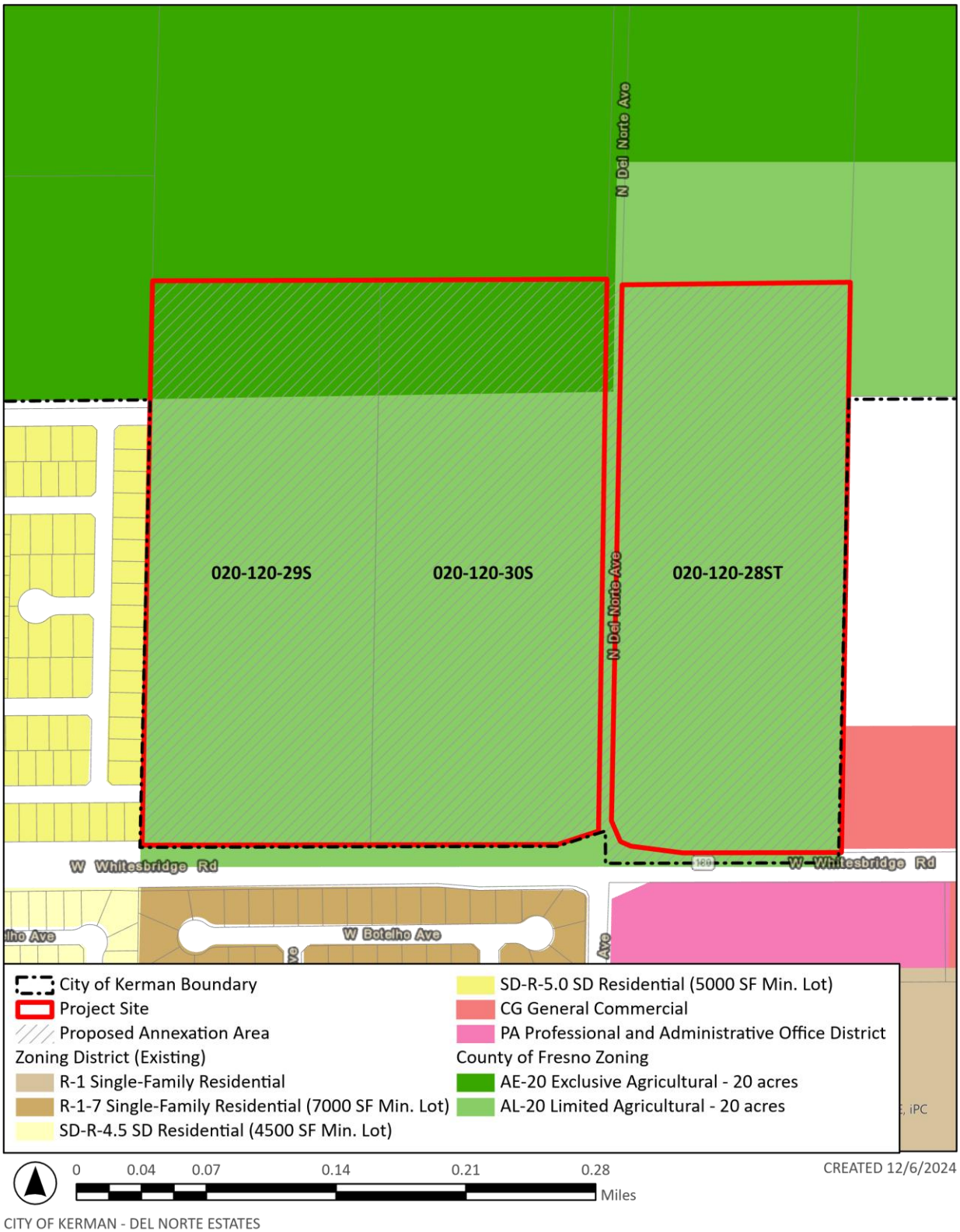
General Plan Land Use Designation Map (Existing) for Project Site



CITY OF KERMAN - DEL NORTE ESTATES

ATTACHMENT D

Zoning District Map (Existing) for Project Site



CITY OF KERMAN - DEL NORTE ESTATES

ATTACHMENT E

Other Agency/Department Comments

Manuel Campos

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
www.cityofkerman.net

From: Manuel Campos
Sent: Wednesday, February 21, 2024 4:22 PM
To: Theresa Johnson <tjohnson@cityofkerman.org>; Jesus Gonzalez <jesusgonzalez@yhmail.com>; Michael Barajas <MBarajas@cityofkerman.org>; lkimura@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@fresnocounty.gov; Bonique Emerson <bemerson@precisioneng.net>; Jenna Chilingerian <jchilingerian@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
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

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.

Sincerely,

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

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.

Sincerely,

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
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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.

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.

Sincerely,



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

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.

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.

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 or (559) 600-4245.

Sincerely,

Elliot Racusin

Elliot Racusin, Planner
Development Services and Capital Projects Division

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

Fresno Local Agency Formation Commission

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.fresnolafco.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.

BOARD OF DIRECTORS President RYAN JACOBSEN Vice-President JERRY PRIETO, JR. CHRISTOPHER WOOL
GEORGE PORTER GREGORY BEBERIAN General Manager BILL STRETCH

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.

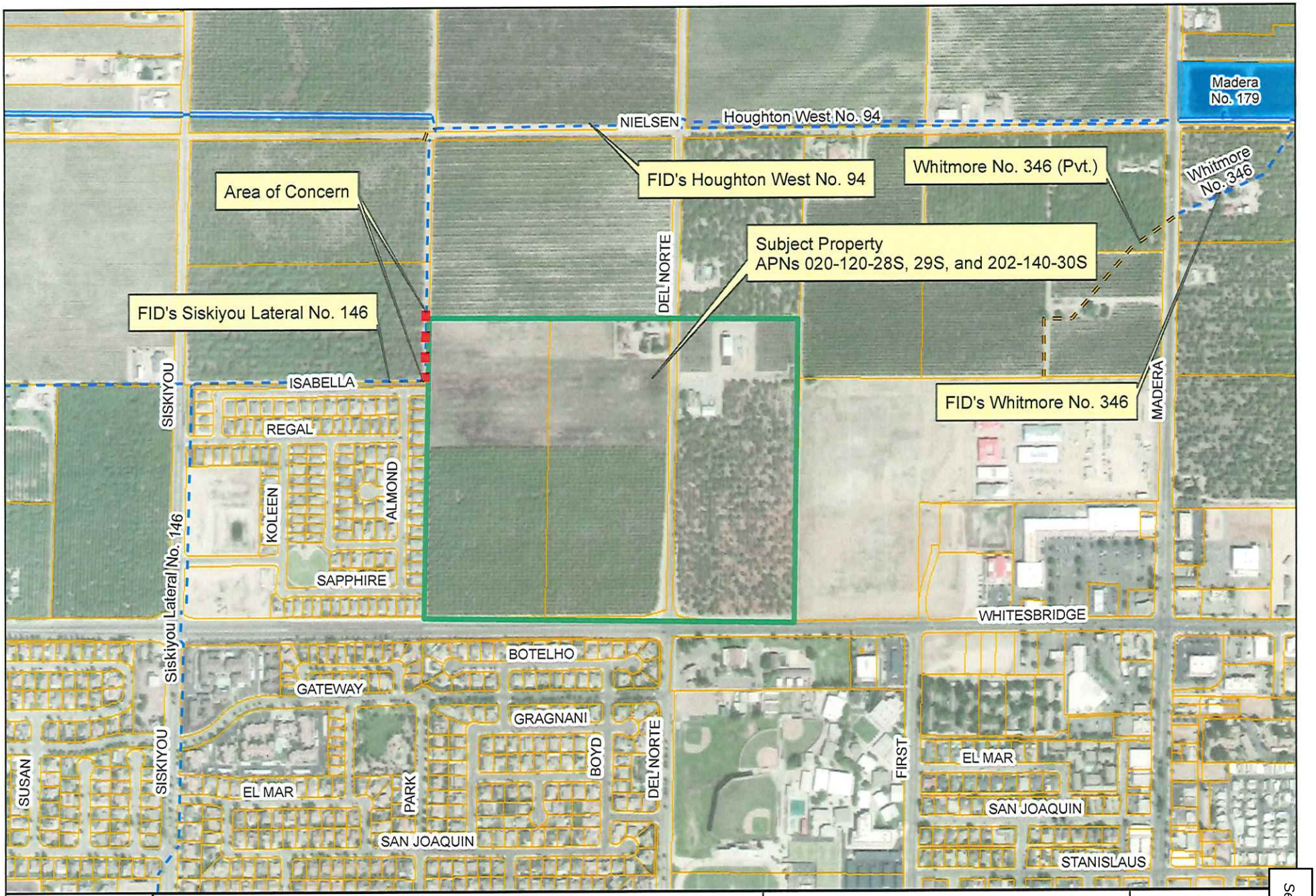
17. The above comments are not to be construed as the only requests FID will have regarding this project. FID will make necessary additional comments and requests as the project progresses.

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.

Sincerely,

Laurence Kimura, P.E.
Chief Engineer

Attachment



FRESNO IRRIGATION DISTRICT

Legend

- FID Canal
- Private Canal
- Abandoned Canal
- FID Pipeline
- Private Pipeline
- Abandoned Pipeline
- Stream Group
- Other-Creek\River
- Other-Pipeline
- FID Boundary
- Railroad
- Streets & Hwys
- Parcel
- FMFCD Acquired Basins
- FMFCD Proposed Basins

This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7161 for further information on FID facilities.

Path: G:\Fidgis\20240220 FID Master.mxd
Spatial Reference
Name: NAD 1983 StatePlane California IV FIPS 0404

0 330 6
Feet
1 inch = 666.46 feet

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 Chilingerian; 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
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

February 21, 2024

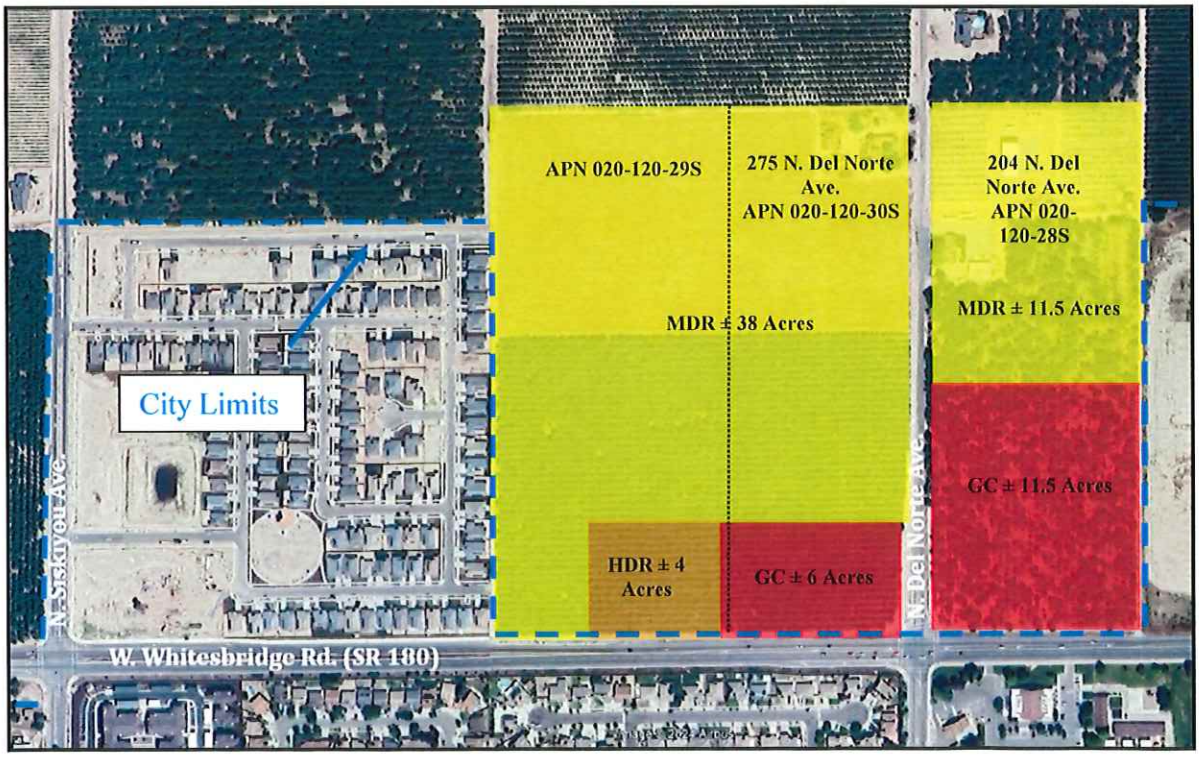
RE: Project Distribution and Request for Comments for a Development Application related to the development of a project referred to as the Del Norte Estates Project

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.

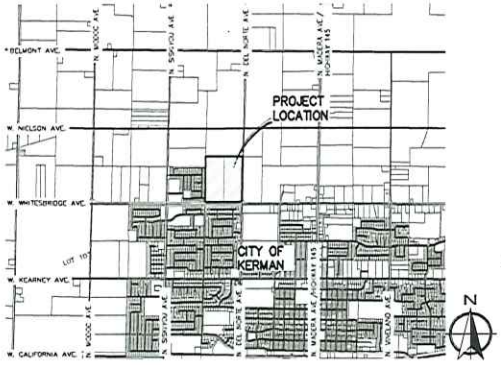
Your cooperation in this matter is greatly appreciated. Should you have any questions, please feel free to contact me at (559) 846-9384 ext. 316 or email me at mcampos@cityofkerman.org.

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.



VICINITY MAP:
1" = 2000'

OWNER:
ROBERT J. COUTO & CYNTHIA D. COUTO
336 N. DEL NORTE AVE.
KERMAN, CA 93630

APPLICANT/DEVELOPER:
THE HOLLAND GROUP
P.O. BOX 27360
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. 06019C2075H, 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 IN ZONE X ARE DETERMINED TO BE AREAS OF 0.2% ANNUAL CHANCE FLOOD HAZARD.

SITE NOTES:

1. APN: 020-120-29S & 30S
2. ADDRESS: NO SITE ADDRESS (NORTHWEST CORNER OF SR-180 & N. DEL NORTE AVE.
3. GROSS AREA: ±2,091,331 SQ. FT. (±48.01 ACRES)
4. NET AREA: ±2,091,331 SQ. FT. (±48.01 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 POLES, POWER LINES, IRRIGATION VENTS, IRRIGATION RISERS WITHIN THE PROPOSED SUBDIVISION.
13. THERE ARE EXISTING UNDERGROUND FEATURES SUCH AS WELLS, IRRIGATION PIPES, VALVES AND OTHER 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, STREETLIGHTS, GUTTER, CURB, SIDEWALK, AND PERMANENT PAVEMENT SHALL BE INSTALLED PER CITY OF KERMAN STANDARD DRAWINGS.
11. THERE ARE NO EXISTING CANALS OR DITCHES LOCATED WITHIN THE PROPOSED SUBDIVISION.
12. ALL EXISTING TREES & BUSHES ON SUBJECT PROPERTY TO BE REMOVED.
13. 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.

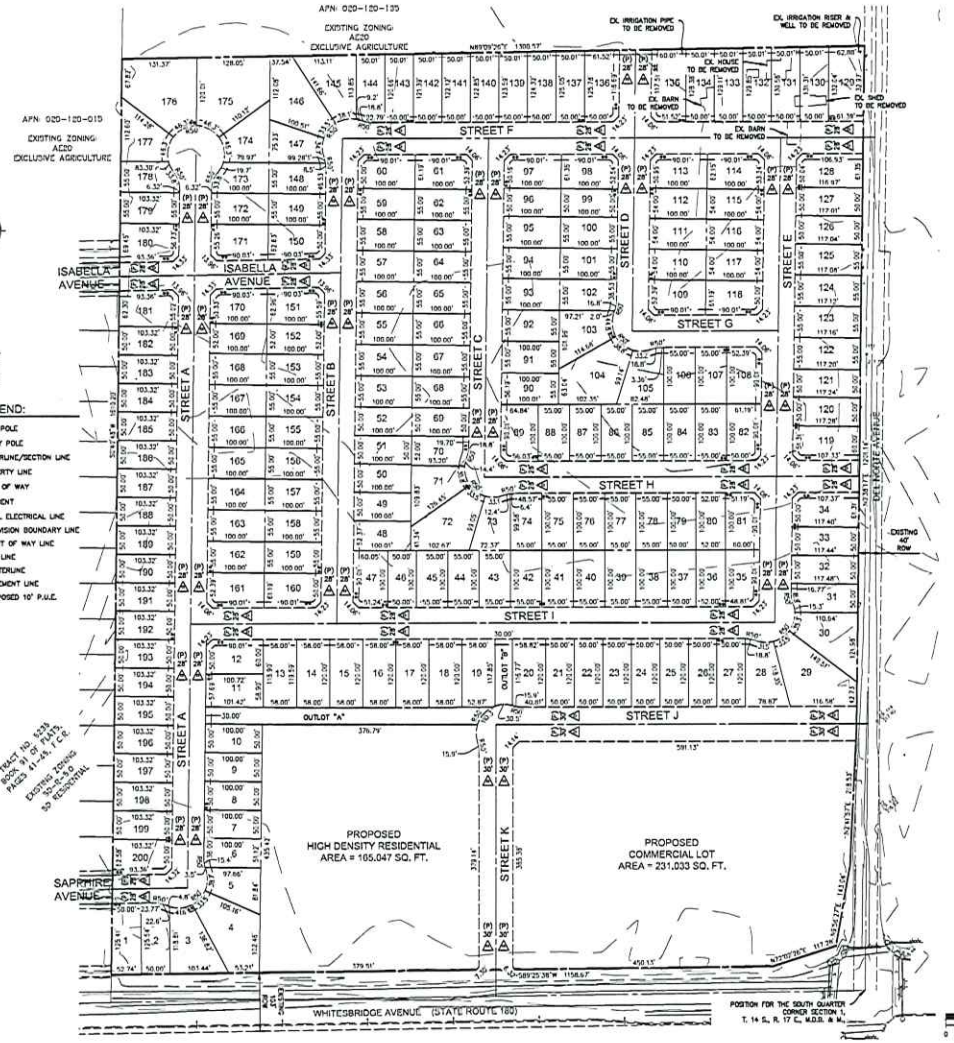
LEGAL DESCRIPTION

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

THE WEST ½ OF LOT 16 AND ALL OF LOTS 19 AND 20, AND ALL OF THAT PORTION OF THE WEST ½ OF LOT 16 LYING SOUTH OF A LINE WHICH IS PARALLEL TO AND 990 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, ALL OF THE AFOREMENTIONED DESCRIBED REAL PROPERTY BEING IN SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, M.D.B. & M., FRESNO IRRIGATION FARMS CO. TRACT, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER MAP RECORDED JUNE 24, 1912, IN BOOK 8, RECORD OF SURVEYS AT PAGE 1, FRESNO COUNTY RECORDS.

