CITY COUNCIL REGULAR MEETING AGENDA

Wednesday, September 25, 2024 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 $250 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. Chamber of Commerce

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 - September 11, 2024

RECOMMENDATION: Council approve minutes as presented.

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

1. Nos.30140-30248 $424,114.29 ACH $103,307.71.

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

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

RECOMMENDATION: Council accept monthly investment report as presented.

D. **SUBJECT:** Proposal and Selection of New Phone System (JA)

RECOMMENDATION: Staff recommends that the Council adopt resolution approving acceptance of proposal from Unity IT in the amount of $1,408.04 per month for telephone services and approximately $3,654.25 for equipment and authorize the City Manager to sign the proposal.

E. **SUBJECT:** Approving 2024-2027 Adult Compliance Team Agreement to Participate with Fresno County (SW)

RECOMMENDATION: Council by motion adopt resolution approving 2024-2027 Adult Compliance Team Agreement with County of Fresno.

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:** Whispering Falls Project: General Plan Amendment 2023-01, Mitigated Negative Declaration 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, and Annexation 2023-01 pertaining to the Whispering Falls residential development located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U) (BE)

RECOMMENDATION: That Council consider the second reading of ordinance, adoption of the Tentative Subdivision Map resolution and Annexation Initiation resolution; deliberate; and by motion:

1. Adopt an ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone approximately 44.75 acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District – Residential – Minimum 2,500 square feet (SD-R-2.5) Zoning District and approximately 20 acres (020-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 square feet (SD-R-5) Zoning District (REZ 2023-01).

2. Adopt a resolution approving Tentative Subdivision Map 2023-01 for a property located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-041-45S, 020-041-47S); and

3. Adopt a resolution initiating annexation for the Whispering Falls residential project consisting of six (6) parcels identified as APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S and 020-041-09U containing approximately 64.76 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad (Annexation 2023-01).

B. **SUBJECT:** Crown-Schaad Residential Project: Rezone 2023-02, Mitigated Negative Declaration 2023-03, Annexation 2023-02, and Tentative Subdivision Map 2023-02, pertaining to the Crown-Schaad Residential Development, located on the North Side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S) (JC)

RECOMMENDATION: That the Council consider the second reading of ordinance; adoption of the Annexation Initiation resolution and Tentative Subdivision Map resolution; deliberate; and by motion:

1. Adopt an ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone approximately 9.69 aces (APN 020-140-22S) to the SD-R-4.5 (Smart Development Combining District – Residential – minimum 4,500 square feet) Zone District and rezone approximately 19.65 acres (APN 020-140-23S) from the R-1-7 (Single-Family Residential) Zone District to the SD-R-4.5 Zone District located on the North side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (Rezone 2023-02); and adopt Mitigated Negative Declaration (ENV 2023-03) and Mitigated Monitoring and Reporting Program; and

2. Adopt a resolution of the City Council of the City of Kerman initiating annexation for the Crown-Schaad residential project consisting of one (1) parcel identified as APN 020-140-22S containing approximately 9.69 acres located on the North side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (Annexation 2023-02); and

3. Adopt a resolution of the City Council of the City of Kerman approving Tentative Subdivision Map 2023-02 located on the North side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S).

7. **DEPARTMENT REPORTS**

A. **SUBJECT:** Resolution Approving Successor Memorandum of Understanding with Kerman Peace Officers Association (JAJ)

RECOMMENDATION: Council by motion adopt resolution approving successor Memorandum of Understanding with Kerman Peace Officers Association effective July 1, 2024, through June 30, 2027.

B. **SUBJECT:** Second Reading and Adoption of Ordinance to Increase City Council and Mayor's Compensation within allowable limits set forth by Government Code Section 36516 (JAJ & HCM)

RECOMMENDATION: That Council conduct the second reading and adopt ordinance amending Section 2.40.010 of Title 2, Chapter 2.40 of the Kerman Municipal Code to increase the City Council and Mayor's compensation within allowable limits set forth by Government Code Section 36516.

C. **SUBJECT:** Consider Rejecting All Bids Received for the Hart Ranch Community Park Project and Authorizing Advertisement of Revised Bid Documents (JG)

RECOMMENDATION: Council by motion adopt resolution rejecting all bids for the Hart Ranch Community Park Project and authorizing staff to advertise revised bid documents.

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**
If desired, members of the public may comment on Closed Session items. Members of the public wishing to address Council on Closed Session items should notify the Mayor when that item is called, and the Mayor will recognize your discussion at that time. It should be noted that Council is prohibited from discussing or addressing comments on Closed Session items.

A. 1. Public Employee Performance Evaluation pursuant to Government Code Section 54957
Title: City Manager
2. Conference with Labor Negotiators pursuant to Government Code Section 54957.6
City Designated Representatives: Mayor Pacheco and Council Member Yep
Unrepresented Employee: City Manager

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) 846-9450. 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) 846-9450 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: September 20, 2024 /s/ Josie Camacho, City Clerk

CITY COUNCIL REGULAR MEETING MINUTES

Wednesday, September 11, 2024 at 6:00 PM

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

1. OPENING CEREMONIES

A. Call to Order - **6:09 p.m.**

B. Roll Call - **All present except for Councilmember Yep and Mayor Pacheco.**

C. Invocation - **Performed by Pastor Bryan Arabian.**

D. Flag Salute – **Performed**

2. AGENDA APPROVAL/ADDITIONS/DELETIONS

Motion made by Councilmember Herrera, Seconded by Councilmember Coleman.
Ayes: Herrera, Coleman, Nijjer
Noes: None
Abstain: None
Absent: Yep, Pacheco.
Motion passes 3-0-0-2.

3. PRESENTATIONS/CEREMONIAL MATTERS

A. National Hispanic Heritage Month - **Presented.**
B. Introduction of Police Department Employees - **Presented by Chief Wilkins and certificates presented by Kyle Savage on behalf of Congressman Duarte's office.**
C. Employee Recognition - **Presented to Chief Wilkins.**

Recess at 6:27 p.m.

Reconvene at 6:37 p.m.

4. PUBLIC FORUM (*for matters not on agenda)*

Kyle Savage, Susan Toste

5. CONSENT CALENDAR

A. **SUBJECT:** Minutes - August 28, 2024

RECOMMENDATION: Council approve minutes as presented.

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

1. Nos.29983-30139 $1,267,516.70 ACH $145,402.77.

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

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

08/18/2024 to 08/31/2024: $223,194.85; Retro Pay & Other: $922.28; Overtime: $9,745.26; Standby: $1,790.11; Comp Time Earned: 64.88

RECOMMENDATION: Council approve payroll as presented.

D. **SUBJECT:** Adopting Amendments to the Conflict of Interest Code (JC)

RECOMMENDATION: Council by motion amend the Conflict of Interest Code and accept the 2024 Local Agency Biennial Notice. **Res. 24-72**

Motion made by Councilmember Coleman, Seconded by Councilmember Herrera.
Ayes: Coleman, Herrera, Nijjer
Noes: None
Abstain: None
Absent: Yep, Pacheco.
Motion passes 3-0-0-2.

6. PUBLIC HEARINGS - **None.**

7. DEPARTMENT REPORTS

A. **SUBJECT:** Consideration of Donation Grant Deed from City to the State of California, Department of Transportation Relating to KUSD Harvest Elementary School Project (JG)

RECOMMENDATION: Council adopt Resolution Approving Donation Grant Deed Relating to Parcel 89844-1 to the State of California, Department of Transportation (Caltrans). **Res. 24-73**

Motion made by Councilmember Herrera, Seconded by Councilmember Coleman.
Ayes: Herrera, Coleman, Nijjer
Noes: None
Abstain: None
Absent: Yep, Pacheco.
Motion passes 3-0-0-2.

B. **SUBJECT:** Consideration and First Reading of an Ordinance to Increase City Council Compensation (JJ & HC)

RECOMMENDATION: That pursuant to Council direction of August 28, 2024, the City Council waive full reading and consider introduction at this meeting and adoption at the following meeting of Ordinance Amending Section 2.40.010 of Title 2, Chapter 2.40 of the Kerman Municipal Code Regarding City Council Compensation. The ordinance compensation amounts are within allowable limits set forth by Government Code Section 36516. **Ord. 24-07**

Motion made by Councilmember Coleman, Seconded by Councilmember Herrera.
Ayes: Coleman, Herrera, Nijjer
Noes: None
Abstain: None
Absent: Yep, Pacheco.
Motion passes 3-0-0-2.

8. CITY MANAGER/STAFF COMMUNICATIONS

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

10. CLOSED SESSION - 6:57 p.m.

A. Conference with Real Property Negotiators pursuant to Government Code Section 54956.8
Property: APN 023-220-08S
Agency Negotiators: City Manager Jansons
Negotiating Parties: Jagrup and Sukhdev Sidhu, Trustees The Sidhu Family Trust
Under Negotiation: Price, terms, payment

B. Conference with Real Property Negotiators pursuant to Government Code Section 54956.8
Property: APN 025- 010- 04U
Agency Negotiators: John Jansons, City Manager
Negotiating Parties: Union Pacific Railroad Rick Harris, Real Estate Manager
Under Negotiation: Price and Terms

Reconvene at 7:30 p.m. with no reportable action.

11. ADJOURNMENT - 7:30 pm.

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: September 12, 2024 /s/ Josie Camacho, City Clerk

Accounts Payable

Checks by Date - Summary by Check Date

User: VSandoval
Printed: 9/13/2024 3:31 PM

Check No	Vendor No	Vendor Name	Check Date	Check Amount
30140	11749	2THRIVE MEDIA LLC	09/04/2024	1,255.83
30141	11525	ADOLPHS A-1 TREE SERVICE	09/04/2024	4,700.00
30142	10645	ALPHAGRAPHICS	09/04/2024	442.85
30143	12537	AMERITAS GROUP INSURANCE CORP	09/04/2024	1,784.03
30144	10035	AQUA NATURAL SOLUTIONS	09/04/2024	758.07
30145	12348	BRADY INDUSTRIES	09/04/2024	105.75
30146	10452	CITY OF FRESNO WMD	09/04/2024	153.00
30147	11259	CIVIC PLUS INC	09/04/2024	5,000.00
30148	10103	COLONIAL LIFE	09/04/2024	577.58
30149	10105	COMMUNITY HOSPITALS OF CENTRA	09/04/2024	350.00
30150	10114	CROWN SHORT LOAD CONCRETE	09/04/2024	686.54
30151	10128	DEPARTMENT OF JUSTICE	09/04/2024	622.00
30152	12068	DXP ENTERPRISES INC	09/04/2024	1,400.00
30153	11398	FASTSIGNS	09/04/2024	135.71
30154	10157	FERGUSON ENTERPRISES INC	09/04/2024	471.28
30155	12662	FRESNO CHAMBER OF COMMERCE	09/04/2024	750.00
30156	10572	FRESNO CITY COLLEGE	09/04/2024	420.00
30157	10185	GRAINGER	09/04/2024	396.76
30158	11358	GREAT AMERICA FINANCIAL SERVICI	09/04/2024	383.53
30159	10226	JORGENSEN & CO	09/04/2024	25.67
30160	10228	JS COMMUNICATIONS INC	09/04/2024	647.31
30161	10239	KERWEST INC	09/04/2024	268.00
30162	10249	LEAGUE OF CALIFORNIA CITIES	09/04/2024	25.00
30163	10251	LIGHTHOUSE ELECTRIC INC	09/04/2024	3,446.20
30164	11703	MAVERICK DATA SYSTEMS LLC	09/04/2024	250.00
30165	12663	MY SECURITY SIGN	09/04/2024	312.54
30166	10282	OFFICE DEPOT	09/04/2024	303.98
30167	10289	P.G.& E.	09/04/2024	1,473.89
30168	10309	PROFORCE LAW ENFORCEMENT	09/04/2024	884.00
30169	11114	SHERWIN WILLIAMS	09/04/2024	1,812.41
30170	10862	SIGNMAX	09/04/2024	131.10
30171	12573	SOUTH VALLEY COMPANIES INC	09/04/2024	40,375.00
30172	12054	SPARKLETTS	09/04/2024	119.36
30173	11460	SUPERIOR POOL PRODUCTS LLC	09/04/2024	1,262.90
30174	10015	THE ADVANCE GROUP INC	09/04/2024	809.45
30175	11502	TIREHUB LLC	09/04/2024	896.67
30176	10387	USA BLUE BOOK	09/04/2024	225.29
30177	10406	WEST HILLS OIL INC	09/04/2024	6,561.46
30178	UB*01846	YOLVA AVILES	09/04/2024	107.44
30179	UB*01849	MARDEN BARNES	09/04/2024	49.01
30180	UB*01848	WILLIAM BURKE	09/04/2024	82.58
30181	UB*01850	MARIANO FLORES	09/04/2024	123.55
30182	UB*01851	GUADALUPE GARCIA	09/04/2024	24.30
30183	UB*01854	SALEH A AL HAIDERI	09/04/2024	203.31
30184	UB*01852	KARLA KAMEY CEBALLOS	09/04/2024	48.60
30185	UB*01844	KUSD WAREHOUSE	09/04/2024	92.59
30186	UB*01847	PEBBLE BROOK VILLAGE	09/04/2024	46.12

Check No	Vendor No	Vendor Name	Check Date	
30188	UB*01853	TELA STEINAUER	09/04/2024	31.13
			Total for 9/4/2024:	81,031.79
ACH	10147	EMPLOYMENT DEVELOPMENT DEPA	09/06/2024	7,916.60
ACH	10517	FEDERAL TAXES PAYROLL	09/06/2024	53,085.28
ACH	10518	KERMAN POLICE OFFICERS ASSN	09/06/2024	824.00
ACH	10519	KERMAN MUNICIPAL EMPLOYEES AS	09/06/2024	270.00
ACH	10520	ICMA-RC	09/06/2024	1,809.40
ACH	10522	CALPERS	09/06/2024	39,402.43
			Total for 9/6/2024:	103,307.71
30189	10021	ALERT O LITE	09/12/2024	606.65
30190	12538	AMERITAS GROUP INSURANCE CORP	09/12/2024	435.50
30191	12257	AMERITAS LIFE INSURANCE CORP- V	09/12/2024	845.89
30192	12530	APOLLO HEALTH INC	09/12/2024	140.00
30193	10040	AT&T MOBILITY	09/12/2024	2,841.31
30194	10504	AUTOZONE	09/12/2024	530.41
30195	11355	BADGER METER	09/12/2024	415.00
30196	11917	BLAIS & ASSOCIATES LLC	09/12/2024	2,836.50
30197	10056	BOGIE'S PUMP SYSTEMS	09/12/2024	5,584.97
30198	12348	BRADY INDUSTRIES	09/12/2024	493.83
30199	10061	BSK ASSOCIATES	09/12/2024	1,963.75
30200	10617	C A REDING CO INC	09/12/2024	283.23
30201	12470	SANTOS CAMACHO	09/12/2024	150.00
30202	10452	CITY OF FRESNO WMD	09/12/2024	185.00
30203	12006	CROMER INC	09/12/2024	1,947.53
30204	12557	DENCO WELDING	09/12/2024	1,819.36
30205	10129	DEPARTMENT OF PESTICIDE REG	09/12/2024	140.00
30206	BP-DHAL	KANWALDEEP DHALIWAL	09/12/2024	1,483.29
30207	11999	DOG WASTE DEPOT	09/12/2024	904.46
30208	10144	ELBERT DISTRIBUTING INC	09/12/2024	555.47
30209	10157	FERGUSON ENTERPRISES INC	09/12/2024	983.43
30210	11550	FRESNO COUNTY SHERIFFS OFFICE -	09/12/2024	274.00
30211	10162	FRESNO COUNTY TREASURER	09/12/2024	23,299.00
30212	10169	FRESNO PET CEMETERY	09/12/2024	295.20
30213	12379	GILL CHEVROLET	09/12/2024	344.49
30214	10185	GRAINGER	09/12/2024	463.09
30215	11358	GREAT AMERICA FINANCIAL SERVIC	09/12/2024	199.21
30216	10201	HORIZON	09/12/2024	1,836.50
30217	10514	ICAD INC	09/12/2024	9,232.00
30218	12461	JFS ENTERPRISE INC	09/12/2024	2,250.00
30219	10226	JORGENSEN & CO	09/12/2024	1,930.08
30220	12522	HARMEEN KAUR	09/12/2024	114.00
30221	10250	LIEBERT CASSIDY WHITMORE	09/12/2024	2,829.00
30222	10251	LIGHTHOUSE ELECTRIC INC	09/12/2024	1,653.76
30223	12665	JARELY LUGO	09/12/2024	150.00
30224	12664	BIANCA MARTINEZ	09/12/2024	400.00
30225	10261	MID VALLEY DISPOSAL INC	09/12/2024	527.01
30226	11965	MISSION UNIFORM SERVICE	09/12/2024	2,283.49
30227	10265	MONTOY LAW CORPORATION	09/12/2024	18,233.00
30228	BP-NATT	RAJIQBAL & GULSHANDEEP NATT	09/12/2024	1,483.29
30229	10282	OFFICE DEPOT	09/12/2024	425.84
30230	10286	O'REILLY AUTOMOTIVE INC	09/12/2024	5,414.34
30231	11833	ORKIN	09/12/2024	127.99
30232	10289	P.G.& E.	09/12/2024	6,629.61