BASIS OF BEARINGS

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°34'06" EAST AS SHOWN ON MAP OF TRACT NO. 6238 RECORDED IN BOOK 91 OF PLATS, AT PAGES 41-45, FRESNO COUNTY RECORDS.



PARCEL TABLE

PARCEL #	AREA (SQ. FT.)
1	6469
2	6216
3	6535
4	10686
5	5853
6	5100
7	5000
8	5000
9	5000
10	5000
11	6065
12	5872
13	6960
14	6960
15	6960
16	6960
17	6960
18	6960
19	6954
20	7039
21	6000
22	6000
23	6000
24	6000
25	6000
26	6000
27	6000
28	7399
29	12092
30	9181
31	5771
32	5873
33	5871
34	7070
35	5890
36	5200
37	5000
38	5000
39	5500
40	5500
41	5500
42	5500
43	5500
44	5500
45	5500
46	5000
47	6015
48	5177
49	5000
50	5000
51	5000
52	5000
53	5000
54	5500
55	5500
56	5500
57	5500
58	5500
59	5500
60	6010
61	6129
62	5500
63	5500
64	5500
65	5500
66	5500
67	5500
68	5500
69	5000
70	5182
71	7022
72	9459
73	5331
74	5499
75	5500
76	5500
77	5500
78	5500
79	5000
80	5200
81	6010
82	6010
83	5500
84	5500
85	5500
86	5500
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91	5500
92	5500
93	5500
94	5500
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99	5000
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102	5485
103	7106
104	10858
105	6352
106	5500
107	5500
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	6445
123	6443
124	6441
125	6438
126	5831
127	5649
128	7048
129	8232
130	6584
131	6547
132	6511
133	6474
134	6437
135	7724
136	7619
137	6271
138	6234
139	6198
140	6161
141	6124
142	6088
143	6051
144	5900
145	8795
146	10231
147	5882
148	5488
149	5500
150	6082
151	6377
152	5200
153	5500
154	5500
155	5500
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157	5500
158	5500
159	5500
160	6010
161	6129
162	5500
163	5500
164	5500
165	5500
166	5500
167	5500
168	5500
169	5200
170	6114
171	6344
172	5500
173	5106
174	6445
175	14664
176	14458
177	6815
178	5291
179	5683
180	6985
181	6528
182	5166
183	5166
184	5166
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190	5166
191	5166
192	5166
193	5166
194	5166
195	5166
196	5166
197	5166
198	5166
199	5166
200	6283

OUTLOT TABLE

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

GATEWAY ENGINEERING, INC.
CIVIL ENGINEERS | LAND SURVEYORS
P. 559-3204344 | F. 559-3204345 | WWW.GATEWAYENG.COM
405 PARK CREEK DRIVE, CLOVIS, CA 93611-4435

Manuel Campos

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> 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

www.cityofkerman.net

--
Best regards,

Kraig Magnussen

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Manuel Campos

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

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Manuel Campos

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

Jonathon.kutka@northcentralfire.org



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

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 and 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 D 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 Ker
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)* (
   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 for additional services you may require, or for any modification and/or relocation requests.

Sincerely,



Justin Newell
Land Management
916-594-4068

San Joaquin Valley AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

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

www.valleyair.org www.healthyairliving.com

Printed on recycled paper.

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/g4nl3p0g/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.

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
- 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 Ambien 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 update 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 NOx and PM2.5 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 NOx 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 NOx 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 or by phone at (559) 230-6558.

Sincerely,

Tom Jordan
Director of Policy and Government Affairs

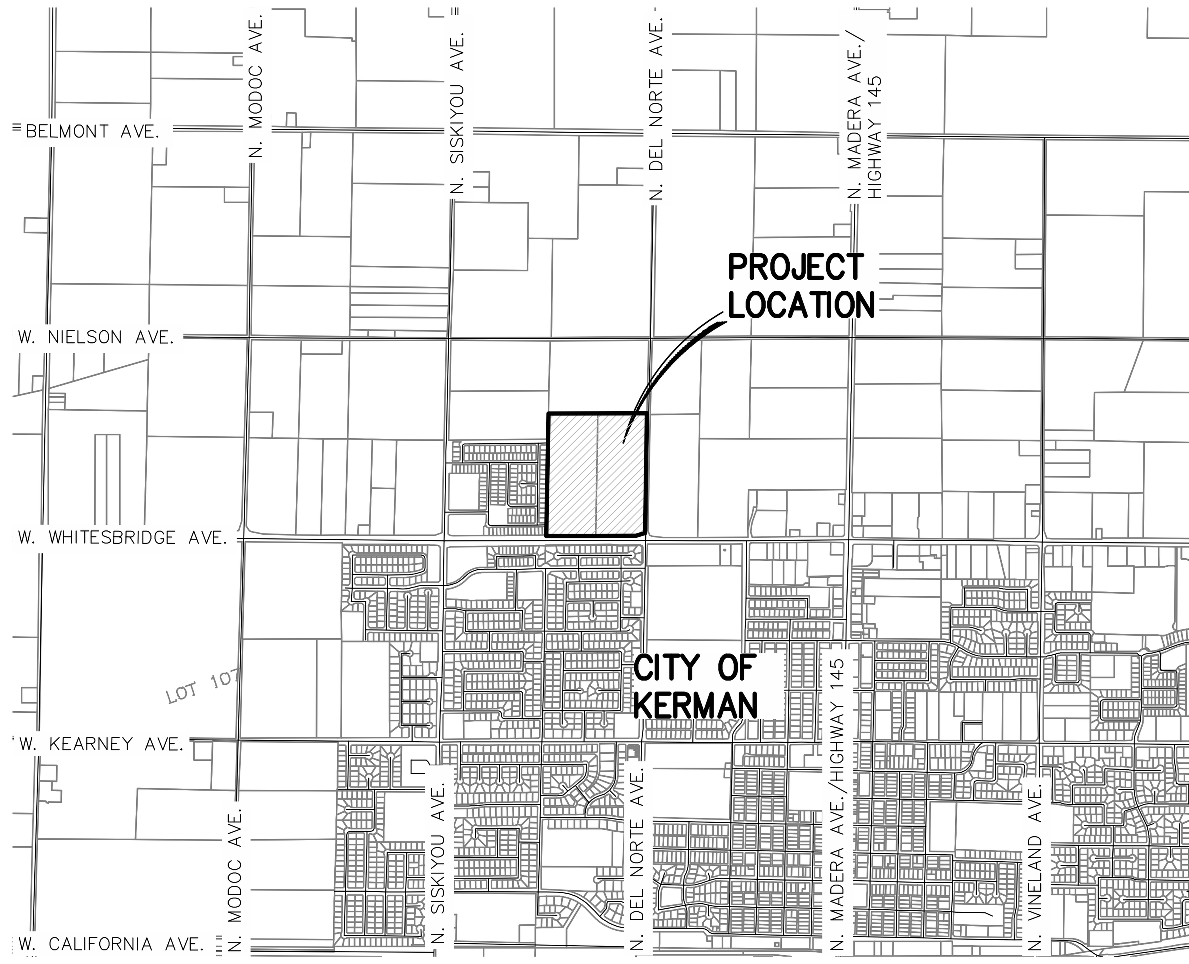
For: Mark Montelongo
Program Manager

Attachment A

Application Review Comments - J. Gonzalez, 04-09-24

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.



VICINITY MAP:

1" = 2000'

OWNER:

ROBERT J. COUTO & CYNTHIA D. COUTO
336 N. DEL NORTE AVE.
KERMAN, CA 93630

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. 06019C2075H, 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 IN ZONE X ARE DETERMINED TO BE AREAS OF 0.2% ANNUAL CHANCE FLOOD HAZARD.

SITE NOTES:

1. APN: 020-120-29S & 30S
2. ADDRESS: NO SITE ADDRESS (NORTHWEST CORNER OF SR-180 & N. DEL NORTE AVE.
3. GROSS AREA: ±2,091,331 SQ. FT. (±48.01 ACRES)
4. NET AREA: ±2,091,331 SQ. FT. (±48.01 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 POLES, POWER LINES, IRRIGATION VENTS, IRRIGATION RISERS WITHIN THE PROPOSED SUBDIVISION.
13. THERE ARE EXISTING UNDERGROUND FEATURES SUCH AS WELLS, IRRIGATION PIPES, VALVES AND OTHER 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, STREETLIGHTS, GUTTER, CURB, SIDEWALK, AND PERMANENT PAVEMENT SHALL BE INSTALLED PER CITY OF KERMAN STANDARD DRAWINGS.
11. THERE ARE NO EXISTING CANALS OR DITCHES LOCATED WITHIN THE PROPOSED SUBDIVISION.
12. ALL EXISTING TREES & BUSHES ON SUBJECT PROPERTY TO BE REMOVED.
13. 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' R/W width. Reconfigure lots to allow for continuation of T6236 trail to Del Norte Ave.

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

6) Construct improvements in accordance with Kerman standards.

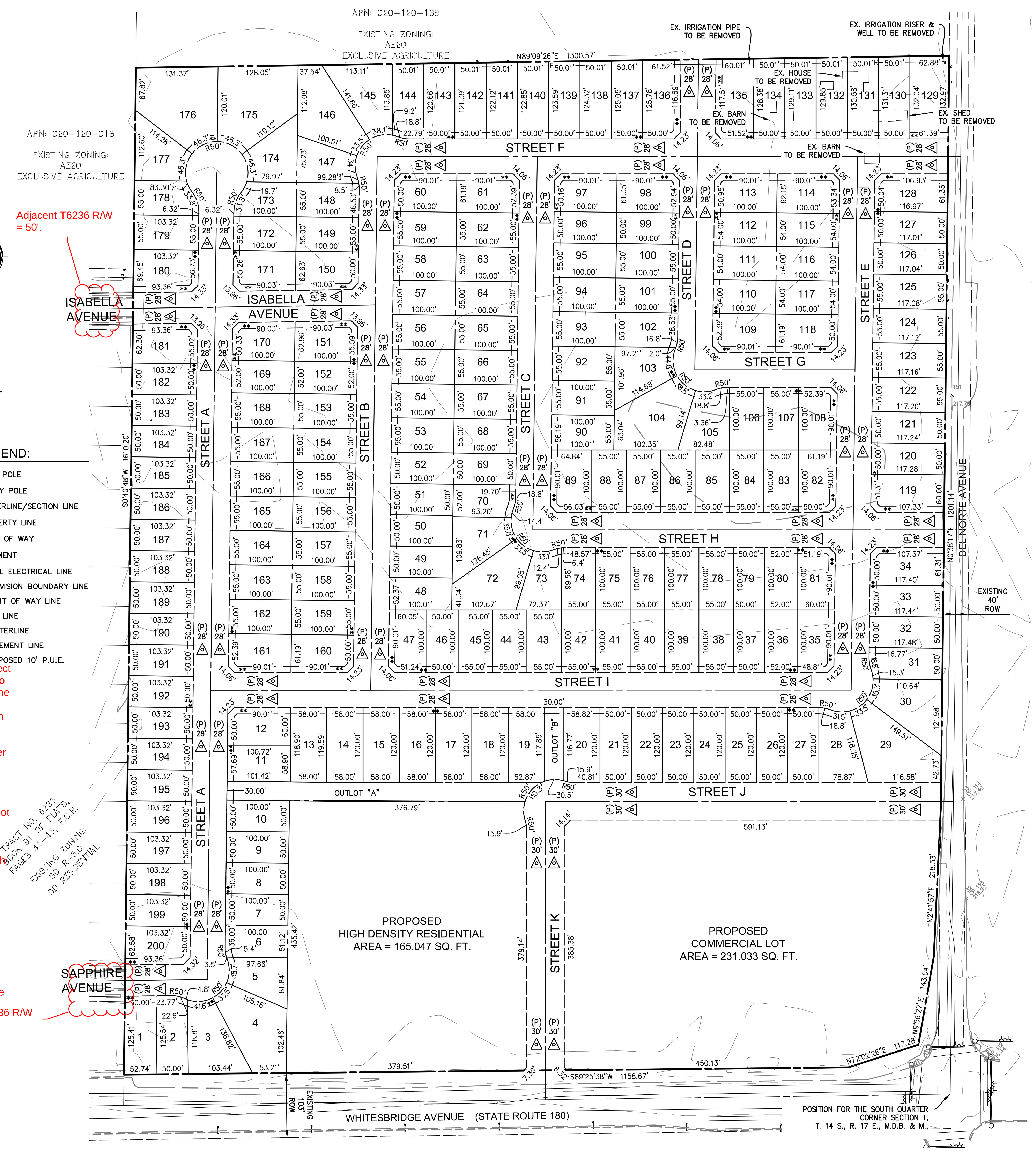
LEGAL DESCRIPTION

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

THE WEST ½ OF LOT 16 AND ALL OF LOTS 19 AND 20, AND ALL OF THAT PORTION OF THE WEST ½ OF LOT 16 LYING SOUTH OF A LINE WHICH IS PARALLEL TO AND 990 FEET SOUTH OF THE NORTH LINE OF THE SOUTHWEST ¼ OF SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, ALL OF THE AFOREMENTIONED DESCRIBED REAL PROPERTY BEING IN SECTION 1, TOWNSHIP 14 SOUTH, RANGE 17 EAST, M.D.B. & M., FRESNO IRRIGATION FARMS CO. TRACT, IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS PER MAP RECORDED JUNE 24, 1912, IN BOOK 8, RECORD OF SURVEYS AT PAGE 1, FRESNO COUNTY RECORDS.

BASIS OF BEARINGS

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.



PARCEL TABLE

PARCEL #	AREA (SQ. FT.)
1	6469
2	6216
3	8535
4	10896
5	5853
6	5100
7	5000
8	5000
9	5000
10	5000
11	6065
12	5972
13	6960
14	6960
15	6960
16	6960
17	6960
18	6960
19	6954
20	7039
21	6000
22	6000
23	6000
24	6000
25	6000
26	6000
27	6000
28	7399
29	12092
30	9101
31	5771
32	5873
33	5871
34	7070
35	5890
36	5200
37	5000
38	5500
39	5500
40	5500
41	5500
42	5500
43	5500
44	5500
45	5500
46	5000
47	6015
48	5177
49	5000
50	5000
51	5000
52	5000
53	5500
54	5500
55	5500
56	5500
57	5500
58	5500
59	5500
60	6010
61	6129
62	5500
63	5500
64	5500
65	5500
66	5500
67	5500
68	5500
69	5000
70	5103

PARCEL #	AREA (SQ. FT.)
71	7022
72	9459
73	5551
74	5499
75	5500
76	5500
77	5500
78	5500
79	5000
80	5200
81	6010
82	6010
83	5500
84	5500
85	5500
86	5500
87	5500
88	5500
89	6494
90	5560
91	5500
92	5500
93	5500
94	5500
95	5500
96	5000
97	6025
98	6145
99	5000
100	5500
101	5500
102	5485
103	7106
104	10856
105	6552
106	5500
107	5500
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	6445
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	6198
140	6161

PARCEL #	AREA (SQ. FT.)
141	6124
142	6088
143	6051
144	5950
145	8795
146	10231
147	5662
148	5498
149	5500
150	6082
151	6377
152	5200
153	5500
154	5500
155	5500
156	5500
157	5500
158	5500
159	5500
160	6010
161	6129
162	5500
163	5500
164	5500
165	5500
166	5500
167	5500
168	5500
169	5200
170	6114
171	6344
172	5500
173	5108
174	6445
175	14664
176	14458
177	6815
178	5291
179	5683
180	6985
181	6528
182	5166
183	5166
184	5166
185	5166
186	5166
187	5166
188	5166
189	5166
190	5166
191	5166
192	5166
193	5166
194	5166
195	5166
196	5166
197	5166
198	5166
199	5166
200	6283

OUTLOT TABLE

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

GATEWAY ENGINEERING, INC.
CIVIL ENGINEERS I LAND SURVEYORS
P. 559-320-0344 I F. 559-320-0345 I 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 (± 35.88 acres) and GC – General Commercial (± 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 16th 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 16th 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 (± 3.64 ACRES), AND FOUR (4) COMMERCIAL LOTS (± 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 (± 3.64 acres), and four (4) commercial lots (± 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 addition 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 16th 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. 24-29

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 6th 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 16th 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

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 (± 35.88 acres) and GC – General Commercial (± 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 22nd 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.