Check No	Vendor No	Vendor Name	Check Date	
30233	12053	R & L MUSIC ENT	09/12/2024	225.00
30234	10596	RED WING BUSINESS ADVANTAGE AC	09/12/2024	239.44
30235	11006	RIGHT NOW PHLEBOTOMY	09/12/2024	125.00
30236	12666	LEONARD RUIZ	09/12/2024	12.03
30237	11506	SCA OF CA LLC	09/12/2024	11,795.73
30238	10331	SEBASTIAN	09/12/2024	1,305.00
30239	10862	SIGNMAX	09/12/2024	712.82
30240	10337	SLUMBERGER LUMBER	09/12/2024	1,087.73
30241	11907	SPRINGBROOK HOLDING COMPANY I	09/12/2024	1,664.00
30242	10754	THE HOME DEPOT PRO-SUPPLY WORI	09/12/2024	13.19
30243	11502	TIREHUB LLC	09/12/2024	2,309.26
30244	10168	UNITY IT	09/12/2024	5,018.77
30245	11827	VALLEY WROUGHT IRON	09/12/2024	2,465.00
30246	12290	VERIZON	09/12/2024	663.25
30247	12170	WEBSTER BANK	09/12/2024	209,755.80
30248	12267	IRENE ZAMORA	09/12/2024	150.00
			Total for 9/12/2024:	343,082.50
			Report Total (114 checks):	527,422.00

CITY OF KERMAN
CD/Securities Portfolio
As of August 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	250,025.00	-
Wells Fargo Bank in Sioux Falls	615-030525-245	4.35%	10/14/22	10/15/24	249,000.00			249,000.00	248,788.35	1,810.20
Morgan Stanley Private National Bank	615-030525-245	4.80%	4/20/23	10/21/24	244,000.00			244,000.00	243,941.44	-
Western Alliance Bank	615-030525-245	4.85%	4/13/23	10/21/24	244,000.00			244,000.00	243,860.92	-
Brookline Bank Mass	615-030525-245	5.30%	8/30/23	10/30/24		248,000.00		248,000.00	248,151.28	3,313.01
Morgan Stanley Bank	615-030525-245	5.20%	8/30/23	3/3/25		243,000.00		243,000.00	243,668.25	6,335.31
Bank of Wisonsin	615-030525-245	5.40%	9/27/23	4/2/25		248,000.00		248,000.00	249,046.56	2,238.11
Merrick Bank	615-030525-245	5.40%	9/27/23	4/4/25		248,000.00		248,000.00	249,056.48	2,238.11
Synchrony Bank	615-030525-245	5.50%	11/3/23	5/5/25		243,000.00		243,000.00	244,249.02	-
Bank of America	615-030525-245	5.50%	11/8/24	5/8/25		243,000.00		243,000.00	244,229.58	-
State Bank of India	615-030525-245	1.10%	5/28/20	5/28/25	248,000.00			248,000.00	241,554.48	-
Capital One National National	615-030525-245	3.35%	6/29/22	6/30/25	245,000.00			245,000.00	242,559.80	4,114.99
Pacific Member Bank Irvine	615-030525-245	5.00%	3/15/24	9/15/25		243,000.00		243,000.00	244,399.68	-
Discover Bank Greenwood	615-030525-245	3.55%	9/20/22	9/22/25	245,000.00			245,000.00	242,934.65	-
BMW Bank North Amer Salt Lake	615-030525-245	0.50%	9/25/20	9/25/25	249,000.00			249,000.00	239,017.59	-
Bank of Hapoalim B M New York	615-030525-245	5.05%	4/24/24	10/29/25		200,000.00		200,000.00	201,532.00	-
Flagstar Bank National Association	615-030525-245	5.20%	6/11/24	1/13/26		243,000.00		243,000.00	245,967.03	-
US Government Bonds										
Federal Home Loan Bank	615-030525-245	4.75%	8/21/24	8/13/27		250,000.00		250,000.00	249,822.50	-
Federal Home Loan Bank	615-030525-245	4.00%	9/23/22	9/23/24	500,000.00			500,000.00	499,635.00	-
Federal Home Loan Bank	615-030525-245	5.05%	1/30/23	1/28/25	500,000.00			500,000.00	499,255.00	12,625.00
Federal Home Loan Bank	615-030525-245	5.10%	1/30/23	1/28/26	500,000.00			500,000.00	499,520.00	12,750.00
Federal Home Loan Bank	615-030525-245	5.30%	7/15/24	7/15/27		500,000.00		500,000.00	499,890.00	-
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	**4.54%**								
Total CD's					**4,214,000.00**	**2,669,000.00**	**-**	**6,883,000.00**	**6,871,104.61**	**59,558.12**

CITY OF KERMAN
CD/Securities Portfolio
As of August 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)		
					-	**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
								-		-
								-		-
								-		-
	Transfers In/(Out)							-		
								-		
								-		
Total - LAIF		**4.55%**			**17,636,545.69**	**199,072.39**	**-**	**17,835,618.08**	**17,835,618.08**	**199,072.39**
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
								-		-
								-		-
	Transfers In/(Out)							-		
								-		
								-		
		0.08%						-		
					3,646,347.63	503.52	-	**3,646,851.15**	3,646,851.15	503.52
Subtotal All City Investments		**3.06%**			**25,496,893.32**	**2,868,575.91**	**-**	**28,365,469.23**	**28,353,573.84**	**259,134.03**
			Total Investments		25,496,893.32	2,868,575.91	-	28,365,469.23	28,353,573.84	259,134.03
								Market Value Adjustment	(11,895.39)	
								2,868,575.91		
								2,868,575.91		
								(0.00)		

STAFF REPORT

MEETING DATE: September 25, 2024

PRESENTER: Josefina Alvarez, Finance Director

SUBJECT: Proposal and Selection of New Phone System (JA)

RECOMMENDATION: Staff recommends that the Council adopt resolution approving acceptance of proposal from Unity IT in the amount of $1,408.04 per month for telephone services and approximately $3,654.25 for equipment and authorize the City Manager to sign the proposal.

EXECUTIVE SUMMARY: The City of Kerman experienced a power outage on August 28, 2024 which caused our current phone system to crash. In order to repair the phone system, Sebastian (our current phone provider) would need to reprogram the entire phone system or we would need to purchase/upgrade to a new phone system.

Staff had added $50,000 for a new phone system in this current Fiscal Year 2024/2025 budget. Staff did obtain three quotes and is recommending to accept the proposal from Unity IT.

Vendor	Proposal per Month	One-Time Cost
Unity IT	$1,408.04	$3,654.25
CA Reding	$2,539.44	$2,694.33
Sebastian	$2,150.00	$38,000.00

It is noted that this vendor currenlty provides technology services and the City is satisfied with their work.

FISCAL IMPACT: The project is included in the 2024/2025 budget. There will be savings on both the one-time cost and the monthly telephone cost.

ATTACHMENTS:

A. Resolution

Attachment 'A'

RESOLUTION NO. 24-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING PROPOSAL FROM UNITY IT FOR A NEW PHONE SYSTEM IN THE AMOUNT OF $1,408.04 PER MONTH AND APPROXIMATELY $3,654.25 IN EQUIPMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROPOSAL

WHEREAS, the City of Kerman experienced a power outage which caused the current phone system to crash; and

WHEREAS, the current provider would need to reprogram the entire system or a new system would need to be purchased; and

WHEREAS, staff has obtained three proposals and they are as follows; and

Vendor	Proposal per Month	One-Time Cost
Unity IT	$1,408.04	$3,654.25
CA Reding	$2,539.44	$2,694.33
Sebastian	$2,150.00	$38,000.00

WHEREAS, the City desires to accept the proposal from Unity IT.

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 proposal from Unity IT and authorizes the City Manager to execute same.

3. This resolution shall be effective immediately upon adoption.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

ATTEST:

_____
Josie Camacho
City Clerk

STAFF REPORT

MEETING DATE: September 25, 2024

PRESENTER: Steve Wilkins, Chief of Police

SUBJECT: Approving 2024-2027 Adult Compliance Team Agreement to Participate with Fresno County (SW)

RECOMMENDATION: Council by motion adopt resolution approving 2024-2027 Adult Compliance Team Agreement with County of Fresno.

EXECUTIVE SUMMARY:

The Kerman Police Department applied for and was selected to participate in the countywide Adult Compliance Team (ACT) in 2016.

The ACT team is funded from the State of California to create a cooperative unit of law enforcement officers capable of addressing public safety concerns and issues facing Fresno County related to the early release of felons under the Public Safety Realignment Act (AB 109) Implementation Plan of 2011.

The Fresno ACT team has been in existence since 2011 and is currently staffed with peace officers from the Fresno County Sheriff's Department, the Fresno County District Attorney's Office, the Fresno County Probation Department, and officers of the Clovis, Fresno, Kerman, Kingsburg, Reedley, and Selma Police Departments.

The ACT team expanded in 2016 and the Kerman Police Department was selected to participate in this joint agency task force by dedicating one full-time police officer to the ACT team. This agreement has been extended again to this current year.

FISCAL IMPACT:

There is no fiscal impact to the city of Kerman as the contract agreement fully funds one full-time officer, including overtime, court time, vehicle, and all necessary equipment including safety equipment, computer, firearms, cell phone, and vehicle operating expenses for that officer.

ATTACHMENTS:

A. Resolution w/Exhibit

Attachment 'A'

RESOLUTION NO. 24-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING 2024-2027 ADULT COMPLIANCE TEAM AGREEMENT WITH COUNTY OF FRESNO

WHEREAS, the State of California, under Assembly Bill 109, the Public Safety Realignment Act (AB 109), has realigned responsibilities for probation, post release community supervision (PRCS) and mandatory supervised release of offenders; and

WHEREAS, the Public Safety Realignment Act (AB 109) Implementation Plan of 2011, including its updates, hereinafter collectively referred to as "AB 109 PLAN," was developed by the Fresno County Community Corrections Partnership (CCP) and approved by the Fresno County Board of Supervisors; and

WHEREAS, the ACT is comprised of representatives of the Fresno County Sheriff's Department, the Fresno County District Attorney's Office, the Fresno County Probation Department, and officers of the Fresno, Clovis, Selma, Kingsburg and Reedley Police Departments; and

WHEREAS, the State of California has provided funding to COUNTY for the purpose of implementing AB109 services and will fully fund the yearly contract agreement with Kerman PD for one (1) full time officer, including all equipment and operational costs, for the period of July 1, 2024 through June 30, 2027.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kerman as follows:

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

Section 2. The City Council approves the Adult Compliance Team Agreement with County of Fresno (ACT Agreement) attached as **Exhibit 'A'**.

Section 3. The City Manager is authorized to sign the ACT Agreement on behalf of the City.

Section 4. This resolution is effective upon adoption.

The forgoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

ATTEST:

_____
Josie Camacho
City Clerk

SERVICE AGREEMENT

This Service Agreement ("Agreement") is dated _____ and is between City of Kerman, a municipal corporation, whose address is 850 S. Madera Ave., Kerman, CA 93630 ("Contractor"), and the County of Fresno, a political subdivision of the State of California ("County").

Recitals

A. Under Assembly Bill 109, the Public Safety Realignment Act (AB 109), signed into law on April 5, 2011, the State of California has realigned responsibilities for probation, post release community supervision (PRCS), and mandatory supervised release of offenders. The State of California has provided funding to County for the purpose of implementing AB 109 services.

B. The County requires an additional layer of offender supervision to ensure offender accountability, surveillance, and supervision through mobile, intensive, and evidence-based practices leading to enhanced public safety and offender compliance. Subsequently, the AB 109 Implementation Plan of 2011, collectively referred to as the "AB 109 Plan," includes formation of the Adult Compliance Team (ACT), to create a cooperative unit capable of addressing public safety concerns and issues facing local law enforcement in Fresno County. The ACT is comprised of representatives of the Fresno County Sheriff's Department, the Fresno County District Attorney's Office, the Fresno County Probation Department, and officers of the Clovis, Fresno, Kerman, Kingsburg, Reedley, Sanger, and Selma Police Departments.

C. The AB 109 Plan, including its updates, was developed by the Fresno County Community Corrections Partnership (CCP), and approved by the Fresno County Board of Supervisors. The AB 109 Plan was approved by the CCP on August 19, 2011 and approved by the Board on September 13, 2011.

D. The Contractor desires to continue to be a member of the ACT, and the County desires to maintain the Contractor as an ACT member, and to continue to implement AB 109 services.

The parties therefore agree as follows:

//

//

Article 1

Contractor's Services

1.1 **Scope of Services.** The Contractor shall perform all of the services provided in Exhibit A to this Agreement, titled "Scope of Services."

1.2 **Representation.** The Contractor represents that it is qualified, ready, willing, and able to perform all of the services provided in this Agreement.

1.3 **Compliance with Laws.** The Contractor shall, at its own cost, comply with all applicable federal, state, and local laws and regulations in the performance of its obligations under this Agreement, including but not limited to workers compensation, labor, and confidentiality laws and regulations.

Article 2

County's Responsibilities

2.1 The County shall compensate the Contractor for an amount equal to the cost of one (1) City of Kerman Police Officer for assignment to the ACT, not to exceed the maximum amount payable under this Agreement of $177,380. This Agreement will be amended each subsequent year to reflect the maximum amount payable.

Article 3

Compensation, Invoices, and Payments

3.1 The County agrees to pay, and the Contractor agrees to receive, compensation for the performance of its services under this Agreement as described in this section.

3.2 **Maximum Compensation.** The maximum compensation payable to the Contractor for the first year of the term of this Agreement is One Hundred Seventy-Seven Thousand, Three Hundred Eighty Dollars ($177,380) to participate as an ACT member and implement AB 109 services. In no event shall compensation paid for all services performed for the first year of the term of this Agreement exceed One Hundred Seventy-Seven Thousand, Three Hundred Eighty Dollars ($177,380). This Agreement shall be amended each subsequent year of the term to reflect the maximum amount payable. The Contractor acknowledges that the County is a local government entity, and does so with notice that the County's powers are limited by the

California Constitution and by State law, and with notice that the Contractor may receive compensation under this Agreement only for services performed according to the terms of this Agreement and while this Agreement is in effect, and subject to the maximum amount payable under this section. The Contractor further acknowledges that County employees have no authority to pay the Contractor except as expressly provided in this Agreement.

3.3 **Invoices.** The Contractor shall electronically submit quarterly invoices through the County of Fresno Probation Department's CCP SharePoint folder using the AB 109 invoice template provided by the Probation Department. A vacancy report showing the budgeted staff positions and vacancies must be submitted with each invoice. Invoices must be submitted on or after the following dates: October 1 and January 1, April 1, and July 1. Each invoice shall include a breakdown of expenses identified in the final approved budget of the CCP for use in executing the mission of ACT. The Contractor shall upload and provide supporting documentation in detail to permit tracing transactions from the invoices to the accounting records. Supporting documentation includes but is not limited to list of positions funded; documentation of staff hours (e.g. timesheets, time tracking reports, etc.) and receipt for purchases (e.g. supplies, equipment, travel, etc.). The Contractor shall submit each invoice within 30 days after the quarter in which the Contractor performs services and in any case within 60 days after the end of the term or termination of this Agreement.

3.4 **Payment.** The County shall pay each correctly completed and timely submitted invoice within 45 days after receipt. The County shall remit any payment to the Contractor's address specified in the invoice.

3.5 **Incidental Expenses.** The Contractor is solely responsible for all of its costs and expenses that are not specified as payable by the County under this Agreement.

Article 4

Term of Agreement

4.1 **Term.** This Agreement is effective retroactive to July 1, 2024 and terminates on June 30, 2027, except as provided in section 4.2, "Extension," or Article 6, "Termination and Suspension," below.

4.2 **Extension.** The term of this Agreement may be extended for two (2) consecutive one-year terms. Each extension will take place automatically unless the Contractor provides written notice of non-renewal or termination from the ACT according to the ACT Operating Agreement (Exhibit A). As outlined in Exhibit A, the Contractor's written notice of non-renewal or termination from the ACT must be delivered to the Chairperson of the CCP Executive Committee and to all participating agencies. The termination will be effective 60 days after the date of delivery. The extension of this Agreement by the County is not a waiver or compromise of any default or breach of this Agreement by the Contractor existing at the time of the extension whether or not known to the County.

Article 5

Notices

5.1 **Contact Information.** The persons and their addresses having authority to give and receive notices provided for or permitted under this Agreement include the following:

For the County:
Chief Probation Officer
County of Fresno
3333 E. American Avenue, Building 701, Suite B
Fresno, CA 93725

For the Contractor:
Chief of Police
City of Kerman
850 S. Madera Ave.
Kerman, CA 93630

5.2 **Change of Contact Information.** Either party may change the information in section 5.1 by giving notice as provided in section 5.3.

5.3 **Method of Delivery.** Each notice between the County and the Contractor provided for or permitted under this Agreement must be in writing, state that it is a notice provided under this Agreement, and be delivered either by personal service, by first-class United States mail, by an overnight commercial courier service, by telephonic facsimile transmission, or by Portable Document Format (PDF) document attached to an email.

(A) A notice delivered by personal service is effective upon service to the recipient.

(B) A notice delivered by first-class United States mail is effective three County business days after deposit in the United States mail, postage prepaid, addressed to the recipient.

(C) A notice delivered by an overnight commercial courier service is effective one County business day after deposit with the overnight commercial courier service, delivery fees prepaid, with delivery instructions given for next day delivery, addressed to the recipient.

5.4 **Claims Presentation.** For all claims arising from or related to this Agreement, nothing in this Agreement establishes, waives, or modifies any claims presentation requirements or procedures provided by law, including the Government Claims Act (Division 3.6 of Title 1 of the Government Code, beginning with section 810).

Article 6

Termination and Suspension

6.1 **Termination for Non-Allocation of Funds.** The terms of this Agreement are contingent on the approval of funds by the appropriating government agency. If sufficient funds are not allocated, then the County, upon at least 30 days' advance written notice to the Contractor, may:

(A) Modify the services provided by the Contractor under this Agreement; or

(B) Terminate this Agreement.

6.2 **Termination for Breach.**

(A) Upon determining that a breach (as defined in paragraph (C) below) has occurred, the County may give written notice of the breach to the Contractor. The written notice may suspend performance under this Agreement, and must provide at least 30 days for the Contractor to cure the breach.

(B) If the Contractor fails to cure the breach to the County's satisfaction within the time stated in the written notice, the County may terminate this Agreement immediately.

(C) For purposes of this section, a breach occurs when, in the determination of the County, the Contractor has:

(1) Obtained or used funds illegally or improperly;

(2) Failed to comply with any part of this Agreement;

(3) Submitted a substantially incorrect or incomplete report to the County; or

(4) Improperly performed any of its obligations under this Agreement.

6.3 **Termination without Cause.** In circumstances other than those set forth above, the County may terminate this Agreement by giving at least 30 days advance written notice to the Contractor.

6.4 **No Penalty or Further Obligation.** Any termination of this Agreement by the County under this Article 6 is without penalty to or further obligation of the County.

6.5 **County's Rights upon Termination.** Upon termination for breach under this Article 6, the County may demand repayment by the Contractor of any monies disbursed to the Contractor under this Agreement that, in the County's sole judgment, were not expended in compliance with this Agreement. The Contractor shall promptly refund all such monies upon demand. This section survives the termination of this Agreement.

Article 7

Independent Contractor

7.1 **Status.** In performing under this Agreement, the Contractor, including its officers, agents, employees, and volunteers, is at all times acting and performing as an independent contractor, in an independent capacity, and not as an officer, agent, servant, employee, joint venturer, partner, or associate of the County.

7.2 **Verifying Performance**. The County has no right to control, supervise, or direct the manner or method of the Contractor's performance under this Agreement, but the County may verify that the Contractor is performing according to the terms of this Agreement.

7.3 **Benefits**. Because of its status as an independent contractor, the Contractor has no right to employment rights or benefits available to County employees. The Contractor is solely responsible for providing to its own employees all employee benefits required by law. The

Contractor shall save the County harmless from all matters relating to the payment of Contractor's employees, including compliance with Social Security withholding and all related regulations.

7.4 **Services to Others.** The parties acknowledge that, during the term of this Agreement, the Contractor may provide services to others unrelated to the County.

Article 8

Indemnity and Defense

8.1 **Indemnity.** The Contractor shall indemnify and hold harmless and defend the County (including its officers, agents, employees, and volunteers) against all claims, demands, injuries, damages, costs, expenses (including attorney fees and costs), fines, penalties, and liabilities of any kind to the County, the Contractor, or any third party that arise from or relate to the performance or failure to perform by the Contractor (or any of its officers, agents, subcontractors, or employees) under this Agreement. The County may conduct or participate in its own defense without affecting the Contractor's obligation to indemnify and hold harmless or defend the County.

The County shall indemnify and hold harmless and defend the Contractor (including its officers, agents, employees, and volunteers) against all claims, demands, injuries, damages, costs, expenses (including attorney fees and costs), fines, penalties, and liabilities of any kind to the County, the Contractor, or any third party that arise from or relate to the performance or failure to perform by the County (or any of its officers, agents, subcontractors, or employees) under this Agreement. The Contractor may conduct or participate in its own defense without affecting the County's obligation to indemnify and hold harmless or defend the Contractor.

In the event of concurrent negligence on the part of County or any of its officers, agents, or employees, and Contractor or any of its officers, agents, or employees, the liability for any and all such claims, demands, and actions in law or equity for such losses, costs, expenses, and damages shall be apportioned under the State of California's theory of comparative negligence, as presently established, or as may be modified hereafter.

8.2 **Survival.** This Article 8 survives the termination or expiration of this Agreement.

Article 9

Insurance

9.1 The Contractor shall comply with all the insurance requirements in Exhibit C to this Agreement.

Article 10

Inspections, Audits, and Public Records

10.1 **Inspection of Documents.** The Contractor shall make available to the County, and the County may examine at any time during business hours and as often as the County deems necessary, all of the Contractor's records and data with respect to the matters covered by this Agreement, excluding attorney-client privileged communications. The Contractor shall, upon request by the County, permit the County to audit and inspect all of such records and data to ensure the Contractor's compliance with the terms of this Agreement.

10.2 **State Audit Requirements.** If the compensation to be paid by the County under this Agreement exceeds $10,000, the Contractor is subject to the examination and audit of the California State Auditor, as provided in Government Code section 8546.7, for a period of three years after final payment under this Agreement. This section survives the termination of this Agreement.

10.3 **Public Records.** The County is not limited in any manner with respect to its public disclosure of this Agreement or any record or data that the Contractor may provide to the County. The County's public disclosure of this Agreement or any record or data that the Contractor may provide to the County may include but is not limited to the following:

(A) The County may voluntarily, or upon request by any member of the public or governmental agency, disclose this Agreement to the public or such governmental agency.

(B) The County may voluntarily, or upon request by any member of the public or governmental agency, disclose to the public or such governmental agency any record or data that the Contractor may provide to the County, unless such disclosure is prohibited by court order.

(C) This Agreement, and any record or data that the Contractor may provide to the County, is subject to public disclosure under the Ralph M. Brown Act (California Government Code, Title 5, Division 2, Part 1, Chapter 9, beginning with section 54950).

(D) This Agreement, and any record or data that the Contractor may provide to the County, is subject to public disclosure as a public record under the California Public Records Act (California Government Code, Title 1, Division 10, beginning with section 7920.000) ("CPRA").

(E) This Agreement, and any record or data that the Contractor may provide to the County, is subject to public disclosure as information concerning the conduct of the people's business of the State of California under California Constitution, Article 1, section 3, subdivision (b).

(F) Any marking of confidentiality or restricted access upon or otherwise made with respect to any record or data that the Contractor may provide to the County shall be disregarded and have no effect on the County's right or duty to disclose to the public or governmental agency any such record or data.

10.4 **Public Records Act Requests.** If the County receives a written or oral request under the CPRA to publicly disclose any record that is in the Contractor's possession or control, and which the County has a right, under any provision of this Agreement or applicable law, to possess or control, then the County may demand, in writing, that the Contractor deliver to the County, for purposes of public disclosure, the requested records that may be in the possession or control of the Contractor. Within five business days after the County's demand, the Contractor shall (a) deliver to the County all of the requested records that are in the Contractor's possession or control, together with a written statement that the Contractor, after conducting a diligent search, has produced all requested records that are in the Contractor's possession or control, or (b) provide to the County a written statement that the Contractor, after conducting a diligent search, does not possess or control any of the requested records. The Contractor shall cooperate with the County with respect to any County demand for such records. If the Contractor wishes to assert that any specific record or data is exempt from disclosure under the

CPRA or other applicable law, it must deliver the record or data to the County and assert the exemption by citation to specific legal authority within the written statement that it provides to the County under this section. The Contractor's assertion of any exemption from disclosure is not binding on the County, but the County will give at least 10 days' advance written notice to the Contractor before disclosing any record subject to the Contractor's assertion of exemption from disclosure. The Contractor shall indemnify the County for any court-ordered award of costs or attorney's fees under the CPRA that results from the Contractor's delay, claim of exemption, failure to produce any such records, or failure to cooperate with the County with respect to any County demand for any such records.

Article 11

Disclosure of Self-Dealing Transactions

11.1 **Applicability.** This Article 11 applies if the Contractor is operating as a corporation, or changes its status to operate as a corporation.

11.2 **Duty to Disclose.** If any member of the Contractor's board of directors is party to a self-dealing transaction, he or she shall disclose the transaction by completing and signing a "Self-Dealing Transaction Disclosure Form" (Exhibit B to this Agreement) and submitting it to the County before commencing the transaction or immediately after.

11.3 **Definition.** "Self-dealing transaction" means a transaction to which the Contractor is a party and in which one or more of its directors, as an individual, has a material financial interest.

Article 12

General Terms

12.1 **Modification.** Except as provided in Article 6, "Termination and Suspension," this Agreement may not be modified, and no waiver is effective, except by written agreement signed by both parties. The Contractor acknowledges that County employees have no authority to modify this Agreement except as expressly provided in this Agreement.

12.2 **Non-Assignment.** Neither party may assign its rights or delegate its obligations under this Agreement without the prior written consent of the other party.

12.3 **Governing Law.** The laws of the State of California govern all matters arising from or related to this Agreement.

12.4 **Jurisdiction and Venue.** This Agreement is signed and performed in Fresno County, California. Contractor consents to California jurisdiction for actions arising from or related to this Agreement, and, subject to the Government Claims Act, all such actions must be brought and maintained in Fresno County.

12.5 **Construction.** The final form of this Agreement is the result of the parties' combined efforts. If anything in this Agreement is found by a court of competent jurisdiction to be ambiguous, that ambiguity shall not be resolved by construing the terms of this Agreement against either party.

12.6 **Days.** Unless otherwise specified, "days" means calendar days.

12.7 **Headings.** The headings and section titles in this Agreement are for convenience only and are not part of this Agreement.

12.8 **Severability.** If anything in this Agreement is found by a court of competent jurisdiction to be unlawful or otherwise unenforceable, the balance of this Agreement remains in effect, and the parties shall make best efforts to replace the unlawful or unenforceable part of this Agreement with lawful and enforceable terms intended to accomplish the parties' original intent.

12.9 **Nondiscrimination.** During the performance of this Agreement, the Contractor shall not unlawfully discriminate against any employee or applicant for employment, or recipient of services, because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, military status or veteran status pursuant to all applicable State of California and federal statutes and regulation.

12.10 **No Waiver.** Payment, waiver, or discharge by the County of any liability or obligation of the Contractor under this Agreement on any one or more occasions is not a waiver of performance of any continuing or other obligation of the Contractor and does not prohibit enforcement by the County of any obligation on any other occasion.

12.11 **Entire Agreement.** This Agreement, including its exhibits, is the entire agreement between the Contractor and the County with respect to the subject matter of this Agreement, and it supersedes all previous negotiations, proposals, commitments, writings, advertisements, publications, and understandings of any nature unless those things are expressly included in this Agreement. If there is any inconsistency between the terms of this Agreement without its exhibits and the terms of the exhibits, then the inconsistency will be resolved by giving precedence first to the terms of this Agreement without its exhibits, and then to the terms of the exhibits.

12.12 **No Third-Party Beneficiaries.** This Agreement does not and is not intended to create any rights or obligations for any person or entity except for the parties.

12.13 **Authorized Signature.** The Contractor represents and warrants to the County that:

(A) The Contractor is duly authorized and empowered to sign and perform its obligations under this Agreement.

(B) The individual signing this Agreement on behalf of the Contractor is duly authorized to do so and his or her signature on this Agreement legally binds the Contractor to the terms of this Agreement.

12.14 **Electronic Signatures.** The parties agree that this Agreement may be executed by electronic signature as provided in this section.

(A) An “electronic signature” means any symbol or process intended by an individual signing this Agreement to represent their signature, including but not limited to (1) a digital signature; (2) a faxed version of an original handwritten signature; or (3) an electronically scanned and transmitted (for example by PDF document) version of an original handwritten signature.

(B) Each electronic signature affixed or attached to this Agreement (1) is deemed equivalent to a valid original handwritten signature of the person signing this Agreement for all purposes, including but not limited to evidentiary proof in any administrative or judicial proceeding, and (2) has the same force and effect as the valid original handwritten signature of that person.

(C) The provisions of this section satisfy the requirements of Civil Code section 1633.5, subdivision (b), in the Uniform Electronic Transaction Act (Civil Code, Division 3, Part 2, Title 2.5, beginning with section 1633.1).

(D) Each party using a digital signature represents that it has undertaken and satisfied the requirements of Government Code section 16.5, subdivision (a), paragraphs (1) through (5), and agrees that each other party may rely upon that representation.

(E) This Agreement is not conditioned upon the parties conducting the transactions under it by electronic means and either party may sign this Agreement with an original handwritten signature.

12.15 **Counterparts.** This Agreement may be signed in counterparts, each of which is an original, and all of which together constitute this Agreement.

[*SIGNATURE PAGE FOLLOWS*]

The parties are signing this Agreement on the date stated in the introductory clause.

CITY OF KERMAN	COUNTY OF FRESNO
_____ John Jansons, City Manager 850 S Madera Ave. Kerman, CA 93630	_____ Nathan Magsig, Chairman of the Board of Supervisors of the County of Fresno **Attest:** Bernice E. Seidel Clerk of the Board of Supervisors County of Fresno, State of California By: _____ Deputy

For accounting use only:

Org No.: 34300390
Account No.: 7295
Fund No.: 0001
Subclass No.: 10000

AB 109
The Criminal Justice Realignment Act
Adult Compliance Team
(ACT)
August 2024

OPERATING AGREEMENT
Fresno County Probation Department
Fresno County Sheriff's Department
Fresno County District Attorney's Office
Fresno Police Department
Clovis Police Department
Selma Police Department
Reedley Police Department
Kerman Police Department
Kingsburg Police Department
Sanger Police Department

I. PURPOSE

This Operating Agreement (OA) replaces and supersedes the prior operating agreement, dated November 2022. After the date this OA is executed by all parties, the prior operating agreement shall be of no further force and effect. This document establishes the purpose of the Adult Compliance Team (ACT) as a joint and cooperative effort. Additionally, it formalizes relationships between participating agencies for policy and planning in order to create a cooperative unit capable of addressing the public safety concerns and issues facing local law enforcement in Fresno County regarding probation supervision, Post Release Community Supervision (PRCS), and Mandatory Supervision (MS) that may occur due to the passage of the Criminal Justice Realignment Act (AB 109) effective October 1, 2011.

II. MISSION

The mission of ACT is to provide an additional layer of offender supervision to ensure offender accountability, surveillance, and supervision through mobile, intensive and evidence-based practices leading to enhanced public safety and offender compliance.