_____

Maria Pacheco, Mayor

_____

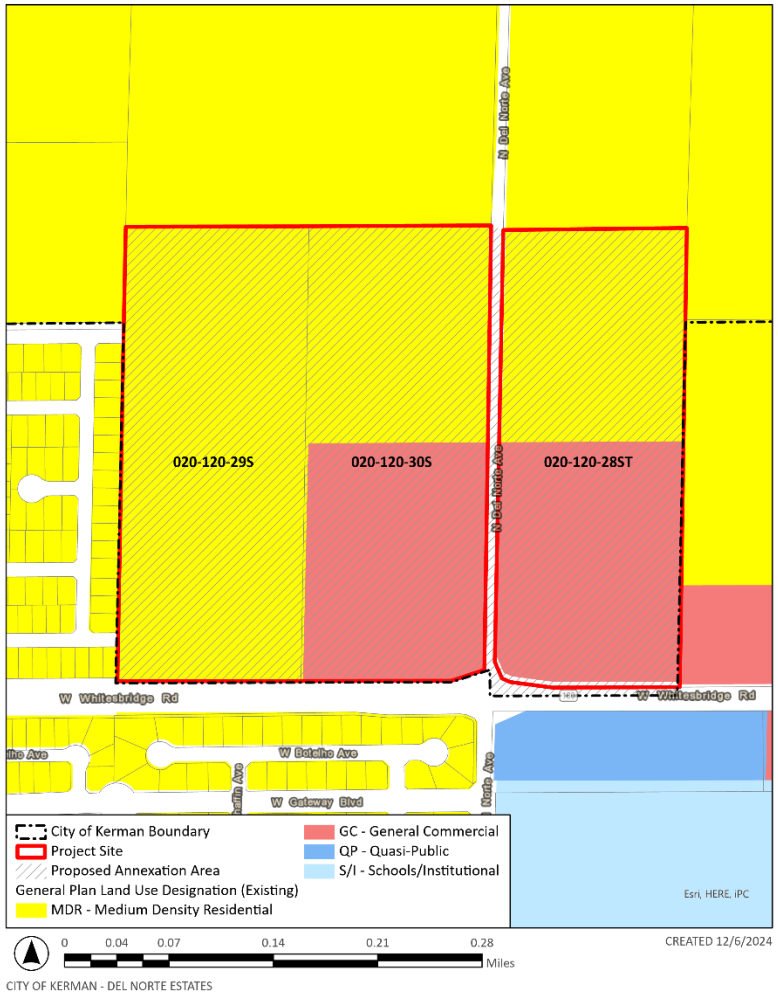
Josie Camacho, City Clerk

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

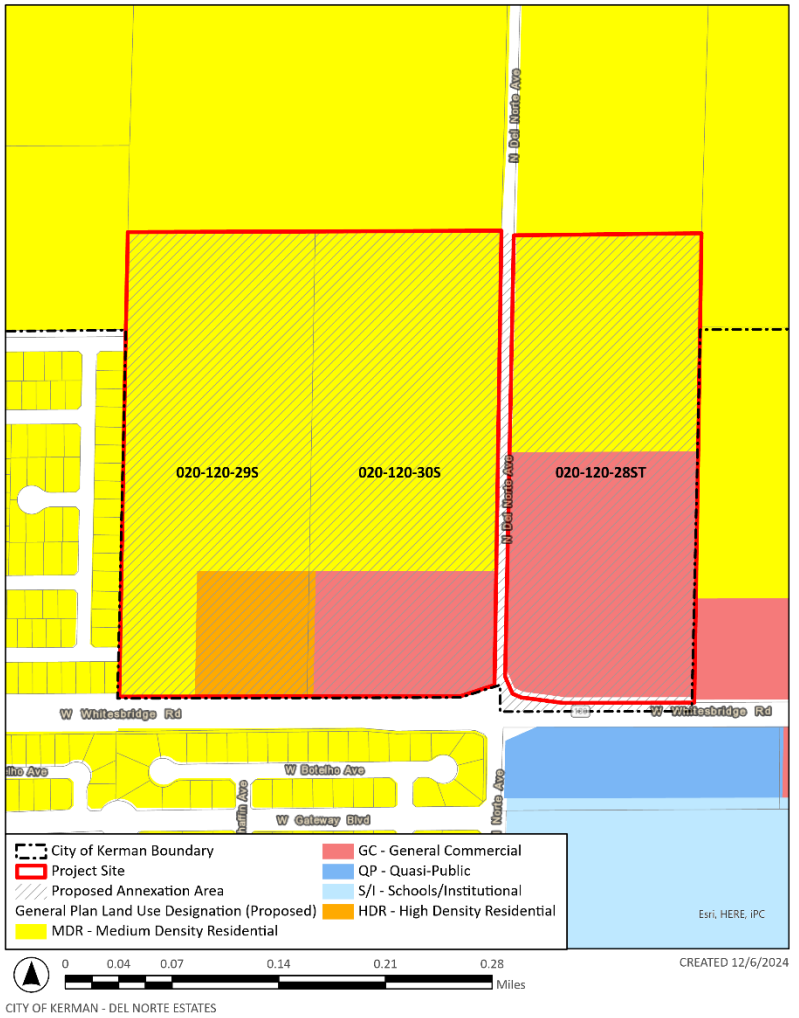


Exhibit 2

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)
Agricultural and Forestry Resources				
AG-1: Reduce Conflicts Between Urban and Agricultural Uses In order to reduce potential conflicts between urban and agricultural uses, the following measures shall be implemented: • Potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase / lease of property within the development. • 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. • Potential residents shall be informed of the Right-to-Farm Covenant at the time of purchase / lease of property within the development.	Project Applicant	Prior to issuance of grading or building permits	City of Kerman	
Biological Resources				
BIO-1: Protect Nesting Birds and Raptors Prior to ground disturbance or construction activities, the following measures shall be implemented: *(Construction Timing).* If feasible, the project will be implemented outside of the avian nesting season, typically defined as February 1 to August 31. *(Preconstruction Surveys*). 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	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)
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. *(Avoidance of Active Nests*). 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.				
Cultural Resources				
CUL – 1: 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.	Project Applicant	Prior to issuance of grading or building permits / ongoing	City of Kerman	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
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.				
CUL – 2: 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	Project Applicant	During construction	City of Kerman	

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	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
• Confine all vehicular traffic associated with construction to the right-of-way of designated access roads; • Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds; • Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and • 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.				
Hazards and Hazardous Materials				
HAZ-1 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	
HAZ – 2 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)
Noise				
NOI - 1: 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	
NOI - 2: 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)
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.				
NOI - 3: The project shall implement the following measures pertaining to construction noise: • 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. • All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source. • Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor. • 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. • Locate construction staging areas, to the extent possible, at the greatest possible distances from any noise-sensitive land uses. • 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.	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

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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_X emissions by 33 percent and PM_{10} 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 ause 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.[1] 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

[1] 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 regulationsm 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.[2] 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.

[2] 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 nose 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 if 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 affects 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. 5th 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 meetings 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), prezoning 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 22nd day of January, 2025, and passed and adopted at a regular meeting of the City Council on the 26th day of February, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing ordinance is hereby approved.

_____

Maria Pacheco, Mayor

_____

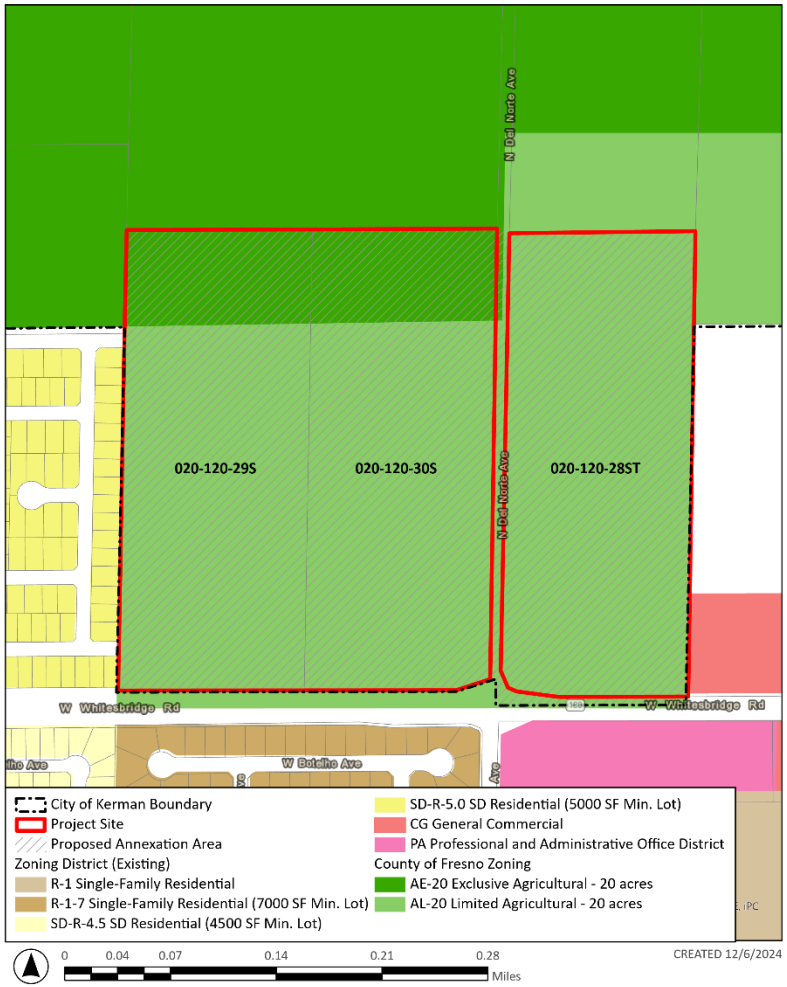
Josie Camacho, City Clerk

Exhibit '1': Rezone 2023-04

Exhibit 1

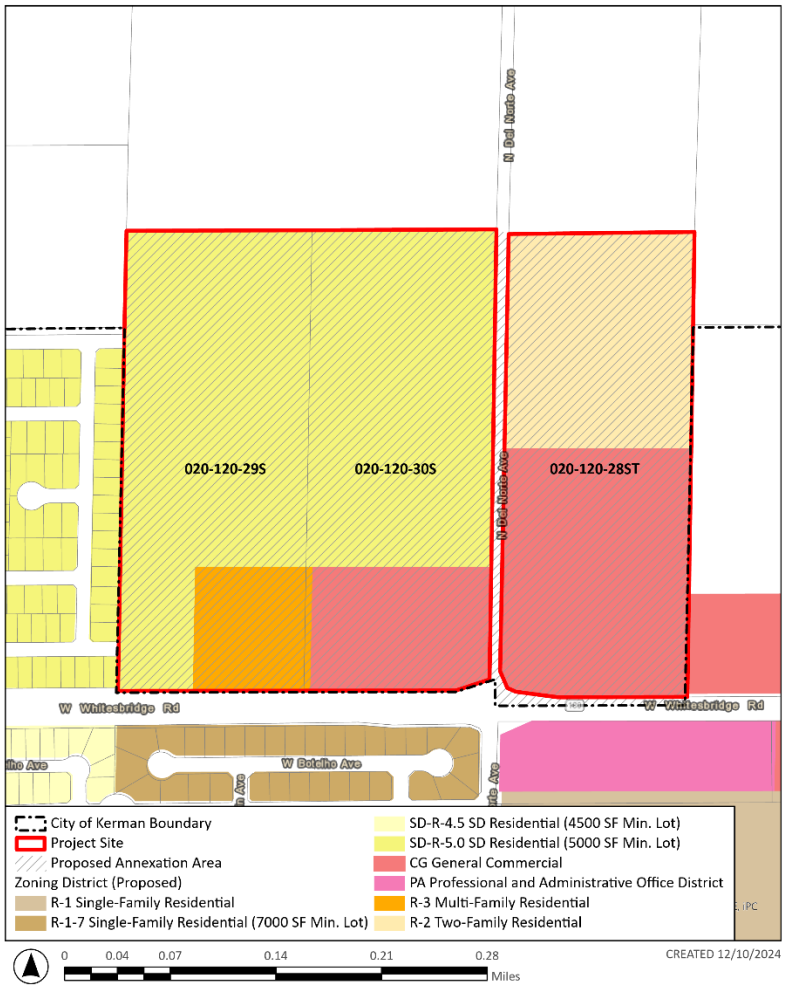
Rezone 2023-04

Prior Zoning (County)



CITY OF KERMAN - DEL NORTE ESTATES

New Zoning (City)



CITY OF KERMAN - DEL NORTE ESTATES

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 (± 3.64 ACRES), AND FOUR (4) COMMERCIAL LOTS (± 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 (± 3.64 acres), and four (4) commercial lots (± 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 addition 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 26th 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.

_____

Maria Pacheco, Mayor

_____

Josie Camacho, City Clerk

Exhibit '1': Tentative Subdivision Map 2023-04
Exhibit '2': Conditions of Approval for Tentative Subdivision Map 2023-04

Exhibit 1

Tentative Subdivision Map 2023-04

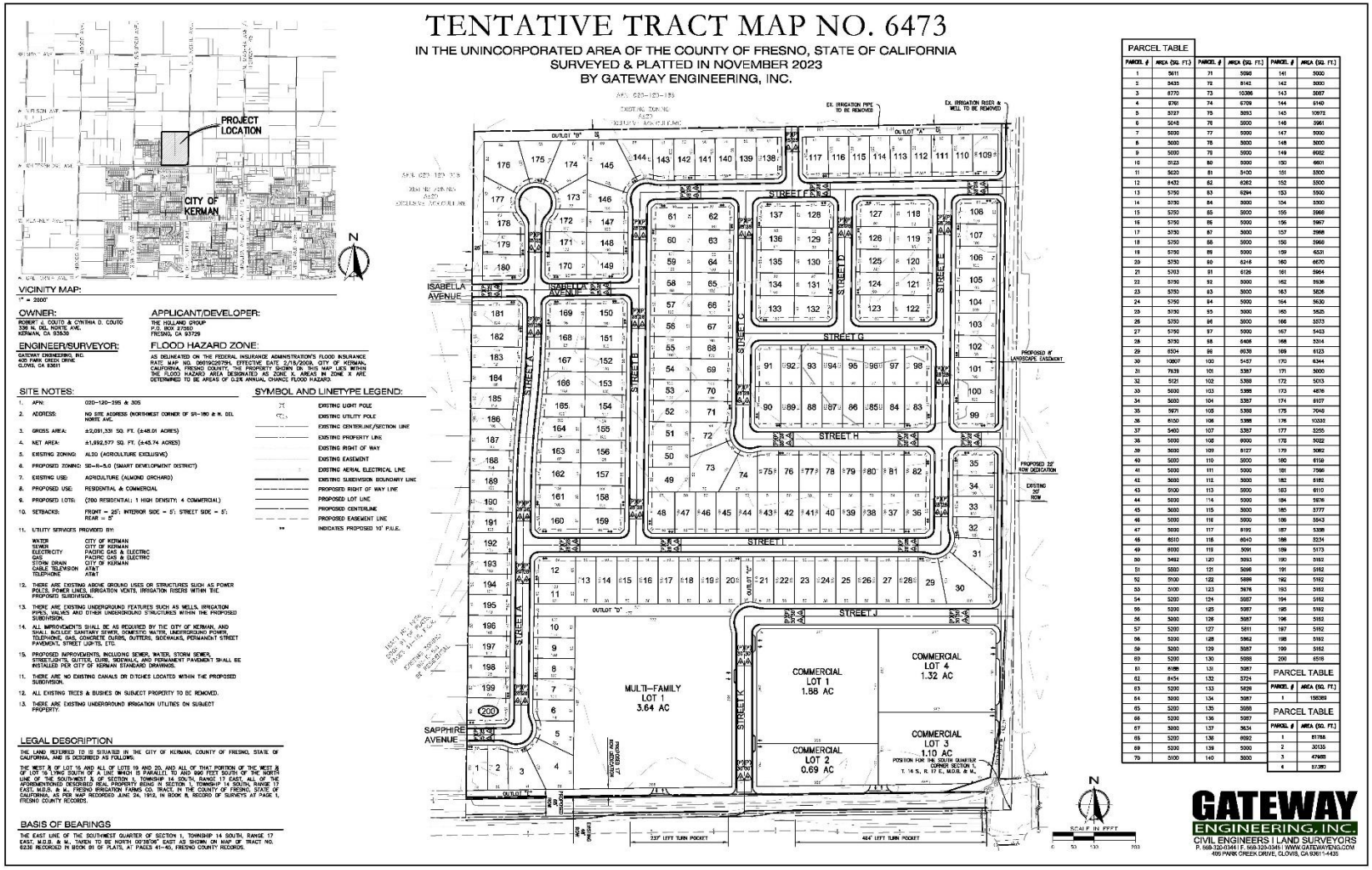


Exhibit 2

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 toters.

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.

<u>Engineering Conditions of Approval</u>

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 Ruttgers & 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) 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 6th 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 26th 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.

_____

Maria Pacheco, Mayor

Attest:

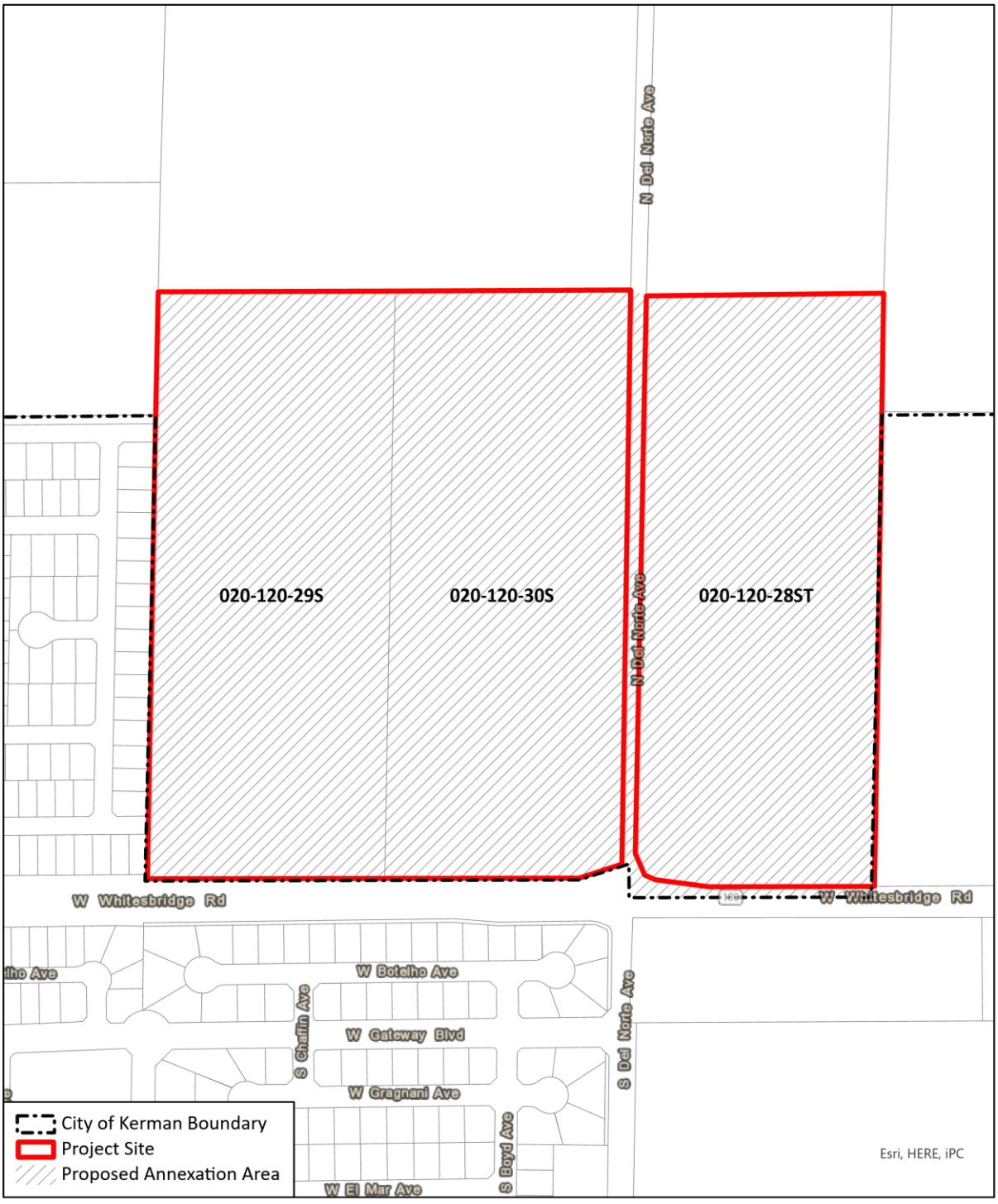
_____

Josie Camacho, City Clerk

Exhibit '1': Annexation 2023-04

Exhibit 1

Annexation 2023-04



CITY OF KERMAN - DEL NORTE ESTATES

STAFF REPORT

MEETING DATE: January 22, 2025

PRESENTER: John Jansons, City Manager

SUBJECT: Presentation by Reclaim our Power (JAJ)

RECOMMENDATION: Council hear a presentation by Reclaim our Power about their Utility Justice Campaign, and their next steps in seeking legislation in support of their proposal, with possible direction to staff.

BACKGROUND:

Reclaim our Power: Utility Justice Campaign's (Reclaim) is an advocacy group whose focus is taking on California's failed private utility model by pushing for a restructuring of the state's energy system that would meet the needs of our most impacted communities—towards the vision of a new decentralized, democratized energy system in California (**Attachment 'A'**) .

Reclaim is led by frontline community-based organizations. The Campaign's leadership team includes Communities for a Better Environment (CBE), Disability Justice Culture Club (DJCC), Local Clean Energy Alliance (LCEA), Movement Generation Justice and Ecology Project (MG), North Bay Organizing Project (NBOP), People Organizing to Demand Environmental and Economic Rights (PODER), People's Climate Innovation Center, and Youth Vs. Apocalypse (YvA).

Reclaim was referred to Kerman by representatives of the City of Huron who suggested Kerman may be interested in joining this social justice energy campaign. Upon the introduction to City Staff, Reclaim requested an opportunity to present their campaign to City Council.

DISCUSSION:

Representative of Reclaim will provide a brief overview of their campaign with a PowerPoint presentation to Council, present a draft resolution (**Attachment 'B'**) that they are seeking from local jurisdictions throughout Pacific Gas and Electric's service territory, and briefly discuss their effort to have legislation sponsored by their supporter, Aisha Wahab, California State Senator, 10th District – Fremont. No bill has been introduced at this time.

Reclaim representative will invite questions from Council and seek Council's further interest.

ALTERNATIVES:

1. City Council may choose to adopt the resolution presented by Reclaim at a future Council meeting, or

2. City Council may choose to await legislation proposed and then consider a position, or
3. City council may choose to not engage in this campaign.

FISCAL IMPACT:

There is no fiscal impact in receiving the Reclaim presentation.

ATTACHMENTS:

A. Reclaim Our Power Overview
B. Draft Resolution by Reclaim

RECLAIM OUR POWER!
Utility Justice Campaign

About Us

—

From Monopoly Utility to Community Power

The Reclaim Our Power: Utility Justice Campaign's focus is taking on California's failed private utility model by pushing for a restructuring of the state's energy system that would meet the needs of our most impacted communities—towards the vision of a new decentralized, democratized energy system in California.

Corporate utilities continue to put the lives of low- income communities; Black, Indigenous, and other communities of color; medically vulnerable communities; people with disabilities and the elderly at risk while fattening their shareholders' pockets.

The Campaign organizes and mobilizes frontline communities and t
allies to intervene in the energy decision-making process in California—to be able to transform our energy system into one that can meet the environmental, economic, and racial justice needs of our communities.

Our experiences have taught us that the only way to move through this profound and compounding environmental and economic crises we're facing, such as PG&E caused wildfires and power shutoffs, escalating rates, and dirty energy expansion is to put the communities most impacted at the center of making decisions about our future.

Led by frontline community-based organizations, the Campaign's leadership team includes Communities for a Better Environment (CBE), Disability Justice Culture Club (DJCC), Local Clean Energy Alliance (LCEA), Movement Generation Justice and Ecology Project (MG), North Bay Organizing Project (NBOP), People Organizing to Demand Environmental and Economic Rights (PODER), People's Climate Innovation Center, and Youth Vs. Apocalypse (YvA).

RESOLUTION # XX-XX
RESOLUTION OF THE COUNCIL OF THE CITY OF KERMAN IN SUPPORT OF A JUST TRANSITION FROM PG&E'S INVESTOR-OWNED UTILITY MONOPOLY TO GOLDEN STATE ENERGY, A NOT-FOR-PROFIT UTILITY FOR COMMUNITY BENEFIT

WHEREAS, the failures of the current energy system, of Pacific Gas and Electric Company (PG&E), and of California's current regulatory infrastructure, have caused grievous harm to California residents and its environment by causing catastrophic wildfires, smoke, shutoffs, excessive and escalating utility rates and debts, environmental injustice and climate disruption; and

WHEREAS, recognizing the long-term unsustainability of the incumbent system and the likelihood of its eventual failure, as a first step, in 2020 the state created the not-for-profit public benefit corporation, Golden State Energy, through passing SB350[1], the Golden State Energy Act. Golden State Energy is legally designated as a receiver for PG&E's assets for the purpose of owning, controlling, operating, or managing electrical and gas services for its ratepayers should the utility fail; and

WHEREAS, a technical feasibility study would enable the state to determine if the best governance structure for such a successor entity to PG&E should be a public utility, mutual benefit corporation (cooperative), or not-for-profit public benefit corporation (as is currently written in law); and

WHEREAS, the City of Kerman understands the principle that energy is a human right and should not be sold to generate profit for anyone, and is committed to access to safe, renewable, clean, affordable and reliable energy for all of our residents; and

WHEREAS, the failures of the current energy system have caused grievous harm by causing catastrophic wildfires, smoke, shutoffs, environmental injustice, climate disruption, over 100 unnecessary deaths, the destruction of over 1.5 million acres of land and over 24,000 structures[2], and rapidly escalating rates, including:

- Substantial and excessive rate hikes, the economic impacts of which are felt most strongly by low-income communities, Indigenous People, migrant communities and communities of color. We recognize unemployment and lack of sufficient income are strong determinants of health outcomes. The poverty rate in Kerman is one of the highest in all of California.[3] Thus, PG&E's rate hikes have a disproportionate impact on Kerman residents.

- PG&E-caused wildfires, due to intentional and gross criminal negligence in maintaining their transmission and distribution infrastructure, and lack of transparency regarding safety checks for the purpose of maximizing profits for their shareholders and executives, generate a range of adverse outcomes for communities across California, such as unnecessary deaths, destruction of forests and properties, respiratory harms from smoke, mental health impacts and economic

[1] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200SB350
[2] Many Californians still 'trapped' years after PG&E fires. Has the company improved safety? | PBS News
[3] California Healthy Places Index

DRAFT

impacts. Furthermore, PG&E has displaced communities, have destroyed homes and communities, and has been found and admitted guilt of having killed over 100 people since 2010.[4] Considering the cumulative impacts of smoke exposure on top of Kerman residents' disproportionately high rates of asthma[5], means preventing PG&E-caused wildfires is a significant priority for improving public health and safety for Kerman.

- Utility shut-offs, which cause significant and disproportionate health, safety, and economic impacts on low-income people, disabled people, children, babies, and elderly people due to perishable food going bad and refrigerated medications expiring when the power is out for extended periods; endangerment of life and significant health impacts on people dependent on power to live through medical devices such as ventilators and electric wheelchairs, and health risks from heat stroke or heat exhaustion from loss of air conditioning during extreme heat days, and safety risks from breakdown of telecommunications; and

WHEREAS, Kerman faces significant interconnection delays on building infrastructure and developing clean energy projects. Operationalization and permitting of buildings' electrical systems, and installation of solar and battery projects depends on PG&E; and

WHEREAS, Kerman residents experience the adverse effects of receiving electric power and gas utilizing the infrastructure of PG&E, an investor-owned utility (IOU), including:

- The recognition that rates are higher in IOU service territories across California – including in PG&E's service territory – than in not-for-profit utilities (including municipal utilities, rural electric cooperatives, and tribal utilities), which has resulted in working class and low-income people paying higher rates.
- The recognition that PG&E is incentivized to make expensive, inefficient and unnecessary infrastructure investments that prioritize the maximization of shareholder profits over health, safety, economic, and environmental benefits for ratepayers.

NOW THEREFORE BE IT RESOLVED, the City of Kerman declares that PG&E's systemic failures have made it unsafe, unaffordable, and unsustainable to remain as northern California's electric utility monopoly. An alternative to PG&E is needed. Kerman residents and businesses would benefit greatly from ending PG&E's monopoly control of the energy transmission and distribution system; and

BE IT FURTHER RESOLVED, for all of these reasons and more, the City of Kerman declares it is in the best interest of its residents for California to support a worker and community-led just transition to not-for-profit utility service models, and away from all for-profit utility service models; and

[4] PG&E disasters killed 117 people last decade.
[5] https://www.healthyfresnocountydata.org/indicators/index/view?indicatorId=79&localeId=5819

DRAFT

BE IT FURTHER RESOLVED, the City of Kerman urges the Governor and the Legislature to:

- Implement Golden State Energy - a not-for-profit successor alternative to PG&E, either as a not-for-profit public benefit corporation, a public utility, or a cooperative mutual benefit corporation - through legislation, working closely with frontline community[6] representatives, including but not limited to wildfire survivors, labor unions, people with disabilities, Indigenous leaders and Tribes, people harmed by PG&E's negligence, and economic, racial, and environmental justice organizations, to design and govern Golden State Energy.

- Enable a worker- and community-led just transition[7] by revoking PG&E's business license and transferring its assets to the not-for-profit Golden State Energy as the Provider of Last Resort for the IOU's territory.

- Co-design Golden State Energy with the aforementioned groups to be a deeply democratic utility that is structurally accountable to the public – particularly frontline communities – with meaningful and equitable community engagement practices, rather than to the investor-owned utilities, the California Public Utilities Commission, the Governor's office or its departments.

DRAFT

[6] "Frontline communities are those who are most *vulnerable* to a particular burden or impact. They are also most *sensitive* to its effects, and have less *adaptive capacity* to mitigate the harm they are experiencing. Low-income and BIPOC residents of EJ neighborhoods are also frontline and most vulnerable to climate impacts: they are most exposed, more sensitive to, and have lower adaptive capacity to adapt to the impacts of climate change. As low-income residents of EJ communities are least responsible for causing the climate crisis in the first place, climate change ends up being an 'injustice multiplier." (Oakland General Plan Update 2045, Racial Equity Impact Assessment | Environmental Justice & Safety Elements, Marybelle Nzegwu Tobias & Colin Miller, Environmental / Justice Solutions, p. 5, 2023, available online at https://cao-94612.s3.amazonaws.com/documents/Public-Review-Draft_-EJ_Safety-Elements_REIA_3.23.23.pdf)

[7] Putting California on the High Road: A Jobs and Climate Action Plan for 2030

STAFF REPORT

MEETING DATE: January 22, 2025

PRESENTER: Steve Wilkins, Chief of Police

SUBJECT: Local Law Enforcement Interaction with Undocumented Immigrants (SW)

RECOMMENDATION: City Council receive a presentation addressing Local Law Enforcement's Interaction with Undocumented Immigrants.

EXECUTIVE SUMMARY:

At the December 11, 2024, City Council meeting, Councilmember Herrera requested a discussion to learn about what the Kerman Police Department does when encountering undocumented persons (having entered the United States illegally).

The new Presidential and Federal Administration has pledged a resumption of stronger enforcement of Federal immigration laws addressing the surge of illegal entries into the United States, which ballooned over the past four years to record levels. As such, the question has arisen as to, "how does the Kerman Police Department handle undocumented persons having believed to have entered the United State illegally and suspected of having violated Federal immigration laws?"

DISCUSSION:

In 2018, the California Legislature passed SB 54 also known as the California Values Act ("Act"). This Act prohibits local law enforcement from enforcing or participating in the enforcement of Federal immigration laws. There are limited exceptions for people convicted of serious or violent felonies, and a number of misdemeanors, such as, child abuse, elder abuse, battery, theft, forgery, embezzlement, and driving under the influence.

The Fresno County Sheriff's Office and the Fresno Police Department currently do not conduct or participate in immigration law enforcement.

Likewise, the Kerman Police Department (KPD) does not enforce Federal immigration laws. When contacting community members, victims of crime, or criminal suspects, the Police Department does not ask that person for their immigration status. It has no bearing on the job done by KPD. The person being dealt with gets the same treatment regardless of their immigration status and it is likely that it is never learned whether those persons are documented or undocumented.

The KPD is very proud of the relationship built with the Kerman community. KPD works every day to keep the community safe, prevent crime, and enforce the laws. KPD wants any undocumented community members to trust that when they need assistance, they can contact authorities without fear of reprisal regarding their immigration status. Without this trust, the community becomes less safe, as criminals may feel they have free rein to commit crimes because the victims will never report them.