III. GOALS

A. To reduce the occurrence of new criminal acts by targeting offenders on probation, PRCS, and MS, with intensive surveillance by peace officers dedicated to enforcement of conditions of release.

B. To identify supervised offenders who are not meeting their conditions of release in order to ensure compliance.

C. To mitigate the need for custodial sanctions through appropriate early interventions.

D. To document trends in the realignment population and respond efficiently to emerging trends that adversely affect public safety.

E. To gather, collect, and provide information and direction regarding the probation supervision, PRCS, MS and realignment populations for all law enforcement agencies in the County of Fresno and act as the point of contact for dissemination of offender information to law enforcement.

F. To respond rapidly to emergency situations with knowledge and information about the offenders.

G. To provide other public safety responses including searches as authorized by the terms of release and warrant services, as needed.

IV. GENERAL OPERATIONAL STRATEGIES

Intensive supervision based on offender assessment, combined with evidence-based practices, forms the cornerstone of the County of Fresno AB 109 supervision model. This intensive approach is seen in the formation of ACT; an interagency public safety alliance with local law enforcement agencies and county justice partners that provides an additional level of offender accountability and public safety. The "strike team" concept is used to describe peace officers under ACT, dedicated to particular enforcement and public safety purposes, with an immediate capacity to take action in regard to offenders under probation supervision, PRCS, and MS by the Fresno County Probation Department.

To this end, the participating agencies developed these operational guidelines and procedures concerning the formation of the ACT. The participating agencies agree jointly and separately to abide by these terms and provisions set forth throughout the formation of the joint operation.

V. ORGANIZATIONAL STRUCTURE

The ACT will be co-located at the Fresno County Probation Department. The Probation Department is the commanding agency of ACT and will maintain responsibility for the administrative direction, objective, and mission of the ACT.

The ACT will consist of sworn officers from the following agencies: two (2) deputy probation officers from the Fresno County Probation Department; one (1) sergeant and two (2) deputies from the Fresno County Sheriff's Office; two (2) senior district attorney investigators from the Fresno County District Attorney's Office; one (1) sergeant and two (2) police officers from the Fresno Police Department; one (1) police officer and one (1) crime specialist from the Clovis Police Department; one (1) police officer from the Selma Police Department; one (1) police officer from the Reedley Police Department; one (1) police officer from the Kerman Police Department; one (1) police officer from the Kingsburg Police Department; and one (1) police officer from the Sanger Police Department. Dependent upon future funding, the size of ACT may fluctuate according to the number of officers and agencies.

A. Policy and Direction

Under the policy and planning direction of the Community Corrections Partnership (CCP), ACT will utilize an Advisory Sub-Committee of CCP.

B. ACT Advisory Sub-Committee of the CCP

Each law enforcement agency that assigns personnel to ACT may designate a member to the ACT Advisory Sub-Committee of the CCP. All law enforcement agencies operating within Fresno County with an interest in ACT are welcome to attend the meetings of the ACT Advisory Sub-Committee.

Appointments to and removal from the ACT Advisory Sub-Committee and appointment of a Sub-Committee Chairperson will be made by the CCP Executive Committee.

C. Operations Commander

The Probation Assistant Deputy Chief is the Operations Commander and has overall responsibility for the operation of ACT. The Operations Commander implements direction to the team under the administrative direction of the Fresno County Probation Department's Realignment Division Deputy Chief. The Operations Commander will liaison with individual members of the ACT Advisory Sub-Committee and will attend meetings of the CCP as required.

D. Field Supervisor

The assigned Field Supervisor(s) will be the day-to-day operations supervisor(s) and responsible for overall coordination of tactical field operations. When ACT works as separate elements and both supervisors are working, each supervisor will be responsible for their assigned element. When only one supervisor is on duty, that supervisor will be responsible for the supervision of both elements.

E. Probation Department

All probation conditions and release compliance remain the responsibility of the AB 109 probation officer assigned to a specific offender. These conditions are predetermined before release from custody to probation, post release community supervision, or mandatory supervised release. The offenders will be under the supervision of their assigned probation officer or ACT probation officer.

VI. OPERATIONS

A. Supervision and Field Responsibility

The use of surveillance, supervision, and field contacts will be established in conjunction with Fresno County Probation Department policies and as established by the CCP Executive Committee, ACT Advisory Sub-Committee, and policies and procedures of general law enforcement accepted practices as established by statute and case law.

All ACT personnel will conform to their own agency's policies and procedures as well as policies and procedures that may be required by participation in ACT.

B. Records and Reports

All reports created by ACT related to contacts with those offenders under probation supervision, PRCS, and MS will be entered into the Probation Records Information Management System (PRIMS).

All agencies participating on the ACT will have full access to Sharenet and the information in PRIMS. Information sharing with other law enforcement agencies regarding offenders under probation supervision, PRCS, and MS, allowing for appropriate law enforcement

response is a priority for ACT.

Any additional crime, arrest, or incident report will be documented by the primary investigative officer through the use of their own departmental report writing system.

VII. ADMINISTRATION

A. Financial Administration

Financial administration of ACT funds allocated by the CCP Executive Committee will be the responsibility of the Fresno County Probation Department Business Office through the duration of the program. In addition, the allocation and management of funds are guided by County of Fresno Fiscal Policy and under the review quarterly of the CCP Finance and Audit Sub-Committee for presentation to the CCP.

B. Vehicles

As provided for in the approved CCP budget, vehicles will be provided for probation staff and for participating law enforcement officers for use in executing the mission of ACT, as specified in the final approved budget of the CCP and the County of Fresno. Each agency shall provide vehicles, as well as insurance and maintenance costs for those vehicles, for their respective employees.

C. Communications

Each participating law enforcement agency will provide communications equipment for its own personnel through the duration of this OA. Each agency is responsible for its interagency communication operability. The policies and procedures of each agency will govern communication by its own personnel. The Fresno County Sheriff's Dispatch will be the primary contact for operations of ACT.

D. Firearms

Each participating agency will provide all necessary firearms for its own personnel through the duration of the OA. The policies and procedures of each agency will govern the use of firearms by its own personnel.

E. Equipment and Property

Any property, equipment or other items acquired with funds allocated by the CCP Executive Committee shall be the property of ACT through the duration of the OA. Upon termination of this OA or any revision, the property of ACT shall be distributed as determined by the CCP Executive Committee.

F. Training

ACT Officers will complete training as assigned and approved by the ACT Advisory Sub-Committee chairperson or their designee. Training for the team will be outlined during the fiscal year to reflect the needs of the team. The Probation Department's Realignment Division Deputy Chief may also assign training to the ACT members as it pertains to the Evidence-Based Practices outlined by the AB 109 program.

G. Personnel Management

The selection of ACT members will be made by each participating agency. If any of the ACT policies and procedures conflict with any of the participating agencies' policies and procedures, notice of the conflict shall be immediately given to a supervisor. The supervisor will take whatever action necessary to reconcile the conflict.

Each participating agency retains full responsibility for the professional and personal conduct of its own personnel assigned to ACT. Each participating agency will follow its agency directives/MOU for working modified schedules.

H. Technology and Software Use

All ACT members must adhere to the Fresno County Probation Department's established protocols for using Probation computers, software, and other electronic devices or any other electronic device that accesses Probation data. This may involve adhering to data security measures, password requirements, and guidelines for installing or updating software.

VIII. MULTI-AGENCY ADMINISTRATIVE CONCERNS

All ACT personnel will conform to their own agencies' policies and procedures as well as policies and procedures that may be required by participation in ACT.

There are a number of categories of administrative issues or situations pertaining to individual team members which will or may arise. Those include but are not limited to:

A. Citizen Complaints
B. Employee Evaluations
C. On-Duty Motor Vehicle Accidents
D. Injuries Sustained on Duty
E. Officer-Involved Shooting
F. Discharge of Firearm
G. Vehicle Pursuits
H. Use of Force

Each participating team member's agency has in place an administrative process for addressing the situations listed above. If these situations occur, ACT will immediately notify the involved officer's agency. It will remain the responsibility of the involved

officer's agency to address those situations pursuant to their own administrative process. All agencies involved in a critical incident will have the opportunity to observe other agency interviews with their own employees.

IX. DURATION

This OA shall become effective upon execution and shall continue without change until amended in accordance with Section X, replaced and superseded by another operating agreement or terminated as discussed below.

Participation in ACT by any participating agency may continue as funding provides or until said agency terminates participation in ACT. An agency shall terminate participation in the following manner: delivery of written notice to the Chairperson of the CCP Executive Committee and to all other participation agencies, with termination to be effective 60 days after delivery.

As to each participating agency, this OA will be in force from the date that agency signs the agreement. Termination of the OA has been provided for above.

X. AMENDMENT

Any member of the ACT Advisory Sub-Committee may propose an amendment to this OA by submitting it at any regular meeting of the ACT Advisory Sub-Committee. The proposed amendment would be submitted to the Executive Committee of the Community Corrections Partnership for their consideration and approval.

XI. LIABILITY

Each participating agency will be solely responsible for any and all damages, including attorney's fees, results from acts or omissions of its own employees or agents, including each ACT assigned employee. Each participating agency shall indemnify and hold harmless all other participating agencies for these acts or omissions. The provisions contained herein include any violation of applicable law, ordinance, regulation or rule, including where the claim, loss, damage, charge or expense was caused by deliberate, willful or criminal acts of any agency, or any of its agents, officers or employees in its or their performance thereunder.

It is the intent of the parties hereto that, where negligence is determined to have been contributory, principles of comparative negligence will be followed, and each party shall bear the proportionate cost of any loss, damage, expense, and liability attributable to that party's negligence.

The participating agencies will establish procedures to notify the other agencies, where appropriate, of any claims, administrative actions or legal actions with respect to any of the matter described in this indemnification provision. The agencies shall cooperate in the

defense of such actions brought by others with respect to the matters covered in this agreement. Nothing set forth in this OA shall establish a standard of care for, or create any legal rights in, any person not a party to this OA.

XII. NON-WAIVER

Waiver of any breach or default hereunder will not constitute a continuing waiver or a waiver of any subsequent breach, of either the same or another provision of this OA.

XIII. SEVERABILITY

If any term, covenant, or condition of this OA is held by a court of competent jurisdiction to be invalid, the remainder of this OA will remain in full force and effect.

XIV. AMBIGUITY

The participating agencies have each carefully reviewed this OA and have agreed to each term of this OA. No ambiguity shall be presumed to be construed against any other party.

XV. GOVERNING LAW

The interpretation and enforcement of this OA will be governed by the laws of the State of California, and where applicable, by federal law. The participating agencies agree to submit any disputes arising under this OA to a court of competent jurisdiction located in Fresno, California.

XVI. INTEGRATION

The OA embodies the entire agreement of the participating agencies in relation to the formation and operation of ACT, except for "Program Costs." Except for that, there is no other agreement or understanding, verbal or otherwise, existing among the participating agencies. This OA expressly replaces and supersedes the prior OA, dated November 2022, and that OA shall have no further force and effect.

XVII. SUPPORTING AGENCIES

The following Agencies support the mission and strategies of ACT:

Kirk Haynes, Chief Probation Officer
County of Fresno — Dated 7/16/2024

Lisa A. Smittcamp, District Attorney
County of Fresno — Dated 7/16/2024

John Zanoni, Sheriff
County of Fresno — Dated 7/16/2024

~~Paco Balderrama~~, Chief of Police
City of Fresno Interim Mindy Casto — Dated 7.11.24

Curt Fleming, Chief of Police
City of Clovis — Dated 7/15/24

Rudy Alcaraz, Chief of Police
City of Selma — Dated 4/25/24

Jose L. Garza, Chief of Police
City of Reedley — Dated 7/9/24

Steve Wilkins, Chief of Police
City of Kerman — Dated 7-9-24

Neil G. Dadian, Chief of Police
City of Kingsburg — Dated 7/10/2024

Greg Garner, Chief of Police
City of Sanger

Dated

Exhibit B

Self-Dealing Transaction Disclosure Form

In order to conduct business with the County of Fresno ("County"), members of a contractor's board of directors ("County Contractor"), must disclose any self-dealing transactions that they are a party to while providing goods, performing services, or both for the County. A self-dealing transaction is defined below:

> "A self-dealing transaction means a transaction to which the corporation is a party and in which one or more of its directors has a material financial interest."

The definition above will be used for purposes of completing this disclosure form.

Instructions

(1) Enter board member's name, job title (if applicable), and date this disclosure is being made.

(2) Enter the board member's company/agency name and address.

(3) Describe in detail the nature of the self-dealing transaction that is being disclosed to the County. At a minimum, include a description of the following:

   a. The name of the agency/company with which the corporation has the transaction; and

   b. The nature of the material financial interest in the Corporation's transaction that the board member has.

(4) Describe in detail why the self-dealing transaction is appropriate based on applicable provisions of the Corporations Code.

The form must be signed by the board member that is involved in the self-dealing transaction described in Sections (3) and (4).

Exhibit B

(1) Company Board Member Information:			
Name:		**Date:**	
Job Title:			
(2) Company/Agency Name and Address:			
(3) Disclosure (Please describe the nature of the self-dealing transaction you are a party to)			
(4) Explain why this self-dealing transaction is consistent with the requirements of Corporations Code § 5233 (a)			
(5) Authorized Signature			
Signature:		Date:	

Exhibit C

Insurance Requirements

1. Required Policies

Without limiting the County's right to obtain indemnification from the Contractor or any third parties, Contractor, at its sole expense, shall maintain in full force and effect the following insurance policies throughout the term of this Agreement.

(A) **Commercial General Liability.** Commercial general liability insurance with limits of not less than Two Million Dollars ($2,000,000) per occurrence and an annual aggregate of Four Million Dollars ($4,000,000). This policy must be issued on a per occurrence basis. Coverage must include products, completed operations, property damage, bodily injury, personal injury, and advertising injury. The Contractor shall obtain an endorsement to this policy naming the County of Fresno, its officers, agents, employees, and volunteers, individually and collectively, as additional insureds, but only insofar as the operations under this Agreement are concerned. Such coverage for additional insureds will apply as primary insurance and any other insurance, or self-insurance, maintained by the County is excess only and not contributing with insurance provided under the Contractor's policy.

(B) **Automobile Liability.** Automobile liability insurance with limits of not less than One Million Dollars ($1,000,000) per occurrence for bodily injury and for property damages. Coverage must include any auto used in connection with this Agreement.

(C) **Workers Compensation.** Workers compensation insurance as required by the laws of the State of California with statutory limits.

(D) **Employer's Liability.** Employer's liability insurance with limits of not less than One Million Dollars ($1,000,000) per occurrence for bodily injury and for disease.

(E) **Professional Liability.** Professional liability insurance with limits of not less than One Million Dollars ($1,000,000) per occurrence and an annual aggregate of Three Million Dollars ($3,000,000). If this is a claims-made policy, then (1) the retroactive date must be prior to the date on which services began under this Agreement; (2) the Contractor shall maintain the policy and provide to the County annual evidence of insurance for not less than five years after completion of services under this Agreement; and (3) if the policy is canceled or not renewed, and not replaced with another claims-made policy with a retroactive date prior to the date on which services begin under this Agreement, then the Contractor shall purchase extended reporting coverage on its claims-made policy for a minimum of five years after completion of services under this Agreement.

(F) **Molestation Liability.** Sexual abuse / molestation liability insurance with limits of not less than Two Million Dollars ($2,000,000) per occurrence, with an annual aggregate of Four Million Dollars ($4,000,000). This policy must be issued on a per occurrence basis.

If the Contractor is a governmental entity, it may satisfy the policy requirements above through a program of self-insurance, including an insurance pooling arrangement or joint exercise of powers agreement.

Exhibit C

2. Additional Requirements

(A) **Verification of Coverage.** Within 30 days after the Contractor signs this Agreement, and at any time during the term of this Agreement as requested by the County's Risk Manager or the County Administrative Office, the Contractor shall deliver, or cause its broker or producer to deliver, to the County Risk Manager, at 2220 Tulare Street, 16th Floor, Fresno, California 93721, or HRRiskManagement@fresnocountyca.gov, and by mail or email to the person identified to receive notices under this Agreement, certificates of insurance and endorsements for all of the coverages required under this Agreement.

(i) Each insurance certificate must state that: (1) the insurance coverage has been obtained and is in full force; (2) the County, its officers, agents, employees, and volunteers are not responsible for any premiums on the policy; and (3) the Contractor has waived its right to recover from the County, its officers, agents, employees, and volunteers any amounts paid under any insurance policy required by this Agreement and that waiver does not invalidate the insurance policy.