Local law enforcement agencies are not obligated to enforce Federal Law. The Kerman Police Department's priority is public safety and serving all members of this community. KPD does not have the time, resources, or interest to enforce Federal immigration laws.

FISCAL IMPACT:

There is no fiscal impact associated with receiving this report.

STAFF REPORT

MEETING DATE: January 22, 2025

PRESENTER: John Jansons, City Manager

SUBJECT: Request by Mayor Pacheco to discuss "Sanctuary Cities" with the City Council, with possible direction to staff. (JAJ)

RECOMMENDATION: City Council discuss the subject of "Sanctuary Cities", with possible direction to staff.

BACKGROUND:

At the January 8th City Council meeting, Mayor Pacheco requested information about sanctuary cities in addition to the staff report item scheduled for January 22nd that responds to Councilman Herrera's request of December 12th, 2024 that asked for staff to respond to his question of, "How does the Kerman Police Department interact with undocumented persons"?

The January 22nd report addressed that question, and in sum, the Kerman Police Department abides by, and follows, State law enacted by SB 54 (**Attachment 'A'**)

DISCUSSION:

With regard to Mayor Pacheco's interest in "Sanctuary Cities", a short Google search provides much information on this topic. For example, Reverend Gus Shultz of the Universal Lutheran Church in Berkeley, CA is credited as the pioneer to first establish a "Sanctuary City" policy in 1971 to protect Vietnam War Era draft evaders and conscientious objectors.

Through the 1980s and 1990s the sanctuary concept was expanded to address persons fleeing the civil war in El Salvador and Guatemala and the communist regime of Manuel Ortega in Nicaragua. Since then, many American cities have declared "sanctuary" status and policies to aid and comfort asylum seekers, refugees, or undocumented persons residing in the United States in violation of Federal immigration law(s).

More specifically, and more recently the declaration of status as a sanctuary city often simply means that local law enforcement authorities, including jail systems, will not assist with, or honor, Immigration and Customs Enforcement detainer requests besides providing any other subsistence services to those persons in the US in violation of Federal immigration law(s).

Today, with much uncertainty regarding future proposals by the new incoming Federal Administration, there is much public discussion about what may happen to undocumented

persons who entered the United States (US) or have remained in the US, in violation of Federal immigration law(s).

Communities and cities have several avenues afforded to them to show sympathy or support for the sanctuary concept or to enact such measures. These may include: 1) public statements of support for undocumented persons, by individuals or elected bodies; 2) adoption of resolutions outlining specific principals important to them, the Council, respecting, and supporting undocumented persons.

[1] https://www.sfgate.com/bayarea/article/Rev-Gus-Schultz-mdash-pastor-sanctuary-activist-3300285.php

[1] https://en.wikipedia.org/wiki/Sanctuary_city

ALTERNATIVES:

City Council may wish to consider:

1) A public statement by Council supporting residents of Kerman, or
2) Adopt a resolution of support for all residents of Kerman.

FISCAL IMPACT:

There is no fiscal impact at this time in discussing this matter.

ATTACHMENTS:

A. SB 54 w/Exhibit

STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Senate Bill No. 54

CHAPTER 495

An act to amend Sections 7282 and 7282.5 of, and to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of, the Government Code, and to repeal Section 11369 of the Health and Safety Code, relating to law enforcement.

[Approved by Governor October 5, 2017. Filed with Secretary of State October 5, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 54, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things and subject to exceptions, prohibit state and local law enforcement agencies, including school police and security departments, from using money or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified, and would, subject to exceptions, proscribe other activities or conduct in connection with immigration enforcement by law enforcement agencies. The bill would apply those provisions to the circumstances in which a law enforcement official has discretion to cooperate with immigration authorities. The bill would require, by October 1, 2018, the Attorney General, in consultation with the appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by public schools, public libraries, health facilities operated by the state or a political subdivision of the state, and courthouses, among others. The bill would require, among others, all public schools, health facilities operated by the state or a political subdivision of the state, and courthouses to implement the model policy, or an equivalent policy. The bill would state that, among others, all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require

that a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, submit a report annually pertaining to task force operations to the Department of Justice, as specified. The bill would require the Attorney General, by March 1, 2019, and annually thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require law enforcement agencies to report to the department annually regarding transfers of persons to immigration authorities. The bill would require the Attorney General to publish guidance, audit criteria, and training recommendations regarding state and local law enforcement databases, for purposes of limiting the availability of information for immigration enforcement, as specified. The bill would require the Department of Corrections and Rehabilitation to provide a specified written consent form in advance of any interview between a person in department custody and the United States Immigration and Customs Enforcement regarding civil immigration violations.

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools and local law enforcement agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 7282 of the Government Code is amended to read:

7282. For purposes of this chapter, the following terms have the following meanings:

(a) "Conviction" shall have the same meaning as subdivision (d) of Section 667 of the Penal Code.

(b) "Eligible for release from custody" means that the individual may be released from custody because one of the following conditions has occurred:

(1) All criminal charges against the individual have been dropped or dismissed.

(2) The individual has been acquitted of all criminal charges filed against him or her.

(3) The individual has served all the time required for his or her sentence.

(4) The individual has posted a bond.

(5) The individual is otherwise eligible for release under state or local law, or local policy.

(c) "Hold request," "notification request," and "transfer request" have the same meanings as provided in Section 7283. Hold, notification, and transfer requests include requests issued by the United States Immigration and Customs Enforcement or the United States Customs and Border Protection as well as any other immigration authorities.

(d) "Law enforcement official" means any local agency or officer of a local agency authorized to enforce criminal statutes, regulations, or local ordinances or to operate jails or to maintain custody of individuals in jails, and any person or local agency authorized to operate juvenile detention facilities or to maintain custody of individuals in juvenile detention facilities.

(e) "Local agency" means any city, county, city and county, special district, or other political subdivision of the state.

(f) "Serious felony" means any of the offenses listed in subdivision (c) of Section 1192.7 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a serious felony as defined by subdivision (c) of Section 1192.7 of the Penal Code.

(g) "Violent felony" means any of the offenses listed in subdivision (c) of Section 667.5 of the Penal Code and any offense committed in another state which, if committed in California, would be punishable as a violent felony as defined by subdivision (c) of Section 667.5 of the Penal Code.

SEC. 2. Section 7282.5 of the Government Code is amended to read:

7282.5. (a) A law enforcement official shall have discretion to cooperate with immigration authorities only if doing so would not violate any federal, state, or local law, or local policy, and where permitted by the California Values Act (Chapter 17.25 (commencing with Section 7284)). Additionally, the specific activities described in subparagraph (C) of paragraph (1) of subdivision (a) of, and in paragraph (4) of subdivision (a) of, Section 7284.6 shall only occur under the following circumstances:

(1) The individual has been convicted of a serious or violent felony identified in subdivision (c) of Section 1192.7 of, or subdivision (c) of Section 667.5 of, the Penal Code.

(2) The individual has been convicted of a felony punishable by imprisonment in the state prison.

(3) The individual has been convicted within the past five years of a misdemeanor for a crime that is punishable as either a misdemeanor or a felony for, or has been convicted within the last 15 years of a felony for, any of the following offenses:

(A) Assault, as specified in, but not limited to, Sections 217.1, 220, 240, 241.1, 241.4, 241.7, 244, 244.5, 245, 245.2, 245.3, 245.5, 4500, and 4501 of the Penal Code.

(B) Battery, as specified in, but not limited to, Sections 242, 243.1, 243.3, 243.4, 243.6, 243.7, 243.9, 273.5, 347, 4501.1, and 4501.5 of the Penal Code.

(C) Use of threats, as specified in, but not limited to, Sections 71, 76, 139, 140, 422, 601, and 11418.5 of the Penal Code.

(D) Sexual abuse, sexual exploitation, or crimes endangering children, as specified in, but not limited to, Sections 266, 266a, 266b, 266c, 266d,

266f, 266g, 266h, 266i, 266j, 267, 269, 288, 288.5, 311.1, 311.3, 311.4, 311.10, 311.11, and 647.6 of the Penal Code.

(E) Child abuse or endangerment, as specified in, but not limited to, Sections 270, 271, 271a, 273a, 273ab, 273d, 273.4, and 278 of the Penal Code.

(F) Burglary, robbery, theft, fraud, forgery, or embezzlement, as specified in, but not limited to, Sections 211, 215, 459, 463, 470, 476, 487, 496, 503, 518, 530.5, 532, and 550 of the Penal Code.

(G) Driving under the influence of alcohol or drugs, but only for a conviction that is a felony.

(H) Obstruction of justice, as specified in, but not limited to, Sections 69, 95, 95.1, 136.1, and 148.10 of the Penal Code.

(I) Bribery, as specified in, but not limited to, Sections 67, 67.5, 68, 74, 85, 86, 92, 93, 137, 138, and 165 of the Penal Code.

(J) Escape, as specified in, but not limited to, Sections 107, 109, 110, 4530, 4530.5, 4532, 4533, 4534, 4535, and 4536 of the Penal Code.

(K) Unlawful possession or use of a weapon, firearm, explosive device, or weapon of mass destruction, as specified in, but not limited to, Sections 171b, 171c, 171d, 246, 246.3, 247, 417, 417.3, 417.6, 417.8, 4574, 11418, 11418.1, 12021.5, 12022, 12022.2, 12022.3, 12022.4, 12022.5, 12022.53, 12022.55, 18745, 18750, and 18755 of, and subdivisions (c) and (d) of Section 26100 of, the Penal Code.

(L) Possession of an unlawful deadly weapon, under the Deadly Weapons Recodification Act of 2010 (Part 6 (commencing with Section 16000) of the Penal Code).

(M) An offense involving the felony possession, sale, distribution, manufacture, or trafficking of controlled substances.

(N) Vandalism with prior convictions, as specified in, but not limited to, Section 594.7 of the Penal Code.

(O) Gang-related offenses, as specified in, but not limited to, Sections 186.22, 186.26, and 186.28 of the Penal Code.

(P) An attempt, as defined in Section 664 of, or a conspiracy, as defined in Section 182 of, the Penal Code, to commit an offense specified in this section.

(Q) A crime resulting in death, or involving the personal infliction of great bodily injury, as specified in, but not limited to, subdivision (d) of Section 245.6 of, and Sections 187, 191.5, 192, 192.5, 12022.7, 12022.8, and 12022.9 of, the Penal Code.

(R) Possession or use of a firearm in the commission of an offense.

(S) An offense that would require the individual to register as a sex offender pursuant to Section 290, 290.002, or 290.006 of the Penal Code.

(T) False imprisonment, slavery, and human trafficking, as specified in, but not limited to, Sections 181, 210.5, 236, 236.1, and 4503 of the Penal Code.

(U) Criminal profiteering and money laundering, as specified in, but not limited to, Sections 186.2, 186.9, and 186.10 of the Penal Code.

(V) Torture and mayhem, as specified in, but not limited to, Section 203 of the Penal Code.

(W) A crime threatening the public safety, as specified in, but not limited to, Sections 219, 219.1, 219.2, 247.5, 404, 404.6, 405a, 451, and 11413 of the Penal Code.

(X) Elder and dependent adult abuse, as specified in, but not limited to, Section 368 of the Penal Code.

(Y) A hate crime, as specified in, but not limited to, Section 422.55 of the Penal Code.

(Z) Stalking, as specified in, but not limited to, Section 646.9 of the Penal Code.

(AA) Soliciting the commission of a crime, as specified in, but not limited to, subdivision (c) of Section 286 of, and Sections 653j and 653.23 of, the Penal Code.

(AB) An offense committed while on bail or released on his or her own recognizance, as specified in, but not limited to, Section 12022.1 of the Penal Code.

(AC) Rape, sodomy, oral copulation, or sexual penetration, as specified in, but not limited to, paragraphs (2) and (6) of subdivision (a) of Section 261 of, paragraphs (1) and (4) of subdivision (a) of Section 262 of, Section 264.1 of, subdivisions (c) and (d) of Section 286 of, subdivisions (c) and (d) of Section 288a of, and subdivisions (a) and (j) of Section 289 of, the Penal Code.

(AD) Kidnapping, as specified in, but not limited to, Sections 207, 209, and 209.5 of the Penal Code.

(AE) A violation of subdivision (c) of Section 20001 of the Vehicle Code.

(4) The individual is a current registrant on the California Sex and Arson Registry.

(5) The individual has been convicted of a federal crime that meets the definition of an aggravated felony as set forth in subparagraphs (A) to (P), inclusive, of paragraph (43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), or is identified by the United States Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

(6) In no case shall cooperation occur pursuant to this section for individuals arrested, detained, or convicted of misdemeanors that were previously felonies, or were previously crimes punishable as either misdemeanors or felonies, prior to passage of the Safe Neighborhoods and Schools Act of 2014 as it amended the Penal Code.

(b) In cases in which the individual is arrested and taken before a magistrate on a charge involving a serious or violent felony, as identified in subdivision (c) of Section 1192.7 or subdivision (c) of Section 667.5 of the Penal Code, respectively, or a felony that is punishable by imprisonment in state prison, and the magistrate makes a finding of probable cause as to that charge pursuant to Section 872 of the Penal Code, a law enforcement official shall additionally have discretion to cooperate with immigration

officials pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 7284.6.

SEC. 3. Chapter 17.25 (commencing with Section 7284) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.25. COOPERATION WITH IMMIGRATION AUTHORITIES

7284. This chapter shall be known, and may be cited, as the California Values Act.

7284.2. The Legislature finds and declares the following:

(a) Immigrants are valuable and essential members of the California community. Almost one in three Californians is foreign born and one in two children in California has at least one immigrant parent.

(b) A relationship of trust between California's immigrant community and state and local agencies is central to the public safety of the people of California.

(c) This trust is threatened when state and local agencies are entangled with federal immigration enforcement, with the result that immigrant community members fear approaching police when they are victims of, and witnesses to, crimes, seeking basic health services, or attending school, to the detriment of public safety and the well-being of all Californians.

(d) Entangling state and local agencies with federal immigration enforcement programs diverts already limited resources and blurs the lines of accountability between local, state, and federal governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status. See Sanchez Ochoa v. Campbell, et al. (E.D. Wash. 2017) 2017 WL 3476777; Trujillo Santoya v. United States, et al. (W.D. Tex. 2017) 2017 WL 2896021; Moreno v. Napolitano (N.D. Ill. 2016) 213 F. Supp. 3d 999; Morales v. Chadbourne (1st Cir. 2015) 793 F.3d 208; Miranda-Olivares v. Clackamas County (D. Or. 2014) 2014 WL 1414305; Galarza v. Szalczyk (3d Cir. 2014) 745 F.3d 634.

(f) This chapter seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

(g) It is the intent of the Legislature that this chapter shall not be construed as providing, expanding, or ratifying any legal authority for any state or local law enforcement agency to participate in immigration enforcement.

7284.4. For purposes of this chapter, the following terms have the following meanings:

(a) "California law enforcement agency" means a state or local law enforcement agency, including school police or security departments.

"California law enforcement agency" does not include the Department of Corrections and Rehabilitation.

(b) "Civil immigration warrant" means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) "Immigration authority" means any federal, state, or local officer, employee, or person performing immigration enforcement functions.

(d) "Health facility" includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) "Hold request," "notification request," "transfer request," and "local law enforcement agency" have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other immigration authorities.

(f) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States.

(g) "Joint law enforcement task force" means at least one California law enforcement agency collaborating, engaging, or partnering with at least one federal law enforcement agency in investigating federal or state crimes.

(h) "Judicial probable cause determination" means a determination made by a federal judge or federal magistrate judge that probable cause exists that an individual has violated federal criminal immigration law and that authorizes a law enforcement officer to arrest and take into custody the individual.

(i) "Judicial warrant" means a warrant based on probable cause for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge that authorizes a law enforcement officer to arrest and take into custody the person who is the subject of the warrant.

(j) "Public schools" means all public elementary and secondary schools under the jurisdiction of local governing boards or a charter school board, the California State University, and the California Community Colleges.

(k) "School police and security departments" includes police and security departments of the California State University, the California Community Colleges, charter schools, county offices of education, schools, and school districts.

7284.6. (a) California law enforcement agencies shall not:

(1) Use agency or department moneys or personnel to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, including any of the following:

(A) Inquiring into an individual's immigration status.

(B) Detaining an individual on the basis of a hold request.

(C) Providing information regarding a person's release date or responding to requests for notification by providing release dates or other information unless that information is available to the public, or is in response to a notification request from immigration authorities in accordance with Section 7282.5. Responses are never required, but are permitted under this subdivision, provided that they do not violate any local law or policy.

(D) Providing personal information, as defined in Section 1798.3 of the Civil Code, about an individual, including, but not limited to, the individual's home address or work address unless that information is available to the public.

(E) Making or intentionally participating in arrests based on civil immigration warrants.

(F) Assisting immigration authorities in the activities described in Section 1357(a)(3) of Title 8 of the United States Code.

(G) Performing the functions of an immigration officer, whether pursuant to Section 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy, whether formal or informal.