(ii) The commercial general liability insurance certificate must also state, and include an endorsement, that the County of Fresno, its officers, agents, employees, and volunteers, individually and collectively, are additional insureds insofar as the operations under this Agreement are concerned. The commercial general liability insurance certificate must also state that the coverage shall apply as primary insurance and any other insurance, or self-insurance, maintained by the County shall be excess only and not contributing with insurance provided under the Contractor's policy.

(iii) The automobile liability insurance certificate must state that the policy covers any auto used in connection with this Agreement.

(iv) The professional liability insurance certificate, if it is a claims-made policy, must also state the retroactive date of the policy, which must be prior to the date on which services began under this Agreement.

Acceptability of Insurers. All insurance policies required under this Agreement must be issued by admitted insurers licensed to do business in the State of California and possessing at all times during the term of this Agreement an A.M. Best, Inc. rating of no less than A: VII.

(B) **Notice of Cancellation or Change.** For each insurance policy required under this Agreement, the Contractor shall provide to the County, or ensure that the policy requires the insurer to provide to the County, written notice of any cancellation or change in the policy as required in this paragraph. For cancellation of the policy for nonpayment of premium, the Contractor shall, or shall cause the insurer to, provide written notice to the County not less than 10 days in advance of cancellation. For cancellation of the policy for any other reason, and for any other change to the policy, the Contractor shall, or shall cause the insurer to, provide written notice to the County not less than 30 days in advance of cancellation or change. The County in its sole discretion may determine that the failure of the Contractor or its insurer to timely provide a written notice required by this paragraph is a breach of this Agreement.

Exhibit C

(C) **County's Entitlement to Greater Coverage.** If the Contractor has or obtains insurance with broader coverage, higher limits, or both, than what is required under this Agreement, then the County requires and is entitled to the broader coverage, higher limits, or both. To that end, the Contractor shall deliver, or cause its broker or producer to deliver, to the County's Risk Manager certificates of insurance and endorsements for all of the coverages that have such broader coverage, higher limits, or both, as required under this Agreement.

(D) **Waiver of Subrogation.** The Contractor waives any right to recover from the County, its officers, agents, employees, and volunteers any amounts paid under the policy of worker's compensation insurance required by this Agreement. The Contractor is solely responsible to obtain any policy endorsement that may be necessary to accomplish that waiver, but the Contractor's waiver of subrogation under this paragraph is effective whether or not the Contractor obtains such an endorsement.

(E) **County's Remedy for Contractor's Failure to Maintain.** If the Contractor fails to keep in effect at all times any insurance coverage required under this Agreement, the County may, in addition to any other remedies it may have, suspend or terminate this Agreement upon the occurrence of that failure, or purchase such insurance coverage, and charge the cost of that coverage to the Contractor. The County may offset such charges against any amounts owed by the County to the Contractor under this Agreement.

(F) **Subcontractors.** The Contractor shall require and verify that all subcontractors used by the Contractor to provide services under this Agreement maintain insurance meeting all insurance requirements provided in this Agreement. This paragraph does not authorize the Contractor to provide services under this Agreement using subcontractors.

STAFF REPORT

MEETING DATE: September 25, 2024

PRESENTER: Bonique Emerson, Contract Planner

SUBJECT: Whispering Falls Project: General Plan Amendment 2023-01, Mitigated Negative Declaration 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, and Annexation 2023-01 pertaining to the Whispering Falls residential development located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U) (BE)

RECOMMENDATION: That Council consider the second reading of ordinance, adoption of the Tentative Subdivision Map resolution and Annexation Initiation resolution; deliberate; and by motion:

1. Adopt an ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone approximately 44.75 acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District – Residential – Minimum 2,500 square feet (SD-R-2.5) Zoning District and approximately 20 acres (020-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 square feet (SD-R-5) Zoning District (REZ 2023-01).

2. Adopt a resolution approving Tentative Subdivision Map 2023-01 for a property located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-041-45S, 020-041-47S); and

3. Adopt a resolution initiating annexation for the Whispering Falls residential project consisting of six (6) parcels identified as APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S and 020-041-09U containing approximately 64.76 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad (Annexation 2023-01).

EXECUTIVE SUMMARY:

The Council conducted a duly noticed public hearing on August 28, 2024, on the Whispering Falls Project which is described in the subject line above. At the conclusion of the public hearing and after deliberations, the Council approved the resolution amending the General Plan and Mitigated Negative Declaration (CEQA) for the Project and introduced the ordinance that amends the Zoning Map. The related annexation initiation and tentative subdivision map were also presented at the

hearing; however, Council did not take action on those matters. At this meeting, the Council is asked to (i) conduct the second reading and adopt the ordinance, (ii) adopt the resolution approving the tentative subdivision map, and (iii) adopt the resolution initiating annexation as noted in the recommendations above.

BACKGROUND:

Whispering Falls, LLC. (Applicant) proposes Annexation (ANX) 2023-01, Rezone (REZ) 2023-01, General Plan Amendment (GPA) 2023-01, Conditional Use Permit (CUP) 2023-02, Tentative Subdivision Map (TSM) 2023-01, Development Plan Permits (DPL) 2023-01 and 02, and Variance (VAR) 2023-01 pertaining to six (6) parcels (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U) that total approximately 64.76 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad.

The project would result in the annexation of approximately 64.76 acres from the County of Fresno to the City of Kerman, in addition to the adjacent right-of-way on South Modoc Avenue and the West California Avenue Alignment and detach the subject area from the Kings River Conservation District into the Fresno Irrigation District.

The project would result in the prezone of approximately 41.49 acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District – Residential – Minimum 2,500 Square Feet (SD-R-2.5) zoning district and rezone approximately 20 acres (APN 020-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (SD-R-5) Zoning District.

The project would amend the Kerman 2040 General Plan to add the SD-R-2.5 zone district as a compatible zone district within the Medium Density Residential land use designation and set a minimum residential density of five (5) dwelling units per acre.

The project would also subdivide an approximately 21.89 acres (APNs 020-160-36S, 020-041-45S, and 020-041-47S) into 119 lots to account for 118 single-family lots and one (1) lot reserved for 54 multi-family residential units and community center.

Although not before the City Council, note that DPLs 2023-01 and 2023-02, CUP 2023-02, VAR 2023-01, and TSM 2023-01 were contingently approved by the Planning Commission at a special meeting on July 15, 2024. Contingency is based upon Council initiation of ANX 2023-01 and approval of GPA 2023-01, REZ 2023-01, and TSM 2023-01.

The proposed development plans would facilitate the 174-unit residential development in accordance with development standards contained within KMC Chapter 17.18.030. Smart Development (SD) Combining District, together with standards specified in Chapter 17.28. Parking, Loading, and Access and Chapter 17.20. General Site Planning and Development Standards.

The conditional use permit would allow for the development of multi-family units and a drainage basin, both allowed in the smart development zone district with a conditional use permit. The

variance would allow for an additional 10 feet, or one (1) story, for the multi-family residential buildings.

Applicable Codes and Procedures

KMC 16.28 – Subdivision Maps Atta
KMC 16.32 – Tentative Maps
KMC 17.116 – Public Notices and Hearings
KMC 17.112 –Amendments
KMC 17.18.030 – Smart Development (SD) Combining District
KMC 17.20 – General Site Planning and Development Standards
Public Resource Code – 21000 et seq.

Site Location

The Project site is currently in the jurisdiction of the County of Fresno, California. The site is located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad, consisting of six (6) parcels that total approximately 64.76 acres. The site is identified by the Fresno County Assessor as Assessor's Parcel Numbers (APNs) 020-160-36S (20.01 acres), 020-160-18S (20 acres), 020-160-19S (20 acres), 020-041-45S (1.12 acres), 020-041-47S (0.76 acres), and 020-041-09U (2.87 acres). The 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, west, and south, and residential uses to the east. The properties to the north and east are planned for residential uses within the City of Kerman Sphere of Influence. The properties to the south and west are planned for agricultural uses within the County of Fresno. 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	Medium Density Residential	AE-20 (County)
East	Single-Family	Medium Density Residential	R-1
South	Agriculture	Agriculture (County)	AE-20 (County)
West	Agriculture	Agriculture (County)	AE-20 (County)

General Plan Land Use Designation

The Project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (56.89 acres) and HDR – High Density Residential (5 acres). The General Plan Land Use Map for the Project site is shown in **Attachment 'C'**.

The MDR land use designation "allows for residential development at a density of up 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 HDR land use designation "allows for residential development at a density of up to 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, day-care centers, community centers), parks, and schools). The minimum density permitted in the HDR land use designation is 20 dwelling units per acre. The maximum density permitted is 24 dwelling units per acre.

Zone District

The Project site is outside City limits and located within the County of Fresno Agricultural Exclusive – 20 Acres (AE-20) zone district. The Zoning Map (Existing) for the Project site is shown in **Attachment 'D'**. Because the site is outside City limits, proposed development would require annexation and a pre-zone/rezone of the site to a zoning district consistent with the City of Kerman 2040 General Plan planned land use designation for the site. Consistent zoning districts for the MDR land use designation are 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. Consistent zoning districts for the HDR land use designation are R-3, SD-R-2.5, and PD-R-2.5.

ANALYSIS:

Annexation 2023-01

Annexation (ANX) 2023-01 would annex approximately 64.76 acres (APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-19U) from the County of Fresno to the City of Kerman, in addition to adjacent right-of-way on South Modoc Avenue and the West California Avenue Alignment and detach the subject area from the Kings River Conservation District and into the Fresno Irrigation District.

The annexation boundary is shown in **Attachment 'J'**. There are six (6) parcels within the boundary, four (4) of which are related to Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01. There is no development proposed at this time for APN 020-160-19S and APN 020-041-19U is the railroad right of way.

Four (4) parcels would be pre-zoned to the Smart Development Combining District – Residential – minimum 2,500 square feet (SD-R-2.5) zoning district, consistent with the underlying General Plan land use designation, Medium Density Residential and High Density Residential, pending approval of General Plan Amendment 2023-01. One (1) parcel would be pre-zoned to the Smart Development Combining District – Residential – minimum 5,000 square feet (SD-R-5), consistent with the underlying planned land use designation, Medium Density Residential.

The annexation application has been considered by the Fresno Area Local Formation Commission (LAFCO) for review and comments. Per LAFCO, the annexation would comply with LAFCO policies

and objectives. Additionally, City staff has issued notice of intent to annex and requested a finding of consistency pursuant to the Second Amendment and Restated Memorandum of Understanding (MOU) between the County of Fresno and City of Kerman. The County of Fresno has responded that they will hold the City's request for finding of consistency with the City/County MOU until after City Council approves the land use and subdivision entitlements. According to the County, this is necessary for the County to find that entitlements have been approved on the lands proposed for annexation.

Rezone 2023-01

Rezone (REZ) 2023-01 would pre-zone approximately 41.49 acres (APNs 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District – Residential – minimum 2,500 square feet (SD-R-2.5) zoning district and approximately 20 acres (020-160-19S) to the Smart Development Combining District – Residential – minimum 5,000 square feet (SD-R-5) zoning district, pending approval of Annexation 2023-01. The SD-R-2.5 zoning district would be consistent with the underlying planned land use, Medium Density Residential and High Density Residential, pending approval of General Plan Amendment 2023-01. The SD-R-5 zoning district would be consistent with the underlying planned land use designation, Medium Density Residential.

According to the Kerman Municipal Code (KMC), the purpose of the Smart Development (SD) Combining District 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 district.

The SD district 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 district shall be achieved through a mix of residential housing types and sizes. As described in the Development Standards section below, the proposed development, as conditioned, will comply with the purpose and intent of the zone district.

General Plan Amendment 2023-01

The Project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (56.89 acres) and HDR – High Density Residential (5 acres). General Plan Amendment (GPA) 2023-01 would amend the Kerman 2040 General Plan to add the SD-R-2.5 zoning district as a compatible zoning district within the Medium Density Residential land use designation and set a minimum residential density of five (5) dwelling units per acre. No change is proposed to the maximum density currently permitted. The analysis is described in further detail as follows.

As shown on **Table 2** below, and per the Kerman General Plan, there is no minimum density required in the MDR land use, however, this land use would need to be developed consistent with a zone district that is compatible. Pursuant to Table 3-2 of the General Plan, the lowest density compatible zone district is the R-1-7 zone district, which requires a minimum 7,000 square foot lot. Given that

streets typically take up about 30% of land in a residential subdivision, a 7,000 minimum lot size requirement would yield about 4.4 units to the acre.

There is no maximum lot size in the R-1-7 zone district, meaning a proposed lot in this district could be an acre or more in size if desired. However, for the purpose of this minimum density calculation, 4.4 units per acre is utilized as the minimum density required (conservative estimate). The minimum density allowed in the HDR land use is 20 units to the acre. The minimum density required across the 20 acres is as follows (also depicted in **Table 2**):

*MDR: 15 acres * 4.4 du/ac = 66 units*
*HDR: 5 acres * 20 du/ac = 100 units*

Thus, to be consistent with the General Plan, at least 166 units would need to be developed across the entire site. The proposed project will exceed this requirement.

Table 2. Minimum Required Density Calculations

Land Use Designation	Min. Density Per General Plan	Max. Density Per General Plan	Proposed Units	Min. Required Units
HDR (±5 Acres)	20 du/ac	24 du/ac	54	100
MDR (±15 Acres)	None, however, 4.4 units used, as described above.	12 du/ac	118	66
Total	-	-	**172**	**166**

Based on the underlying land use designations and the proposed combining of single-family and multi-family residential uses, the Smart Development (SD) Combining District is the most appropriate/applicable zone district. Specifically, the SD-R-2.5 would be the most compatible zone district for the proposed project. The density range permitted in the SD-R-2.5 zone district is consistent with the density ranges in both the MDR and HDR land uses (although SD-R-2.5 is not explicitly called out as a compatible zone district for MDR in the General Plan). The SD-R-2.5 district requires a density range of 8-20 units to the acre. The other benefit of this zone district is it guarantees that the City will get a minimum of eight (8) units to the acre.

The project proposes 118 single-family units and 54 multi-family units, totaling 172 residential units, which would equate to a residential density of 8.6 units per acre. In addition, the single-family units would consist of three (3) types – alley loaded, cluster, and wide shallow single-family homes – and the multi-family units would consist of either a townhome or apartment unit-flat. The proposed uses are consistent with the MDR and HDR underlying land use designations, and as analyzed, the project would meet the minimum density which would be achieved through a variety of housing types of sizes, consistent with the intent of the smart development zoning district.

In conclusion, based on an analysis of the KMC and the Kerman General Plan, the proposed density is consistent with the General Plan and should be allowed to proceed as proposed, subject to future restrictions/requirements on zoning and development. Conditions will be placed on the proposed project to ensure that the site is developed with at least the minimum density proposed.

Tentative Subdivision Map 2023-01

Tentative Subdivision Map (TSM) 2023-01 would subdivide APN 020-160-36S, 020-041-45S, and 020-041-47S into 119 lots to account for 118 single-family lots and one (1) lot reserved for 54 multi-family residential units and community center. The lot areas conform to the standards of development as defined by the Zoning Ordinance for the smart development zone districts.

The map would also vacate 20 feet on the east side of South Modoc Avenue right-of-way, a 30-foot PG&E easement, and the southern portion of the West California Avenue alignment in the southern portion of the site. Ten (10) foot water easements are proposed throughout the development in the rights-of-way. An eight (8) foot landscape easement is proposed in West California Avenue along the site's northern boundary. The subdivision will also include private streets.

Construction would occur in two (2) phases, with phase 1 accounting for construction of West California, the main access point and entry street, approximately 56 single-family units, and all 54 multi-family units plus community center and amenities, and portions of the residential streets and alleys throughout this portion of development. Phase 2 construction would include the remaining single-family units, residential streets, and alleys.

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 and an analysis of how the project is consistent:

LU-3.4 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 Figure 3-2.)

This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan.

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 proposed project is contiguous to existing development and does not encourage urban sprawl.

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 is a residential development that is contiguous with existing residential development and will not introduce a new, incompatible land use to the area.

Access, Circulation, and Off-Site Improvements

Vehicular access to the site would be provided by three (3) points of ingress/egress from West California Avenue, which is proposed to be extended west from the adjacent subdivision and improved with curb, gutter, sidewalk, and an eight-foot landscape easement on the north and south side of the extended street. The east 20-feet of South Modoc Avenue right-of-way is proposed to be vacated south of West California Avenue. West California Avenue and South Modoc Avenue within the vicinity of the project site are designated as collectors in the General Plan Circulation Element. Internal circulation within the site would be provided by private streets and alleys in addition to pedestrian walkways (See Private Streets and Alleys above).