(2) Place peace officers under the supervision of federal agencies or employ peace officers deputized as special federal officers or special federal deputies for purposes of immigration enforcement. All peace officers remain subject to California law governing conduct of peace officers and the policies of the employing agency.

(3) Use immigration authorities as interpreters for law enforcement matters relating to individuals in agency or department custody.

(4) Transfer an individual to immigration authorities unless authorized by a judicial warrant or judicial probable cause determination, or in accordance with Section 7282.5.

(5) Provide office space exclusively dedicated for immigration authorities for use within a city or county law enforcement facility.

(6) Contract with the federal government for use of California law enforcement agency facilities to house individuals as federal detainees, except pursuant to Chapter 17.8 (commencing with Section 7310).

(b) Notwithstanding the limitations in subdivision (a), this section does not prevent any California law enforcement agency from doing any of the following that does not violate any policy of the law enforcement agency or any local law or policy of the jurisdiction in which the agency is operating:

(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United States Code and that is detected during an unrelated law enforcement activity. Transfers to immigration authorities are permitted under this subsection only in accordance with paragraph (4) of subdivision (a).

(2) Responding to a request from immigration authorities for information about a specific person's criminal history, including previous criminal arrests, convictions, or similar criminal history information accessed through

the California Law Enforcement Telecommunications System (CLETS), where otherwise permitted by state law.

(3) Conducting enforcement or investigative duties associated with a joint law enforcement task force, including the sharing of confidential information with other law enforcement agencies for purposes of task force investigations, so long as the following conditions are met:

(A) The primary purpose of the joint law enforcement task force is not immigration enforcement, as defined in subdivision (f) of Section 7284.4.

(B) The enforcement or investigative duties are primarily related to a violation of state or federal law unrelated to immigration enforcement.

(C) Participation in the task force by a California law enforcement agency does not violate any local law or policy to which it is otherwise subject.

(4) Making inquiries into information necessary to certify an individual who has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to Section 1101(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with Section 922(d)(5) of Title 18 of the United States Code.

(5) Giving immigration authorities access to interview an individual in agency or department custody. All interview access shall comply with requirements of the TRUTH Act (Chapter 17.2 (commencing with Section 7283)).

(c) (1) If a California law enforcement agency chooses to participate in a joint law enforcement task force, for which a California law enforcement agency has agreed to dedicate personnel or resources on an ongoing basis, it shall submit a report annually to the Department of Justice, as specified by the Attorney General. The law enforcement agency shall report the following information, if known, for each task force of which it is a member:

(A) The purpose of the task force.

(B) The federal, state, and local law enforcement agencies involved.

(C) The total number of arrests made during the reporting period.

(D) The number of people arrested for immigration enforcement purposes.

(2) All law enforcement agencies shall report annually to the Department of Justice, in a manner specified by the Attorney General, the number of transfers pursuant to paragraph (4) of subdivision (a), and the offense that allowed for the transfer, pursuant to paragraph (4) of subdivision (a).

(3) All records described in this subdivision shall be public records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250)), including the exemptions provided by that act and, as permitted under that act, personal identifying information may be redacted prior to public disclosure. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be disclosed.

(4) If more than one California law enforcement agency is participating in a joint task force that meets the reporting requirement pursuant to this

section, the joint task force shall designate a local or state agency responsible for completing the reporting requirement.

(d) The Attorney General, by March 1, 2019, and annually thereafter, shall report on the total number of arrests made by joint law enforcement task forces, and the total number of arrests made for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. To the extent that disclosure of a particular item of information would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation or a related investigation, that information shall not be included in the Attorney General's report. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local government entity, pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

(f) Nothing in this section shall prohibit a California law enforcement agency from asserting its own jurisdiction over criminal law enforcement matters.

7284.8. (a) The Attorney General, by October 1, 2018, in consultation with the appropriate stakeholders, shall publish model policies limiting assistance with immigration enforcement to the fullest extent possible consistent with federal and state law at public schools, public libraries, health facilities operated by the state or a political subdivision of the state, courthouses, Division of Labor Standards Enforcement facilities, the Agricultural Labor Relations Board, the Division of Workers Compensation, and shelters, and ensuring that they remain safe and accessible to all California residents, regardless of immigration status. All public schools, health facilities operated by the state or a political subdivision of the state, and courthouses shall implement the model policy, or an equivalent policy. The Agricultural Labor Relations Board, the Division of Workers' Compensation, the Division of Labor Standards Enforcement, shelters, libraries, and all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy.

(b) For any databases operated by state and local law enforcement agencies, including databases maintained for the agency by private vendors, the Attorney General shall, by October 1, 2018, in consultation with appropriate stakeholders, publish guidance, audit criteria, and training recommendations aimed at ensuring that those databases are governed in a manner that limits the availability of information therein to the fullest extent practicable and consistent with federal and state law, to anyone or any entity

for the purpose of immigration enforcement. All state and local law enforcement agencies are encouraged to adopt necessary changes to database governance policies consistent with that guidance.

(c) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), the Department of Justice may implement, interpret, or make specific this chapter without taking any regulatory action.

7284.10. (a) The Department of Corrections and Rehabilitation shall:

(1) In advance of any interview between the United States Immigration and Customs Enforcement (ICE) and an individual in department custody regarding civil immigration violations, provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he or she may decline to be interviewed or may choose to be interviewed only with his or her attorney present. The written consent form shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

(2) Upon receiving any ICE hold, notification, or transfer request, provide a copy of the request to the individual and inform him or her whether the department intends to comply with the request.

(b) The Department of Corrections and Rehabilitation shall not:

(1) Restrict access to any in-prison educational or rehabilitative programming, or credit-earning opportunity on the sole basis of citizenship or immigration status, including, but not limited to, whether the person is in removal proceedings, or immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

(2) Consider citizenship and immigration status as a factor in determining a person's custodial classification level, including, but not limited to, whether the person is in removal proceedings, or whether immigration authorities have issued a hold request, transfer request, notification request, or civil immigration warrant against the individual.

7284.12. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 4. Section 11369 of the Health and Safety Code is repealed.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

O

California is Now a Sanctuary State for Undocumented Immigrants

When the State of California enacted new laws designed at protecting undocumented immigrants, it prompted a stern response from federal authorities. Now, neighborhoods and workplaces face the threat of more frequent raids by Immigration and Customs Enforcement (ICE) agents looking to take undocumented immigrants into custody.

New California Law

State Bill 54 was signed by California Governor Jerry Brown on October 5, 2017, and it created statewide sanctuary for those who may be living in the state as illegal aliens. The new law includes the following provisions:

- State and local police officers now are prohibited from inquiring about an individual’s immigration status during the routine course of their work.
- State and local officers are forbidden from holding illegal immigrants until they can be transferred into federal custody.
- Federal agencies are prohibited from commandeering local authorities to work with immigration agencies and perform the work of immigration agents.

However, despite insinuations from opponents, the law does not prevent ICE and Homeland Security personnel from performing their duties within the state, and ICE agents are still allowed to enter state prisons, conduct interviews at county jails, and access data relative to a detainee‘s release date. The governor and rights groups considered the new law a balance between protecting the public and providing some reassurance to those of undocumented status.

Federal Authorities Consider Next Steps

Despite the Governor's assurances that the new law will not keep federal agents from performing their duties, ICE representatives have suggested that the law will force its officers to make more arrests in public rather than targeting those in police custody. The agency claims that, although its priority is finding and deporting undocumented immigrants with criminal backgrounds, working around the new statute will result in detaining immigrants who, while in the country illegally, have led a peaceful life while here.

State Follows Up with Additional, Targeted Laws

Concerned that federal immigration enforcement officers might step up their efforts at places of employment, state lawmakers passed additional bills designed to resist actions by federal authorities and protect those who are fearful due to their immigration status:

- Assembly Bill 450 prevents employers from sharing personal information about employees with federal authorities or allowing access to the workplace without first ensuring that authorities have secured the appropriate court documents.
- Assembly Bill 291 prohibits landlords from using a person's immigration status or perceived status against them in cases of disputes over rent, living conditions, or other relative matters.

SAC Attorneys LLP
1754 Technology Dr #122
San Jose, CA 95110
Phone: (408) 436-0789

STAFF REPORT

MEETING DATE: January 22, 2025

PRESENTER: Jesus A. Gonzalez, City Engineer

SUBJECT: Public Street Right-of-Way for the Vineland Avenue Widening Project from Whitesbridge Road to 660' to the South (JG)

RECOMMENDATION: Council by motion adopt a resolution:

1. Approving an agreement with The J. S. and S. K. Sidhu Family 2009 Revocable Trust in the amount of $53,600 for the purchase of public street right-of-way for the Vineland Avenue Widening Project from Whitesbridge Road to 660' to the South and;

2. Approving the Certificate of Acceptance and authorizing the City Manager to execute the same on behalf of the City.

EXECUTIVE SUMMARY:

The City is in the process of finalizing its design for the Vineland Avenue Widening Project from Whitesbridge Road to 660' to the south. The project will construct the segment of Vineland Avenue to its ultimate width of 84' inclusive of sidewalk construction, sewer and water infrastructure surface elevation adjustments and storm drain inlets relocation.

Implementation of the project requires the acquisition of portions of two privately owned parcels. In October of 2019 one of the parcels was acquired, however an agreement could not be reached on the portion of parcel, spanning a frontage distance of 177.64 feet and totaling 3,908 square feet, owned by the J.S. and S.K. Sidhu Family 2009 Revocable Trust (Sidhu Trust).

In early 2024, following periodic City inquiries, Sidhu Trust representatives expressed a desire to move acquisition conversations forward to which the City outsourced right-of-way acquisition services resulting in an updated property appraisal. On October 9, 2024, Council authorized the presenting of the acquisition offer to the Sidhu Trust in the appraised value of $53,600. The Sidhu Trust accepted the offer and signed the presented right-of-way agreement.

In order to move forward with the acquisition and close escrow, State law requires that Council accept street right-of-way for public use and the City enter into an acquisition agreement.

FISCAL IMPACT:

The estimated project cost for right-of-way is $155,600. The City has budgeted $90,300 from

Federal RSTP funds and $65,300 from Local Transportation Funds. The costs include related engineering, acquisition services and the right of way purchase.

ATTACHMENTS:

A. Resolution w/Exhibits

Attachment 'A'

RESOLUTION NO. 25-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING AN AGREEMENT WITH THE J. S. AND S. K. SIDHU FAMILY 2009 REVOCABLE TRUST FOR PUBLIC STREET RIGHT-OF-WAY FOR THE VINELAND AVENUE WIDENING PROJECT, AND APPROVING THE CERTIFICATE OF ACCEPTANCE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SAME

WHEREAS, the City of Kerman seeks to widen a segment of Vineland Avenue from Whitesbridge Road to 660' to the south ("Project" or "Vineland Avenue Widening Project"); and

WHEREAS, the Project will construct sidewalk, adjust sewer and water infrastructure surface elevations and relocate storm drain inlets, and has already been environmentally assessed as required by the California Environmental Quality Act ("CEQA"); and

WHEREAS, the Project will result in the ultimate right-of-way width of 84'; and

WHEREAS, implementation of the Project requires the acquisition of a portion of a frontage distance of 177.64 feet and totaling 3,908 square feet, owned by the J.S. and S.K. Sidhu Family 2009 Revocable Trust ("Sidhu Trust"); and

WHEREAS, the Sidhu Trust has accepted an offer of $53,600 for the sale of an easement for the frontage area, and the City Council desires to approve a right-of-way agreement for the same; and

WHEREAS, State law requires that the City Council accept the street right-of-way for public use, and the City Council desires to accept the right of way and authorize the City Manager to execute a certificate of acceptance on behalf of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN RESOLVES AS FOLLOWS:

1. The foregoing recitals are true and correct and incorporated by reference.

2. The City Council approves a Right of Way Agreement (With Escrow Instructions), attached as **Exhibit 'A'**, with The J. S. and S. K. Sidhu Family 2009 Revocable Trust in the amount of $53,600 for the purchase of public street right-of-way for the Vineland Avenue Widening Project. The City Manager is authorized to execute the same on behalf of the City, and to take any other steps needed to complete and effectuate the transfer of the right of way to the City.

3. Upon transfer of the property, the City Council accepts the street right-of-way for public use. The City Manager is authorized on behalf of the City to execute the Certificate of Acceptance to the Easement Deed substantially in the form attached hereto as **Exhibit 'B'** and to take any other steps needed to complete and effectuate the same.

4. This resolution is effective upon adoption.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regularly scheduled meeting held on the 22nd day of January, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
City Clerk

ASSESSOR PARCEL NO.: 023-220-08S (Fresno County)
PROJECT: Kerman City - Vineland Avenue Widening Project
OWNER: The J. S and S. K. Sidhu Family 2009 Revocable Trust

RIGHT OF WAY AGREEMENT
(WITH ESCROW INSTRUCTIONS)

THIS AGREEMENT is made and entered into by and between

Jagrup S. Sidhu and Sukhdev K. Sidhu, as Co-Trustees under that certain Trust Agreement dated November 10, 2009, creating "The J. S. and S. K. Sidhu Family 2009 Revocable Trust" (hereinafter collectively called "Grantor"), and

The City of Kerman, a California municipal corporation (hereinafter called City).

An instrument in the form of an Easement Deed ("Deed") covering the property particularly described therein ("Property"), has been executed concurrently with this Agreement and delivered to City representatives.

In consideration of which, and other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for said document and shall relieve the City of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement, the Vinland Avenue Widening Project, except as stated in Paragraphs 2.E. and 2.F. below.

2. The City shall:

A. PAYMENT - Pay to the order of the Grantor the sum of **Fifty-Three Thousand Six Hundred Dollars ($53,600)** as consideration in full for the Deed and Property, for the loss, replacement and moving of any improvements, and for entering into this Agreement. Said sum shall be paid upon close of escrow, which shall occur when title to the Property has vested in City free and clear of all liens, encumbrances, assessments, easements and leases recorded or unrecorded, except for recorded public utility easements and public right of way.

B. RECORDATION OF INSTRUMENT - Accept the Deed and cause the same to be recorded in the office of the Fresno County Recorder at such time as when clear title can be conveyed.

C. MISCELLANEOUS COSTS - Pay any escrow, title insurance, and recording fees incurred in this transaction.

D. CLEARANCE OF BONDS, ASSESSMENTS, OR DELINQUENT TAXES - Have the authority to deduct and pay from the amount shown in Paragraph 2.A. above any amount

necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which the Deed records, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien as of the date of recordation of the Deed.

E. CONSTRUCTION AND RESTORATION – Shall, upon completion of construction, generally restore Grantor's remaining real property to a comparable or better condition than that which existed prior to City's project construction, to the extent reasonably practical. Said restoration shall include two 24-foot wide driveway skirts in locations corresponding to the existing driveway positions. Additionally, all affected utility lines shall be relocated and buried underground at City expense. The existing fence within the Property shall be dismantled, removed from the property at City expense, except for that portion which exists behind the new Right of Way.

F. INDEMNIFICATION - Indemnify and hold harmless Grantor from any and all claims, damages, costs, judgments, or liability proximately caused by City or its officers, employees, or agents specifically arising from City construction and restoration work on the Property.

3. The Grantor:

A. PAYMENT ON MORTGAGE OR DEED OF TRUST - Agrees that any or all monies payable under this Agreement up to and including the total amount of the unpaid principal and interest on the note(s) secured by mortgage(s) or deed(s) of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said mortgage(s) or deed(s) of trust, shall upon demand(s) be made payable to the mortgagee(s) or beneficiary(s) entitled thereunder. Grantor shall cooperate with the Escrow Officer in obtaining lien clearance documents from any and all creditors holding liens against the Property.

B. LEASE INDEMNIFICATION - Warrants there are no oral or written leases on all or any portion of the Property, or if there are such leases, Grantor agrees to hold the City harmless and reimburse City for any and all of its losses and expenses occasioned by reason of any lease of said Property held by tenant of Grantor.

C. PERMISSION TO ENTER - Hereby grants to the City, its agents and contractors, permission to enter the Property prior to the close of escrow for the purposes of preparation for the construction of the City's facilities, subject to all applicable terms and conditions contained in this Agreement and the associated Deed.

D. TITLE INDEMNITY AND WARRANTY - In consideration of the City waiving the requirements to clear any defects and imperfections in all matters of record title, the Grantor indemnifies and holds the City harmless from any and all claims that other parties may make or assert on the title to the Property. Grantor's obligation to indemnify the City shall not exceed the amount paid to the Grantor under this Agreement. Grantor hereby represents and warrants that he/she/they are the sole vested owners of the Property, holding all ownership and possessory rights, and are the authorized signatories to grant the rights referenced in this Agreement without conflict or claims from other parties.

E. HAZARDOUS SUBSTANCES - Represents and warrants, to the best of Grantor's knowledge, and after reasonable inquiry, the following:

During Grantor's ownership of the Property, Grantor knows of no disposal, releases, or threatened releases of hazardous substances on, from, or under the Property or Grantor's remaining adjacent property. Grantor further represents and warrants that Grantor has no knowledge of disposal, release, or threatened release of hazardous substances on, from, or under the Property, or Grantor's remaining adjacent property, which may have occurred prior to Grantor's ownership.

There is no pending claim, lawsuit, agency proceeding, or any administrative challenge concerning the presence or use of hazardous substances on or within the Property or Grantor's remaining adjacent property.

Grantor has not used the Property, or Grantor's remaining adjacent property, for any industrial operations that use hazardous substances. Grantor is not aware of any prior use of such property. Grantor has not installed any underground storage tanks, above ground storage tanks, barrels, sumps, impoundments or other containers used to contain hazardous substances on any part of the Property or Grantor's remaining adjacent property. Grantors are not aware of any such prior installations. The purchase price of the Property being acquired reflects the fair market value of the Property without the presence of contamination. If the Property is found to be contaminated by the presence of hazardous substances which require mitigation under Federal or State law, City may elect to recover its cleanup costs from those who caused or contributed to the contamination.

4. The Parties agree:

A. ESCROW - At City's option, to open an escrow in accordance with this Agreement at an escrow company of City's choice. Opening an escrow shall be at City's sole discretion and City may decide to process this transaction without the use of an escrow agent. However, if an escrow agent is utilized, this Agreement constitutes the joint escrow instructions of City and Grantor, and the escrow agent to whom these instructions are delivered is hereby empowered to act under this Agreement. The parties hereto agree to do all acts necessary to close this escrow in the shortest possible time.

If an escrow is utilized, as soon as possible after opening of escrow, City will deposit the executed Deed by Grantor, with Certificate of Acceptance attached, with the escrow agent on Grantor's behalf. City agrees to deposit the purchase price upon demand of escrow agent. City and Grantor agree to deposit with escrow agent all additional instruments as may be necessary to complete this transaction. All funds received in this escrow shall be deposited with other escrow funds in a general escrow fund account(s) and may be transferred to any other such escrow trust account in any State or National Bank doing business in the State of California. All disbursements shall be made by check or wire transfer from such account.

Any taxes which have been paid by Grantor, prior to opening of this escrow, shall not be pro-rated between City and Grantor, but Grantor shall have the sole right after close of escrow, to

apply to the County Tax Collector of said County for any refund of such taxes which may be due Grantor for the period after City's acquisition.

i) ESCROW AGENT DIRECTIVES - Escrow Agent is authorized to, and shall:

a) Pay and charge Grantor for any unpaid delinquent taxes and/or any penalties and interest thereon, and for any delinquent assessments or bonds against that portion of Grantor's property subject to this transaction as required to convey clear title.

b) Pay and charge City for any escrow fees, charges and costs payable under Paragraph 2.C. of this Agreement;

c) Disburse funds and deliver Deed when conditions of this escrow have been fulfilled by City and Grantor.

d) Following recording of Deed from Grantor, provide City with a CLTA Standard Coverage Policy of Title Insurance in the amount of $53,600 issued by Placer Title Company showing that title to the Property is vested in City, subject only to the following exceptions, and the printed exceptions and stipulations in said policy:

1) Real Property Taxes for the fiscal year in which escrow closes;
2) Public utility easements and public rights of way;
3) Item numbers 4, 5, 6, 7, 8, and 9 of the preliminary title report issued by Placer Title Company, dated January 16, 2024, referenced as Order No. P-617050; and
4) Other items that may be approved in writing by City in advance of the close of escrow.

ii) CLOSE OF ESCROW - The term "close of escrow", if and where written in these instructions, shall mean the date necessary instruments of conveyance are recorded in the office of the County Recorder. Recordation of instruments delivered through this escrow is hereby authorized.

B. JUDGMENT IN LIEU OF DEED - In the event Grantor does not deliver title in a reasonable time under the terms of the Agreement, the City may file an action in eminent domain to pursue the acquisition of the Property, and this Agreement shall constitute a stipulation which may be filed in said proceedings as final and conclusive evidence of the total amount of damages for the taking, including all of the items listed in Section 1260.230 of the Code of Civil Procedure, regarding said property rights.

C. ARTICLE HEADINGS - Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants and conditions of this Agreement.

D. TITLE VI CIVIL RIGHTS ACT COMPLIANCE - The parties to this contract shall, pursuant to Section 21.7(a) of Title 49, Code of Federal Regulations, comply with all elements of Title VI of the Civil Rights Act of 1964. This requirement under Title VI and the Code of Federal Regulations is to complete the USDOT-Non-Discrimination Assurance requiring compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Part 21 and 28 C.F.R. Section 50.3.

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity that is the subject of this contract.

E. COMPLETE UNDERSTANDING - This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions, and preliminary agreements or understandings, written or oral. This Agreement may not be amended except in writing by the parties hereto or their successors or assigns.

F. CITY COUNCIL APPROVAL - This Agreement is subject to and conditioned upon approval by the Kerman City Council. This Agreement is not binding upon the City until executed by the appropriate City official(s) acting in their authorized capacity.

G. COUNTERPARTS - This Agreement may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same document.

H. ELECTRONIC AND FACSIMILE SIGNATURES – In the event that the parties hereto utilize electronic or facsimile documents which include signatures, such documents shall be accepted as fully binding and as full force and effect the same as if they bore original signatures. Documents for recordation by the County Recorder must contain original notarized signatures.

No Obligation Other Than Those Set Forth Herein Will Be Recognized.

[Signatures on Next Page]

GRANTOR:
Jagrup S. Sidhu and Sukhdev K. Sidhu, as Co-Trustees under that certain Trust Agreement dated November 10, 2009, creating "The J. S. and S. K. Sidhu Family 2009 Revocable Trust"

By: Jagrup S. Sidhu
Jagrup S. Sidhu
Co-Trustee

Date: 10.30.24

By: Sukhdev Sidhu
Sukhdev K. Sidhu
Co-Trustee

Date: 10/30/24

GRANTOR'S MAILING ADDRESS:
Jagrup and Sukhdev Sidhu
The Sidhu Family Trust
10218 N. Dearing Ave.
Fresno, CA 93730-4771

CITY:
The City of Kerman, a California municipal corporation

By: _____
John Jansons
City Manager

Date: _____

MAILING ADDRESS OF City:
City of Kerman
Attn: Josie Camacho
Interim City Clerk
Kerman City Hall
850 S. Madera Avenue
Kerman, CA 93630

Recording requested by:
Hamner, Jewell & Associates
Government Real Estate Services

When recorded, mail to:
City of Kerman
Attn: Michael Barajas
Public Works Director
850 S. Madera Avenue
Kerman, CA 93630

Exempt from the $75 Building and Jobs Act Fee per Gov't Code § 27388.1(2)(D) Public Agency
No fee pursuant to Government Code § 6103
No Documentary Transfer Tax per R&T Code § 11922
No Recording Fee per Government Code § 27383

EASEMENT DEED
(Public Pedestrian and Sidewalk)

APN: 023-220-08S

For a valuable consideration, receipt of which is hereby acknowledged,

> Jagrup S. Sidhu and Sukhdev K. Sidhu, as Co-Trustees under that certain Trust Agreement dated November 10, 2009, creating "The J. S. and S. K. Sidhu Family 2009 Revocable Trust" (hereinafter collectively referred to as "Grantor"),

hereby grants to the

> City of Kerman, a California municipal Corporation (hereinafter referred to as "Grantee"),

A permanent public pedestrian and sidewalk easement for the construction and maintenance of a public sidewalk and, at City's sole discretion, the right to plant and maintain grass, shrubs, trees and other vegetation upon, over, under, through, and across that certain property situated in the City of Kerman, County of Fresno, State of California legally described in Exhibit A and depicted in Exhibit B, each attached hereto and incorporated herein (the "Pedestrian Easement Area").

Grantor shall not construct, nor permit others to construct, any facilities which conflict with City's ability to use the Easement Areas for all purposes herein granted.

Grantor represents and warrants it is the owner of the real property upon which the easements are located and is authorized to execute this Deed and that no additional signatures are required to effectuate this easement conveyance.

Executed this 30 day of October, 2024.

GRANTOR:
Jagrup S. Sidhu and Sukhdev K. Sidhu, as Co-Trustees under that certain Trust Agreement dated November 10, 2009, creating "The J. S and S. K. Sidhu Family 2009 Revocable Trust

By: Jagrup S Sidhu
Jagrup S. Sidhu
Co-Trustee

By: Sukhdev Sidhu
Sukhdev K. Sidhu
Co-Trustee

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Fresno

On October 30, 2024 before me, Nancy F. Alvarado, Notary Public, personally appeared Jagrup S. Sidhu, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

NANCY F. ALVARADO
Notary Public - California
Madera County
Commission # 2466812
My Comm. Expires Oct 16, 2027

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Fresno

On October 30, 2024 before me, Nancy F. Alvarado, Notary Public, personally appeared Sukhdev K. Sidhu, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

NANCY F. ALVARADO
Notary Public - California
Madera County
Commission # 2466812
My Comm. Expires Oct 16, 2027

CERTIFICATE OF ACCEPTANCE

This is to certify that the City of Kerman hereby accepts for public purposes the real property, or interest therein, described in that deed dated _____, from Jagrup S. Sidhu and Sukhdev K. Sidhu, as Co-Trustees under that certain Trust Agreement dated November 10, 2009, creating "The J. S. and S. K. Sidhu Family 2009 Revocable Trust" collectively Grantor therein, to the City of Kerman, a municipal Corporation, grantee therein, is hereby accepted pursuant to a Resolution of the City Council of the City of Kerman adopted on _____. The City of Kerman consents to the recordation of said Grant Deed by its authorized officer.

In Witness Whereof, I have hereunto set my hand this ___ day of _____, 20___.

City of Kerman, a California municipal Corporation

By: _____

Name_____

Title _____

ATTEST:

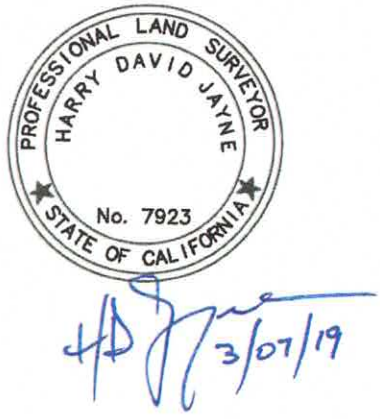
By _____
Name:
Title:

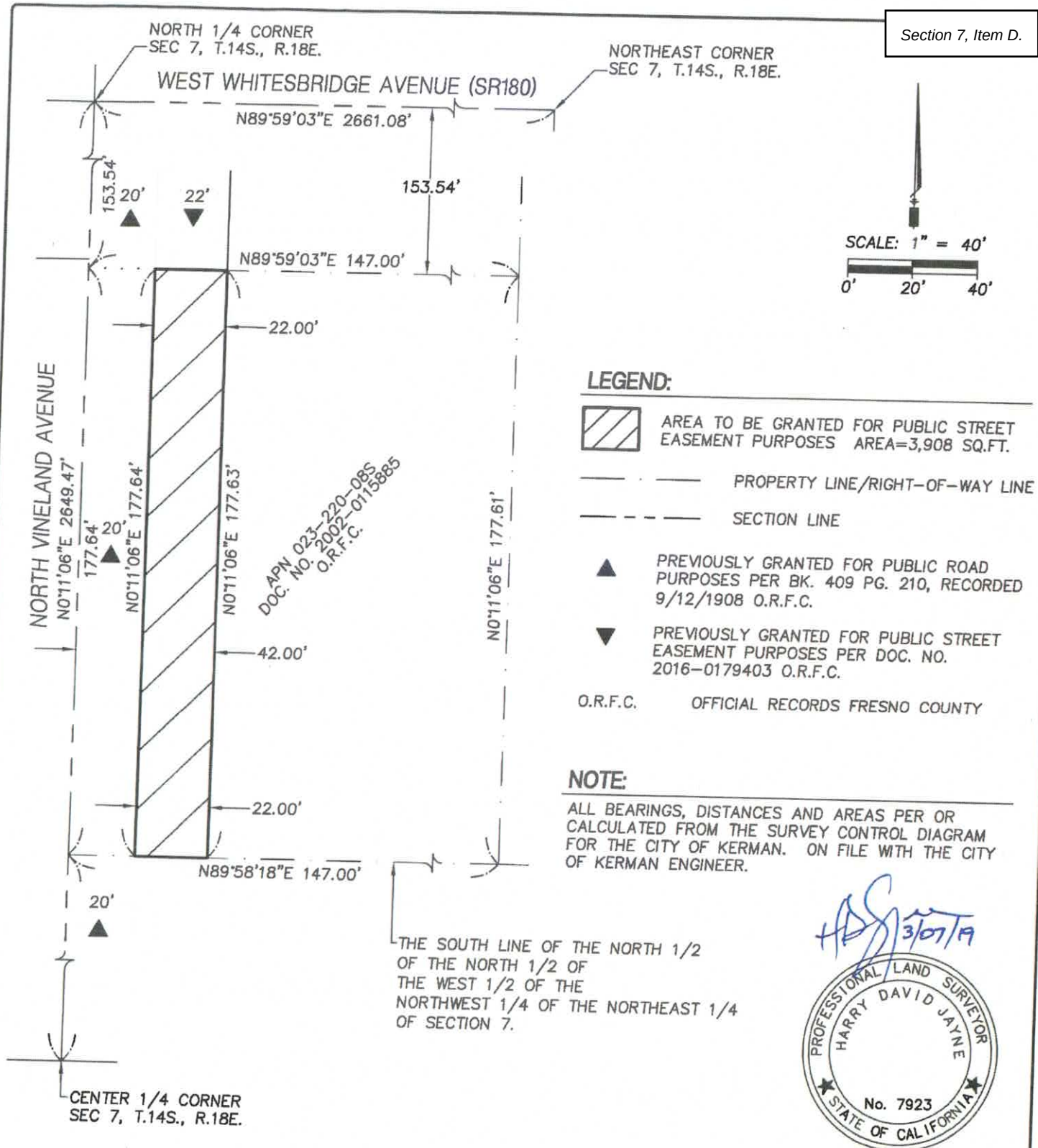
Exhibit "A"

The East 22.00 feet of the West 42.00 feet of the West 147 feet of the North half of the North half of the West half of the Northwest quarter of the Northeast quarter of Section 7, Township 14 South, Range 18 East, Mount Diablo Base and Meridian, according to the Official United States Government Township Plat thereof, in the City of Kerman, County of Fresno, State of California.

EXCEPTING THEREFROM the North 153.54 feet thereof.

Containing an area of 3,908 square feet, more or less.





LEGEND:

- AREA TO BE GRANTED FOR PUBLIC STREET EASEMENT PURPOSES AREA=3,908 SQ.FT.
- PROPERTY LINE/RIGHT-OF-WAY LINE
- SECTION LINE
- ▲ PREVIOUSLY GRANTED FOR PUBLIC ROAD PURPOSES PER BK. 409 PG. 210, RECORDED 9/12/1908 O.R.F.C.
- ▼ PREVIOUSLY GRANTED FOR PUBLIC STREET EASEMENT PURPOSES PER DOC. NO. 2016-0179403 O.R.F.C.

O.R.F.C. OFFICIAL RECORDS FRESNO COUNTY

NOTE:

ALL BEARINGS, DISTANCES AND AREAS PER OR CALCULATED FROM THE SURVEY CONTROL DIAGRAM FOR THE CITY OF KERMAN. ON FILE WITH THE CITY OF KERMAN ENGINEER.

HDJ 3/07/19

PROFESSIONAL LAND SURVEYOR
HARRY DAVID JAYNE
No. 7923
STATE OF CALIFORNIA

YAMABE & HORN ENGINEERING, INC.
2985 N. BURL AVENUE
SUITE 101
FRESNO, CA 93727
TEL (559) 244-3123
FAX (559) 244-3120

Ref. & Rev.	CITY OF KERMAN	
	EXHIBIT "B" WHITESBRIDGE & VINELAND PUBLIC ROAD EASEMENT DEDICATION	Dr. By: RBW Ch. By: HDJ Date: 5/08/18 YH Job No. 17-142 Sheet No. 1 of 1 Sheets

F:\2017\17-142\dwg\Exhibits\Easement Diagrams\17-142_ROW Easement_023-220-08S.dwg

STAFF REPORT

MEETING DATE: January 22, 2025

PRESENTER: Mayor Pacheco
Theresa Johnson, Community Services Director
Jerry Jones, Community Development Director

SUBJECT: Appointment of Members to the Parks, Recreation and Community Services Commission and to the Planning Commission (TJ & JJ)

RECOMMENDATION: Council by motion:

1. Adopt resolution approving appointments by Mayor Pacheco of two applicants to the Parks, Recreation and Community Services Commission; and

2. Adopt resolution approving appointment by Mayor Pacheco of one applicant to the Planning Commission.

EXECUTIVE SUMMARY:

The Parks, Recreation and Community Services Commission currently has two vacancies, for three-year terms beginning January 1, 2025, and expiring on December 31, 2027.

An announcement for vacancies was published in the Kerman News and posted on the City website with an application deadline of Tuesday, October 22, 2024. No applications were received by the first deadline and it was extended to Wednesday, November 20, 2024.