The Project would also result in off-site improvements along West California Avenue including concrete curb, gutter, sidewalk, paving, and an eight-foot landscape easement per City of Kerman Public Works Standards. The City will also require an extension of the Class II Bikeway along West California Avenue that would connect to the existing Class II facility to the east of the site, and in the future would be connected to Kearney Boulevard as development to the north occurs. These improvements will be consistent with the General Plan and Active Transportation Plan.

A traffic impact study was prepared for the project by VRPA Technologies, Inc. dated March…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 using trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) for daily, weekday AM (7:00-9:00am), and PM (4:00-6:00pm) peak hours. The single-family units and multi-family units are anticipated to generate approximately 1,175 and 434 average daily trips, respectively, for a total of 1,608 trips. The weekday AM peak hour trips generated for the single-family units is estimated to be 87 trips, and 44 trips for multi-family units, for a total of 132 AM peak hour trips on a weekday. The weekday PM peak hour trips generated for the single-family units is estimated to be 116 trips, and 58 for the multi-family units, for a total of 173 PM peak hour trips on a weekday.

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 2040 scenarios. Signal warrant was met on Whitesbridge Avenue/Lassen Avenue and State Route 145/West A Avenue. The recommended improvements to achieve acceptable levels of service included:

- Whitesbridge Avenue and Lassen Avenue:
    - Near term operating year 2025: restripe all approaches to the intersection to include a left turn lane and shared through/right lane.
    - Horizon Year 2040 without project conditions/with project conditions: install a traffic signal when warranted and restripe all approaches to the intersection to include a left turn lane and shared through/right lane.
- State Route 145 and West A Avenue:

- Install a traffic signal when warranted and restripe east, west, and southbound approach to include a left turn lane a thorough/right lane.

The alternative mitigation identified could involve installing a roundabout with a shared two-lane in north and south direction while one shared lane in east and west directions for approach and exit.

Public Utilities and Service Systems

The project will tie into existing municipal water, sewer, and storm drain systems through the extension of existing systems. Sanitary sewer service would be provided through a proposed sanitary sewer lift station located in the northwest corner of the site, which will be connected to a temporary sanitary sewer main in West California Avenue. Domestic water service will also be in West California Avenue. Sewer and water lines will connect to each unit throughout the site. The water features/swales throughout the site will also serve as a storm collection system. As discussed above, an off-site temporary storm basin will be provided until permanent services are available. Associated electric, water, 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

As proposed, the 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:

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). An Initial Study was prepared to evaluate the potential impacts associated with the project. Based upon review of the Initial Study, the proposed project will not have a significant effect on the environment because the mitigation measures outlined in the proposed Mitigation Monitoring and Reporting Program have been included in the project (**Attachment 'G'**). The Initial Study and Mitigated Negative Declaration was posted at the County Clerk's Office on April 3, 2024; the deadline for comments was April 23, 2024. The State Clearinghouse received the document on April 3, 2024; the deadline for Clearinghouse comments was April 23, 2024 (SCH #2024040147).

A consultation list of tribes with traditional lands or cultural places located within Fresno County was requested and received from the California Native American Heritage Commission (NAHC) on April 11, 2023. The listed tribes include Big Sandy Rancheria of Western Mono Indians, Cold Springs Rancheria of Mono Indians, Dumna Wo-Wah Tribal Government, Kings River Choinumni Farm Tribe, North Valley Yokuts Tribe, Table Mountain Rancheria, Tule River Indian Tribe, and Wuksache Indian

Tribe/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SFL) search which was negative.

The City of Kerman conducted formal tribal consultation for the proposed Project pursuant to AB 52 (Chapter 532, Statutes 2014) and SB 18 (Chapter 905, Statutes 2004) on April 28, 2023, utilizing the consultation list of tribes received from the NAHC. The same tribes listed above were included in the formal consultation. Consultation for AB 52 ended on May 29, 2023, and consultation for SB 18 ended on July 27, 2023. No response was received.

The Planning Commission has recommended approval of the Mitigated Negative Declaration.

PLANNING COMMISSION REVIEW:

The Planning Commission held a public hearing to consider the project at a special meeting on July 15, 2024. No members of the public other than applicant and owner representatives addressed the Commission on this item. On a 4-0-1 vote, the Planning Commission adopted Resolution No. 2024-13 (ANX 2023-01 and ENV 2023-01); Resolution No. 2024-14 (GPA 2023-01 and REZ 2023-01); Resolution No. 2024-15 (TSM 2023-01); Resolution No. 2024-16 (DPL 2023-01); Resolution No. 2024-17 (DPL 2023-02 and VAR 2023-01); and Resolution No. 2024-18 (CUP 2023-02), contingently approving DPL 2023-01, DPL 2023-02, VAR 2023-01, and CUP 2023-02 and recommending that the City Council initiate ANX 2023-01, adopt ENV 2023-01, and approve GPA 2023-01, REZ 2023-01, and TSM 2023-01. The Planning Commission Resolutions are provided in **Attachment 'F'**.

PUBLIC HEARING NOTICE:

Public notification regarding this Project was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the hearing. The City also published notice of the ordinance 5 days prior to the meeting in the Fresno Bee and at City Hall in accordance with State Law, Government Code Section 36933.

CITY COUNCIL FINDINGS:

<u>General Plan Amendment 2023-01</u>
To approve General Plan Amendment 2023-01, the City Council must make the following findings.

1. The change is consistent with the General Plan goals and policies.

   The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Moreover, GPA 2023-02 is supported by policy LU-3.3 Prevent Sprawl Development and LU-3.5 Increase Density and Intensity within City Limits, which prevents urban sprawl by allowing denser developments within the City's land uses.

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.

   The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval.

3. There will not be significant effects upon the quality of the environment and natural resources. *An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated.*

<u>Rezone 2023-01</u>

To approve REZ 2023-01, the City Council must make the following findings pursuant to KMC 17.112 Amendments.

1. The change is consistent with the General Plan.

   The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be 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.

   The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. Moreover, REZ 2023-01 is supported by policy LU-2.1 Attractive Community, LU-2.4 Architectural Character, and LU-2.5 High-Quality Design, which cumulatively, enhance the design, character, and vibrancy of the City's health, safety, and welfare.

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

   An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated.

<u>Tentative Subdivision Map 2023-01</u>

To approve the proposed Tentative Subdivision Map 2023-01, 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.

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

2. The design or improvement of the proposed land division is consistent with applicable general plan and specific plans.

   The proposed land division is consistent with the General Plan, including all applicable goals, policies and implementation measures. The land division is consistent with the planned 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. Additionally, the proposed parcels will comply with minimum lot size standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no specific plan applicable to the site.

3. That the site is physically suitable for the proposed type of development.

   The subdivision map will create 119 parcels to support single-family and multi-family residential uses with ample open space. The site is physically suitable for such proposed type of residential use. Development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.

4. That the site is physically suitable for the proposed density of development.

   The subdivision map will create 119 parcels to support single-family and multi-family residential uses with ample open space. The site is physically suitable for such proposed density of development. All development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable 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.

   An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore,

the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

6. The design of the subdivision and type of improvements being required are not likely to cause serious public health problems.

   The lots created will comply with all applicable sanitary sewer, water service, and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is 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.

   The map would vacate 20 feet on the east side of South Modoc Avenue right-of-way, a 30-foot PG&E easement, and the southern portion of the West California Avenue alignment in the southern portion of the site. Ten (10) foot water easements are proposed throughout the development in the rights-of-way. An eight (8) foot landscape easement is proposed in West California Avenue along the site's northern boundary. The vacation and dedication will ensure that upon development, the design and type of improvements will not conflict with easements and that access through or use of property within the proposed subdivision would be maintained.

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.
   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.

<u>Annexation 2023-01</u>

To approve initiation of ANX 2023-01, 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.

   This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan including but not limited to LU-3.2, LU-3.3, LU-5.4.

2. The proposal must be consistent with city general and specific plans, including adopted goals and policies.

   The proposed annexation area will be consistent with the City's General Plan goals and policies contingent upon approval of the entitlements, including the General Plan Amendment,

Prezone/Rezone, Tentative Subdivision Map, Development Plans, Conditional Use Permit, and Variance, including but not limited to LU-2.1, LU-2.4, LU-2.5, LU-3.2, LU-3.3, LU-5.4, CIRC-1.10, and CIRC-2.1.

3. Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan.

   The City has prepared an Initial Study / Mitigated Negative Declaration (MND) for the project. The MND has concluded that no significant environmental impacts will occur as a result of the project.

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).

   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 and approved development plan for multi-family residential.

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.

   The proposed annexation would meet this condition whereby the City has contemplated this annexation area as a housing program necessary to fulfill RHNA obligations within the City's 6th Cycle Housing Element Update.

6. 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.

ATTACHMENTS:

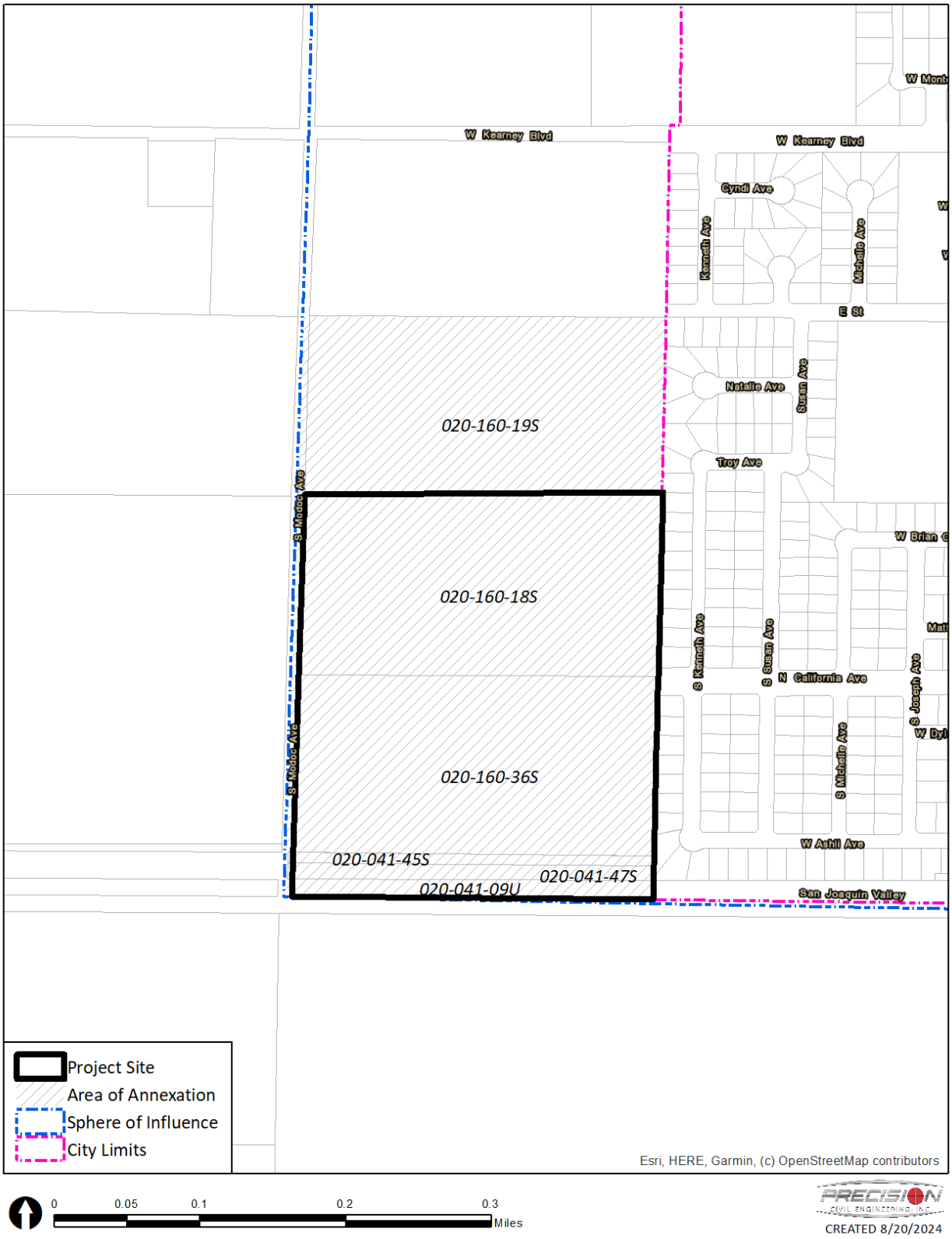
A. Attachment A – Project Vicinity Map
B. Attachment B – Aerial Map of Project Site
C. Attachment C – General Plan Land Use Designation Map for Project Site
D. Attachment D – Zoning District Map (Existing) for Project Site
E. Attachment E – Other Agency/Department Comments
F. Attachment F – Planning Commission Resolutions
G. Attachment G – General Plan Amendment 2023-01 and Environmental Assessment 2023-01
    a. Exhibit 1 – General Plan Amendment 2023-01
    b. Exhibit 2 – Environmental Assessment 2023-01
    c. Exhibit 3 – Mitigation Monitoring and Reporting Program
H. Attachment H – Ordinance Rezone 2023-01
    a. Exhibit 1 – Rezone 2023-01
I. Attachment I – Tentative Subdivision Map 2023-01

a. Exhibit 1 – Tentative Subdivision Map 2023-01
b. Exhibit 2 – Conditions of Approval for Tentative Subdivision Map 2023-01

J. Attachment J – Annexation 2023-01
a. Exhibit 1 – Annexation 2023-01

ATTACHMENT 'A'

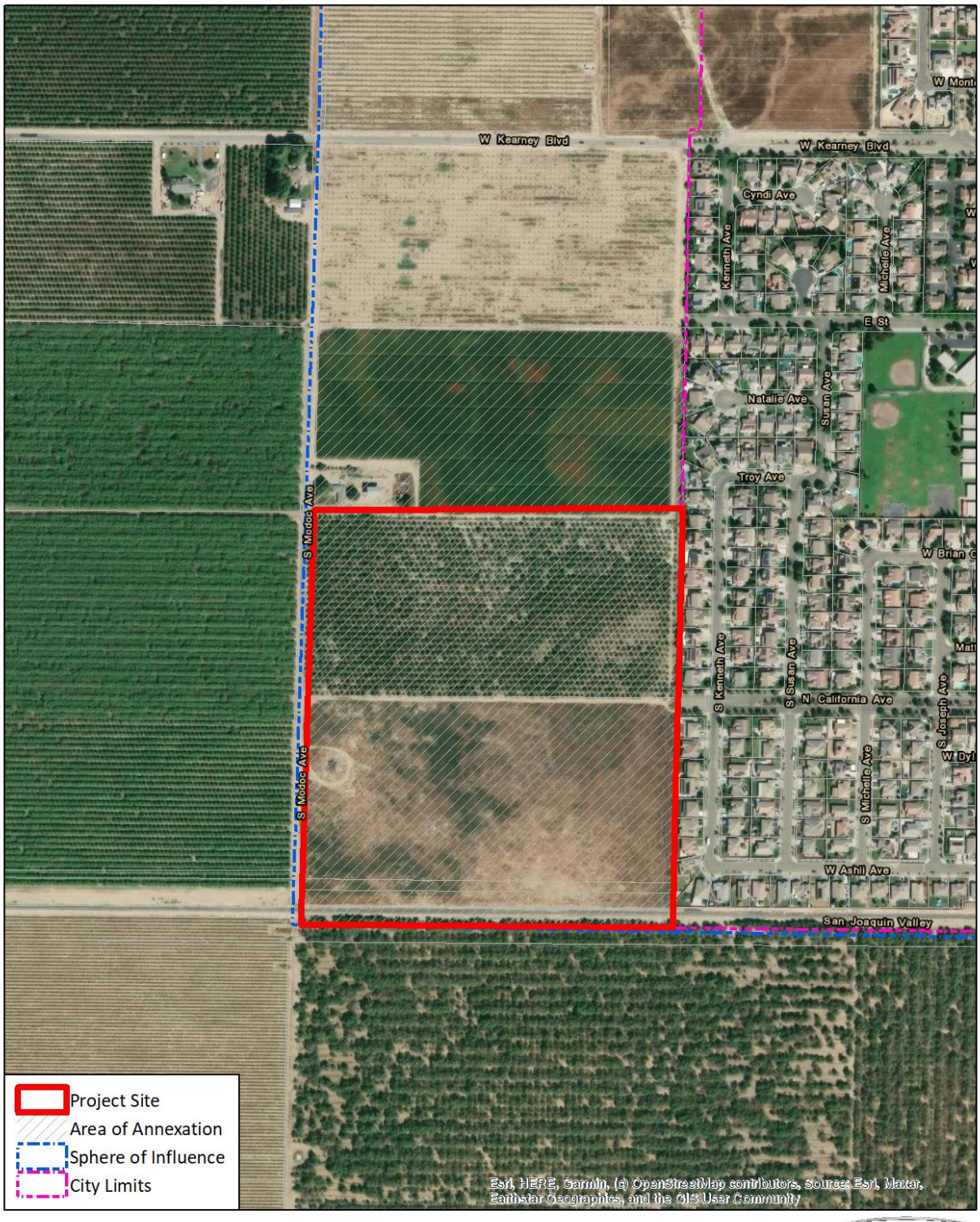
Project Vicinity Map



CREATED 8/20/2024

ATTACHMENT 'B'