Five applications (**Exhibit 'A' to Attachment 'A'**) were received for the two Parks, Recreation and Community Services Commission vacancies and the Mayor appointed Mike Teixeira and Jennifer Coleman-Antuna for appointment to the open three-year term positions.

The Planning Commission currently has two vacancies for three-year terms beginning January 1, 2025, and expiring on December 31, 2027. An announcement for vacancies was published in the Kerman News and posted on the City website with an application deadline of Tuesday, December 31, 2024.

One application (**Exhibit 'A' to Attachment 'B'**) was received for the two Planning Commission vacancies and the Mayor appointed Cory Molloy for appointment to one of the open positions for a three-year term. Staff will re-advertise the call for applications to try and fill the remaining vacancy.

The applicants have been invited to attend the City Council meeting and may be asked to introduce themselves, share their interest in service in these capacities and answer any questions the City Council may have.

Members of the public will also have the opportunity to address the City Council on the proposed appointments.

The City Council shall consider the Mayor's nominations and consider their approval by motion to approve the appointments per City Council, resolutions (**Attachment 'A'**) and (**Attachment 'B'**) are attached to this report.

FISCAL IMPACT:

None

ATTACHMENTS:

A. Resolution w/Exhibit
B. Resolution w/Exhibit

Attachment 'A'

RESOLUTION NO. 25-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPOINTING MEMBERS TO THE PARKS, RECREATION AND COMMUNITY SERVICES COMMISSION

WHEREAS, under state law, the Mayor may appoint members to the Parks, Recreation and Community Services Commission subject to approval of the City Council; and

WHEREAS, the City Council may consider such appointments to the Parks, Recreation and Community Services Commission; and

WHEREAS, applications were received to fill two vacancies on the Parks, Recreation and Community Services Commission for three-year terms beginning January 1, 2025, and ending on December 31, 2027; and

WHEREAS, the Mayor has appointed Ms. Jennifer Coleman-Antuna and Mr. Mike Teixeira to each serve three-year terms; and

WHEREAS, at the January 22, 2025 City Council Meeting, the City Council voted to approve the nominations by Mayor.

NOW, THEREFORE, the City Council of the City of Kerman resolves as follows:

Section 1. The forgoing recitals are true, correct, and incorporated by reference.

Section 2. The City Council approves the appointment of Ms. Jennifer Coleman-Antuna, and Mr. Mike Teixeira to a three-year term beginning January 1, 2025, and ending on December 31, 2027, to the Parks, Recreation and Community Services Commission.

Section 3. This resolution is effective upon adoption.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 22nd of January, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

ATTEST:

_____
Josie Camacho
City Clerk

Exhibit 'A'

City of Kerman
850 S. Madera Ave. Kerman, CA 93630
Fax (559) 846-6199
Telephone (559) 846-9384

11/20/24
8:17 am

Application for City Commission or Committee

I hereby request that I be considered as a nominee for the following City Commission or Committee:

☐ Planning Commission

☒ Parks, Recreation and Community Services Commission

☐ Sales Tax Oversight Committee

Qualifications and Eligibility:

1. All members shall be at least 18 years old.
2. Not an employee of the City.
3. Have knowledge, appreciation, and a basic understanding of public issues and concerns related to the City.
4. Not serve on two different City boards or commissions.
5. Reside within the City limits or the City's sphere of influence at the time of application.

Name Mike Teixeira

Address [redacted]

City Kerman State CA Zip 93630

Home Phone: [redacted] Business Phone: —

Email Address [redacted]

Please state your education background:

Please list any organizations of which you are a member and any offices you have held in those organizations: Kerman Rotary Club - Community Service Director - Treasurer - Vice President President

Please list any appointed public boards or commissions on which you have served, dates of service, and office held: Chair Kerman Parks Recreation + Community Service, Vice Chair

Do you believe your experience (personal, education, professional) applies to your effectively servicing to this Commission/Committee? If so, please explain: My Living In the Kerman Community my whole life, my Past ownership of H+J Chevrolet (50 years) my past years Service on the Parks Recreation + Community Service Commission

Do you have any personal goals or objectives that might be achieved by serving on this Commission/Committee? If so, explain: Keep Kerman going the current direction - have a say Future Kerman Services

References (optional):

Phillip Gallegos

Signed Mel Henry Date 11-20-2024

Please return completed application to:

City Clerk's Department
City of Kerman
850 S. Madera Avenue
Kerman, CA, 93630

City of Kerman
850 S. Madera Ave. Kerman, CA 93630
Fax (559) 846-6199
Telephone (559) 846-9384

Application for City Commission or Committee

I hereby request that I be considered as a nominee for the following City Commission or Committee:

☐ Planning Commission

☑ Parks, Recreation and Community Services Commission

☐ Sales Tax Oversight Committee

Qualifications and Eligibility:

1. All members shall be at least 18 years old.
2. Not an employee of the City.
3. Have knowledge, appreciation, and a basic understanding of public issues and concerns related to the City.
4. Not serve on two different City boards or commissions.
5. Reside within the City limits or the City's sphere of influence at the time of application.

Name Jennifer Coleman-Antuna

Address [redacted]

City Kerman State CA Zip 93630

Home Phone: [redacted] Business Phone: —

Email Address [redacted]

Please state your education background:

A.S. in Animal Science

Please list any organizations of which you are a member and any offices you have held in those organizations:

City council 2020-2024- Kerman

Please list any appointed public boards or commissions on which you have served, dates of service, and office held:

Ø

Do you believe your experience (personal, education, professional) applies to your effectively servicing to this Commission/Committee? If so, please explain:

yes - my experience on city council last 4 years as given me much insight to how to be helpful to this board

Do you have any personal goals or objectives that might be achieved by serving on this Commission/Committee? If so, explain:

Park improvement - Kerkof

Public involement in events/advertising

References (optional):

Signed J. Cohn-Antuna Date 11/20/24

Please return completed application to:

City Clerk's Department
City of Kerman
850 S. Madera Avenue
Kerman, CA, 93630

City of Kerm
850 S. Madera Ave. Kerman, CA 9
Fax (559) 846-6199
Telephone (559) 846-9384

Received
Sep 25, 2025

Application for City Commission or Committee

I hereby request that I be considered as a nominee for the following City Commission or Committee:

☐ Planning Commission

☑ Parks, Recreation and Community Services Commission

☐ Sales Tax Oversight Committee

Qualifications and Eligibility:

1. All members shall be at least 18 years old.
2. Not an employee of the City.
3. Have knowledge, appreciation, and a basic understanding of public issues and concerns related to the City.
4. Not serve on two different City boards or commissions.
5. Reside within the City limits or the City's sphere of influence at the time of application.

Name Louis Girard

Address [redacted]

City Kerman State CA Zip 93630

Home Phone: [redacted] Business Phone: _____

Email Address [redacted]

Please state your education background:

High school diploma as well as a licensed CA insurance Broker

Please list any organizations of which you are a member and any offices you have held in those organizations:
I am currently in my second term as Secretary for the Kerman Cal Ripken Baseball Leag

Served on the school site council at Goldenrod Elementry School

Please list any appointed public boards or commissions on which you have served, dates of service, and office held:
Goldenrod Elementry School Site Council 2019-2021

Do you believe your experience (personal, education, professional) applies to your effectively servicing to this Commission/Committee? If so, please explain:
Yes I do I am very active in youth baseball in Kerman as a coach for six years and boarc

Also being a licensed insurance broker I have an understanding of liability and risk mana

Dealing with business owners and the public.

Do you have any personal goals or objectives that might be achieved by serving on this Commission/Committee? If so, explain:
My goal is to ensure our parks and recreation areas are safe and family friendly and sha

Between all our different organizations in the community. I am also very concerned abou

State of Kerckhoff park and the abundance of illegal activities going on making it unsafe

References (optional):
Daniel Pere[redacted]

Rusty Roberts:[redacted]

Signed _____ Date 11/14/2024

Please return completed application to:

City Clerk's Department
City of Kerman
850 S. Madera Avenue
Kerman, CA, 93630

City of Kerman
850 S. Madera Ave. Kerman, CA 93630
Fax (559) 846-6199
Telephone (559) 846-9384

Nominee Application for City Commission or Committee

I hereby request that I be considered as a nominee for the following City Commission or Committee:

Planning Commission ____ Community Service & Recreation Commission X

Name David Vazquez

Address [redacted]

City Kerman State CA Zip 93630

Home Phone [redacted] Business Phone ( )

Email Address [redacted]

Employed By [redacted] Position Council Assistant

I have been a registered voter in the City of Kerman for 1 years.

I have been a resident of Kerman for 2 years. (There is no residency requirement.)

Are you a citizen of the United States? Yes X No

Have you ever been convicted of a felony? Yes ____ No X
(If your answer is "yes," please explain the nature of the felony conviction on a separate sheet of paper and attach to this form.)

Please state your education background:

BA - Mass Communications

Please list any organizations of which you are a member and any offices you have held in those organizations:

Knights of Columbus at St. Patrick's Catholic Church

Nominee Application for City Commission or Committee

Please list any appointed public boards or commissions on which you have served, dates of service, and chairmanship or office held:

N/A

Do you believe your experience (personal, education, professional) applies to your effectively servicing to this Commission/Committee? If so, please explain:

my professional experience in local government, specifically in Community engagemer and public service, has equipped me with a deed understanding of how to address residents' needs and work with City departments to implement meaningful initiativ Personally, as a Central Valley native and an active participant in recreational activitie I recognize the importance of maintaining & improving our parks for all families.

Do you have any personal goals or objectives that might be achieved by serving on this Commission/Committee? If so, explain:

1. Enhance Park Accessibility and Inclusivity
2. Promote Sustainable Practices
3. Increase Community Engagement and Programming

References (optional):

Signed _____ Date 10/22/24

Please return your completed application to
The City of Kerman,
850 S. Madera Avenue, Kerman, CA, 93630

Received
1/30/24
2:41 pm
KC

City of Kerman
850 S. Madera Ave. Kerman, CA 93630
Fax (559) 846-6199
Telephone (559) 846-9384

Application for City Commission or Committee

I hereby request that I be considered as a nominee for the following City Commission or Committee:

- [x] Planning Commission
- [x] Parks, Recreation and Community Services Commission
- [ ] Sales Tax Oversight Committee

Qualifications and Eligibility:

1. All members shall be at least 18 years old.
2. Not an employee of the City.
3. Have knowledge, appreciation, and a basic understanding of public issues and concerns related to the City.
4. Not serve on two different City boards or commissions.
5. Reside within the City limits or the City's sphere of influence at the time of application.

Name: Cristian A Lopez Salazar

Address: [redacted]

City: Kerman State: CA Zip: 93630

Home Phone: [redacted] Business Phone: _____

Email Address: [redacted]

Please state your education background:

Bachelors of Science in Business Administration-Computer Information Systems

Obtained from Fresno State University in May of 2016

Please list any organizations of which you are a member and any offices you have held in those organizations:
I am not a member of any organizations.

Please list any appointed public boards or commissions on which you have served, dates of service, and office held:
I have never served at any public boards or commissions in the past.

Do you believe your experience (personal, education, professional) applies to your effectively servicing to this Commission/Committee? If so, please explain:
My experience as a Project Manager and Customer Service Specialist would be highly r

Serving in the Planning Commission or Parks and Recreation. As a Project Manager I ha

Strong skills in managing timelines, budgets and resources which are critical in public pr

Do you have any personal goals or objectives that might be achieved by serving on this Commission/Committee? If so, explain:
My goal is to be a dedicated advocate for initiatives that improve the community while hc

unique Identity and values.

References (optional):
[redacted]

[redacted]

Signed _____ Date 11/20/2024

Please return completed application to:

City Clerk's Department
City of Kerman
850 S. Madera Avenue
Kerman, CA, 93630

Attachment 'B'

RESOLUTION NO. 25-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPOINTING MEMBER TO THE PLANNING COMMISSION

WHEREAS, under state law, the Mayor may appoint members to the Planning Commission subject to approval of the City Council; and

WHEREAS, the City Council may consider such appointments to the Planning Commission; and

WHEREAS, an application was received to fill two vacancies on the Planning Commission for three-year terms beginning January 1, 2025, and ending on December 31, 2027; and

WHEREAS, the Mayor nominated and appointed Ms. Cory Molloy to serve a three-year term; and

WHEREAS, at the January 22, 2025 City Council Meeting, the City Council voted to approve the nominations by Mayor.

NOW, THEREFORE, the City Council of the City of Kerman resolves as follows:

Section 1. The forgoing recitals are true, correct, and incorporated by reference.

Section 2. The City Council approves the appointment of Ms. Cory Molloy to the Planning Commission for a three-year term beginning January 1, 2025, and ending on December 31, 2027.

Section 3. This resolution is effective upon adoption.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 22nd of January, 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

ATTEST:

_____
Josie Camacho
City Clerk

City of Kerman
850 S. Madera Ave. Kerman, CA 93630
Fax (559) 846-6199
Telephone (559) 846-9384

RECEIVED 12-16-24 @5:50 p.m.

Application for City Commission or Committee

I hereby request that I be considered as a nominee for the following City Commission or Committee:

X Planning Commission

☐ Parks, Recreation and Community Services Commission

☐ Sales Tax Oversight Committee

Qualifications and Eligibility:

1. All members shall be at least 18 years old.
2. Not an employee of the City.
3. Have knowledge, appreciation, and a basic understanding of public issues and concerns related to the City.
4. Not serve on two different City boards or commissions.
5. Reside within the City limits or the City's sphere of influence at the time of application.

Name Cory Molloy
Address [redacted]
City State Zip Kerman, CA 93630

Home Phone: [redacted]

Business Phone: [redacted]

Email Address: [redacted]

Please state your education background:

I have a BS in Agriculture Education and an MS in Education in Education with an emphasis in Career and Technical Education.

Please list any organizations of which you are a member and any offices you have held in those organizations:

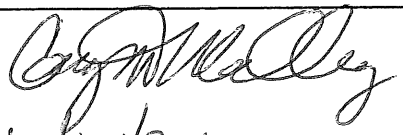
Please list any appointed public boards or commissions on which you have served, dates of service, and office held:
I am a current member of the City of Kerman Planning Commission.

Do you believe your experience (personal, education, professional) applies to your effectively servicing to this Commission/Committee? If so, please explain:
As a sitting member of the Planning Commission, I am familiar with current issues facing the City within the scope of the Planning Commission and would be able to transition easily into another term.

Do you have any personal goals or objectives that might be achieved by serving on this Commission/Committee? If so, explain:

I would simply like to continue serving the City of Kerman and its residents by helping to guide and monitor its growth and development.

References (optional):

Signed 

Date 12/14/24

Please return completed application to:

City Clerk's Department
City of Kerman
850 S. Madera Avenue
Kerman, CA, 93630

STAFF REPORT

MEETING DATE: January 22, 2025

PRESENTER: John Jansons, City Manager

SUBJECT: City Council Appointments to Committees, Commissions and Boards (JAJ)

RECOMMENDATION: Council by minute order approve;

1. The appointment of a City Councilmember to serve as the primary representative to the Upper Kings Basin Water Authority, and appoint one City Councilmember to serve as the alternate City Council representative to the Upper Kings Basin Water Authority and;

2. The appointment of Mayor ProTem to serve as Kerman City Council alternate representative to the Fresno County Council of Governments (FCOG).

EXECUTIVE SUMMARY:

On January 8, 2025, the City Council conducted their biennial reorganization of Councilmember representatives to various boards, commissions and committees both locally and regionally. At that time, City Council did not complete this task and still needs to identify a Councilmember who would serve as the primary representative to the Upper Kings Basin Water Authority, and appoint one City Councilmember to serve as the alternate City Council representative to the Upper Kings Basin Water Authority.

Additionally, on January 13, 2025, Councilmember Berdie Hall submitted a letter to the City of her decision to decline her appointment as Kerman's Alternate representative to the Fresno County Council of Governments (COG). As a result, the City Council needs to appoint another City Councilmember to serve as Kerman's alternate representative to the COG.

COG bylaws request that its member cities representative nearly always be a member city's Mayor with few historic exceptions. Currently, Mayor Pacheco serves as the primary Kerman representative to the COG. As far as the alternate to the COG is concerned, past practice in Kerman has been that the Mayor Pro Tem has traditionally served as COG alternate as was the case recently with the prior, 2022 through 2024, City Council.

FISCAL IMPACT:

There is no fiscal impact associated with appointing City Councilmembers to serve as both the primary and alternate Kerman representatives to the Upper Kings Basin Water Authority and in appointing a Councilmember (Mayor Pro Tem) the Fresno County Council of Governments.

ATTACHMENTS:

A. Letter from Councilmember Berdie Hall

From: Berdie Hall
To: John Jansons
Subject: Request to decline appointment of Alternate COG
Date: Monday, January 13, 2025 6:07:46 PM

Attention: John Janson Kerman City Manager - January 13, 2025

I councilwoman Berdie Hall, would like to decline the appointed alternate COG position. After further consideration of this position, I would like for the alternate COG position go to the Mayor Pro-Temp Councilman Gary Yep.

Thank you in advance for your consideration
Councilwoman Berdie Hall

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.