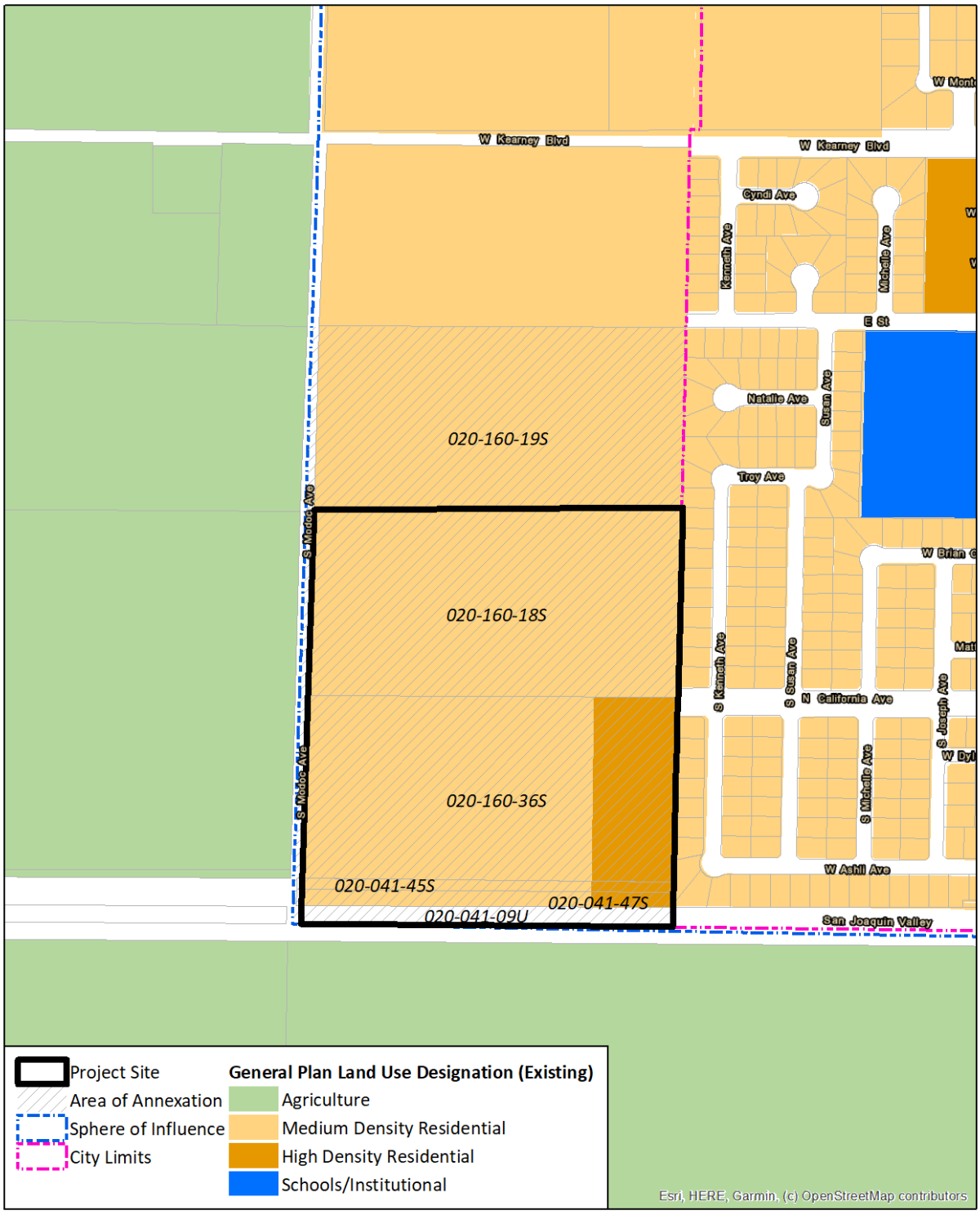
Aerial Map of Project Site



CREATED 8/20/2024

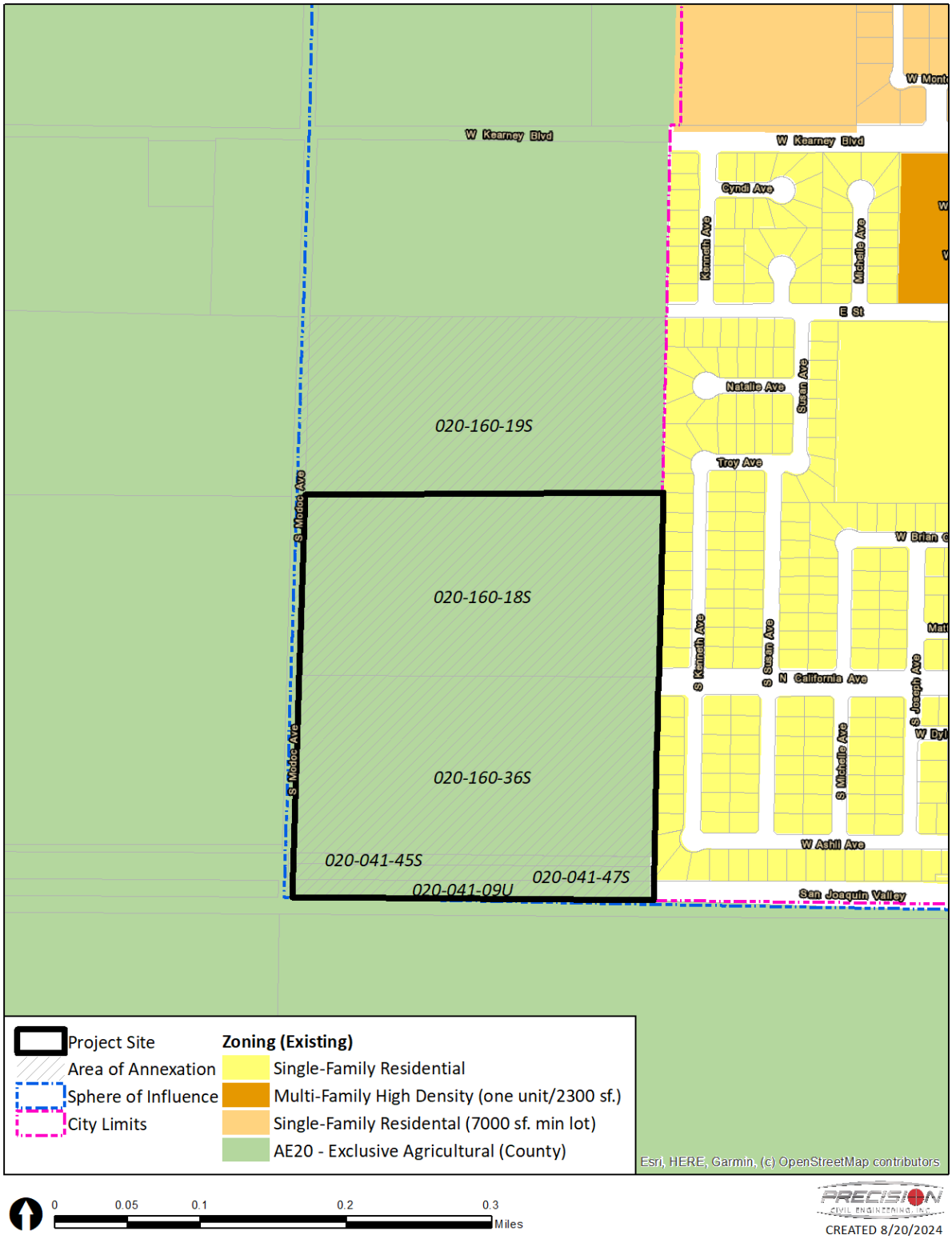
ATTACHMENT 'C'

General Plan Land Use Designation Map for Project Site



ATTACHMENT 'D'

Zoning District Map (Existing) for Project Site



LAFCo Fresno Local Agency Formation Commission

November 13, 2023

Jenna Chilingerian, AICP
Contract Senior Planner
City of Kerman

Dear Ms. Chilingerian:

Subject: Comments Regarding Concurrent Applications: Annexation (ANX 2023-01), Pre-zone (REZ 2023-01), Tentative Subdivision Map (TSM 2023-01), General Plan Amendment (GPA 2023-01), Development Plan (DPL 2023-01&02), Conditional Use Permit (CUP 2023-02) and CEQA (ENV 2023-01).

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 2023-01)**, a request to approve the Annexation of approximately 80 acres. This annexation request is consistent with the 2040 General Plan goals and policies (LU-3);
- **Pre-zone (REZ 2023-01)** pertains to the pre-zoning of the proposed project. Currently the project area is zoned AE-20 – Exclusive Agricultural County zoning. The project will be pre-zoning will be consistent with the MDR (Medium Density) land use designation; R-1-7, R-1-12, R-2, SD-R-5, SD-R-4.5, SD-R-3.5;
- **General Plan Amendment (GPA 2023-01)** pertains to A General Plan Text Amendment will be processed concurrently with the Pre-zone and Annexation process;
- **Conditional Use Permit (CUP 2023-02)** Conditional uses within the SD district are those uses listed on the conditional use lists of the R-1, R-2 and R-3 zone districts (Section 17.58.040). Multi-family residential is listed as a conditional use in the R-1 zone district and therefore the proposed development would be subject to a Conditional Use Permit. Because the project implements a blending of densities, the CUP will memorialize multi-family development where single-family development is traditionally permitted as a by-right use;
- **CEQA (ENV 2023-01)** pertains to an initial study being prepared for the project consistent with CEQA guidelines;
- **Development Plan (DPL 2023-01 &02)** Pertains to Physical elements associated with the development (e.g. architecture, floor plans, landscaping, parking, setbacks etc.) of TSM 2023-01 will be considered. Development Plans for the single-family and the multi-family residential development will be considered separately. Key considerable features of the project include streets and open space areas to be privately maintained by an HOA's. The project design also includes areas with alley-loaded garages. Physical construction will be subject to the California Building Code and zoning Development standards in effect at the time of construction;
- **Tentative Subdivision Map (TSM 2023-01)** pertains to the subdivision of land and proposed street dedications/improvements to accommodate for the above referenced uses. The proposed project would include A tentative subdivision map encompassing 118

single-family residential units will be considered.

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 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 $12,00 and for changes of organization/reorganization (annexation) of 81 to 160 aces is $14,400.

The annexation boundary and map and legal description is recommended to include APN(s) 02016019S and 02016002S.

If the proposal would result in the annexation to a city 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.

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

Sincerely,

Juan Lara
LAFCo Analyst III

LEGEND

- SINGLE FAMILY HOMES
- MULTI FAMILY HOMES
- OPEN SPACE
- GARAGE FOR MULTI FAMILY HOMES
- GARAGE/STORAGE AREA FOR HOA
- 6' WOOD FENCE
- PROPOSED SIGN (SEE SHEET A.90)
- PROPOSED LIGHT (SEE SHEET EP1.0)
- FH PROPOSED HYDRANT
- DIRECTION OF DRAINAGE

DEVELOPMENT SUMMARY

Site (+/-) : 20 AC
Total Units: 174
Density: 8.7 du/ac

RESIDENTIAL DEVELOPMENT BREAKDOWN
Total Residential Units: 174

SINGLE FAMILY UNITS
Alley Loaded Single Family Homes: 64
Single Family Cluster Homes: 46
Wide Shallow Single Family Homes: 8
Sub Total: 118

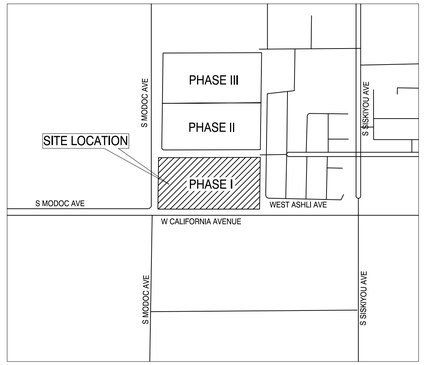
MULTI-FAMILY UNITS
One Bedroom Units: 0
Two Bedroom Units: 56
Sub Total: 56

PARKING DISTRIBUTION
Total Parking: 430 @ 2.5 spaces per unit

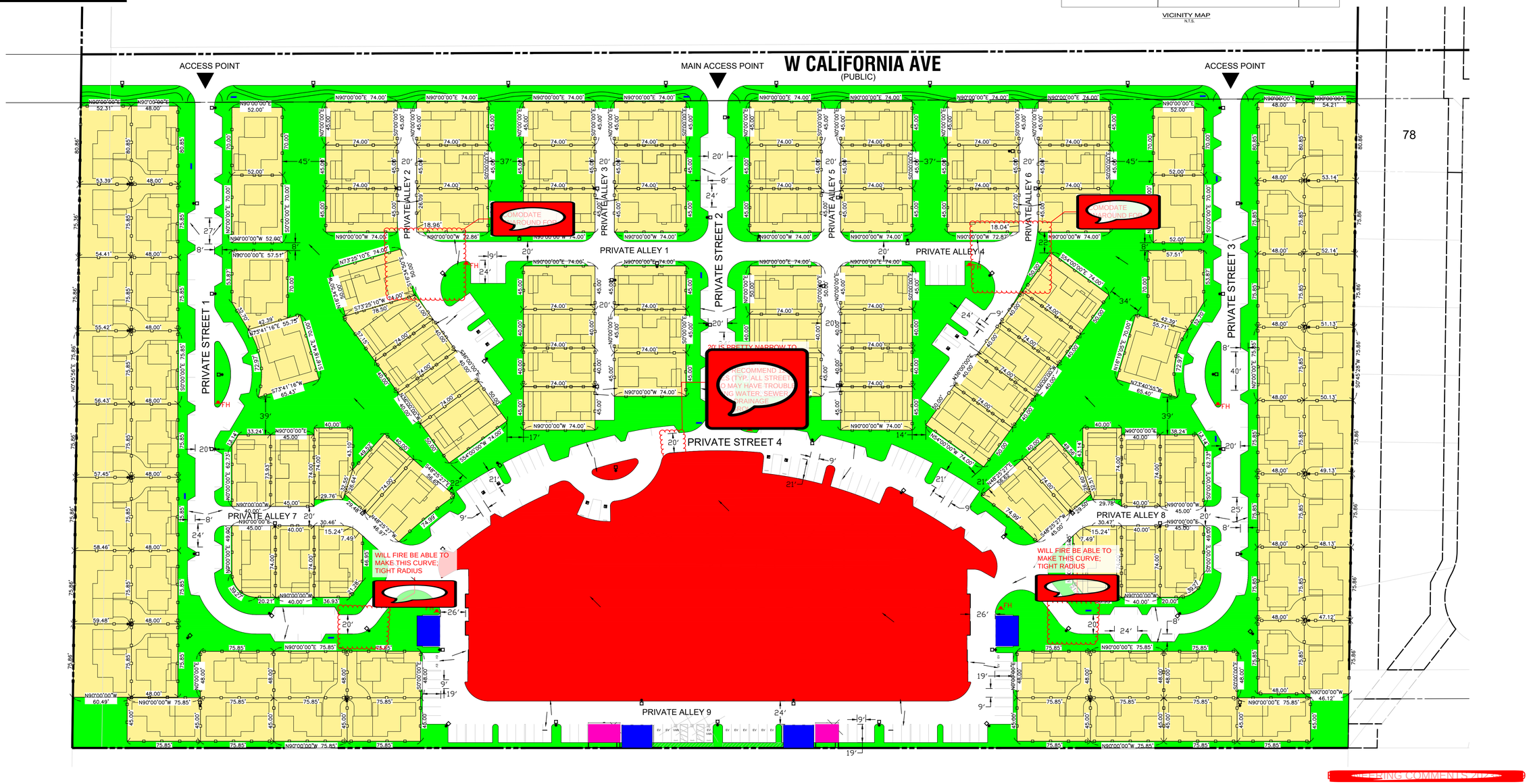
SINGLE FAMILY UNITS
Alley Loaded/Cluster/Wide Shallow: 236 @ 2 enclosed sp. /unit

MULTI-FAMILY UNITS
Two Bedroom Units: 56 @ 1 enclosed sp. /unit

Unassigned/ On-street Spaces: 138



VICINITY MAP
N.T.S.



78

SAMC SCOTT A. MOMMER CONSULTING

DAHLIN

WHISPERING FALLS
PLANNED DEVELOPMENT AND TENTATIVE TRACT MAP IN CITY OF KERMAN/FRESNO COUNTY

PHASE I SITE PLAN
C3.1

SM325.21

12.12.2022

IN THE CITY OF KERMAN, COUNTY OF FRESNO, STATE OF CALIFORNIA

PLANNED UNIT DEVELOPMENT FOR WHISPERING FALLS & TENTATIVE TRACT MAP TRACT NO. 6430

LEGAL DESCRIPTION

PARCEL 1:

LOT 17 IN SECTION 11, TOWNSHIP 14 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN OF FRESNO IRRIGATED FARMS CO TRACT, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 8, PAGE 1 OF RECORDS OF SURVEYS, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND MINERALS OF ANY KIND OR CHARACTER, IN, ON, OR THEREUNDER, AS RESERVED IN DEEDS OF RECORD.

PARCEL 2:

LOT 18 IN SECTION 11, TOWNSHIP 14 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, OF FRESNO IRRIGATED FARMS CO. TRACT, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 8, PAGE 1 OF RECORD OF SURVEYS, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM THE SOUTH 75 FEET OF THE WEST 100 FEET THEREOF.

EXCEPTING THEREFROM ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND MINERALS OF ANY KIND OR CHARACTER, IN, ON, OR THEREUNDER, AS RESERVED IN DEEDS OF RECORD.

PARCEL 3:
THE SOUTH 76 FEET OF THE WEST 100 FEET OF LOT 16 IN SECTION 11, TOWNSHIP 14 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, OF FRESNO IRRIGATED FARMS CO. TRACT, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 8, PAGE 1 OF RECORD OF SURVEYS.

EXCEPTING THEREFROM ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND MINERALS OF ANY KIND OR CHARACTER, IN, ON, OR THEREUNDER, AS RESERVED IN DEEDS OF RECORD.

ZONING/ LAND USE

APN: 020-160-36S
EXISTING ZONING: AE20
PROPOSED ZONING: PUD
PROPOSED LAND USE: RESIDENTIAL / MULTI-FAMILY
EXISTING LAND USE: VACANT
SURROUNDING ZONING: AE20
SURROUNDING LAND USE: VACANT/ RESIDENTIAL

OWNER/ SUBDIVIDER

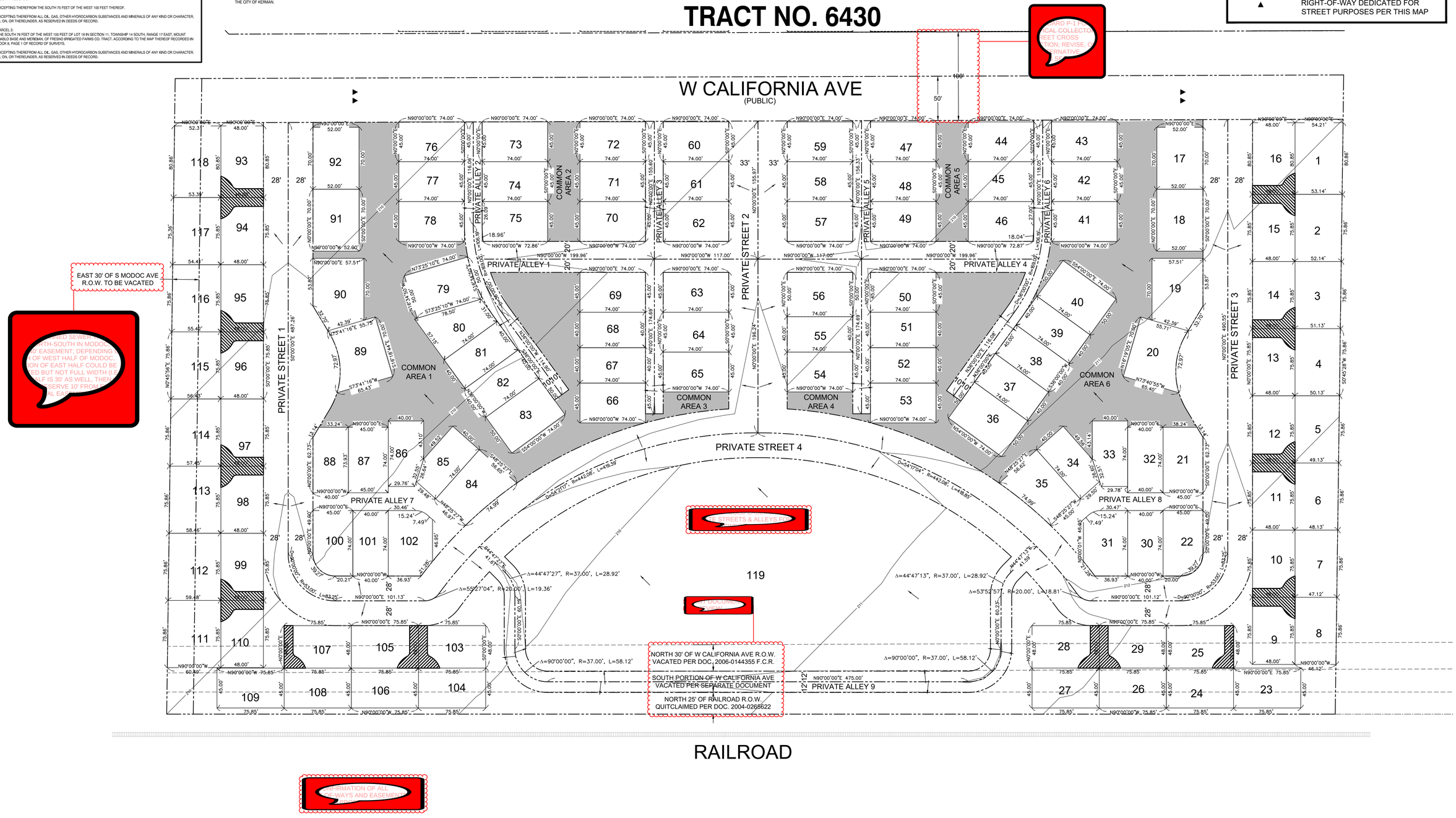
BOYD COMPANIES
275 S. MADERA AVE., #100
KERMAN, CA 93630

NOTES

1. THE SOURCE OF WATER SUPPLY SHALL BE THE CITY OF KERMAN.

HATCHING LEGEND

- COMMON AREA
- PROPOSED CROSS ACCESS
- ▲ RIGHT-OF-WAY DEDICATED FOR STREET PURPOSES PER THIS MAP



LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
4694 WEST JACQUELYN AVENUE – FRESNO CALIFORNIA 93722
TEL: 559 276-2790 FAX: 559 276-0850 WWW.LARSANDERSEN.COM

SAMC SCOTT A. MOMMER CONSULTING

DAHLIN

TRUE NORTH

SCALE: 1"=50'-0"

0 25 50 100 150 200

WHISPERING FALLS
PLANNED DEVELOPMENT AND TENTATIVE TRACT MAP IN CITY OF KERMAN/FRESNO COUNTY

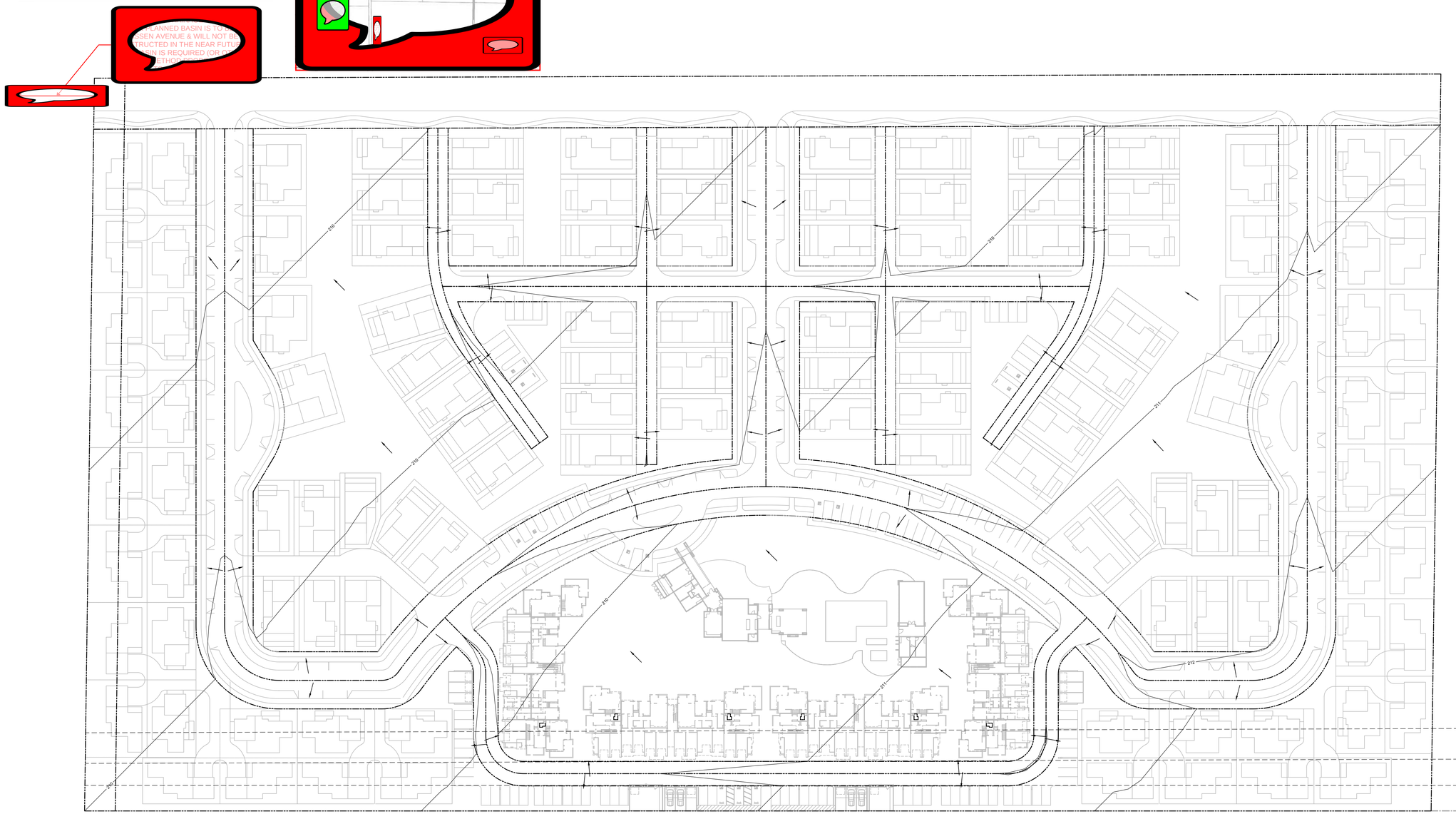
TENTATIVE MAP C4.0

SM325.21

12.12.2022

GRADING LEGEND

DIRECTION OF DRAINAGE



TRUE NORTH

SCALE: 1"=50'-0"

0 25 50 100 150 200

WHISPERING FALLS
PLANNED DEVELOPMENT AND
TENTATIVE TRACT MAP IN CITY
OF KERMAN/FRESNO COUNTY

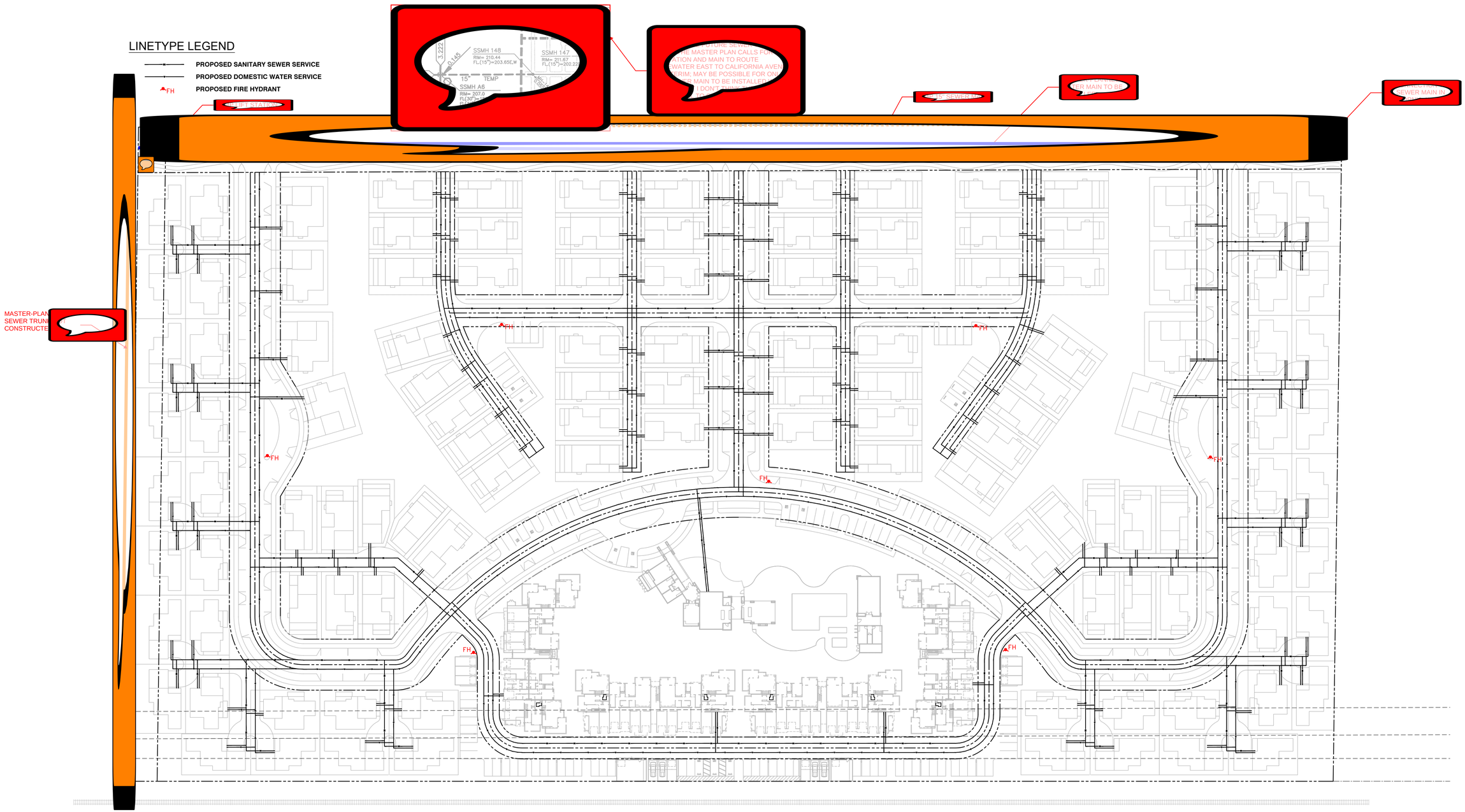
PRELIMINARY GRADING PLAN
C5.0

SM325.21

12.12.2022

LINETYPE LEGEND

- PROPOSED SANITARY SEWER SERVICE
- PROPOSED DOMESTIC WATER SERVICE
- FH PROPOSED FIRE HYDRANT



California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE |P.O. BOX 12616 |FRESNO, CA 93778-2616
(559) 981-7373 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov

April 4, 2023

06-FRE-99-14.722
WHISPERING FALLS PROJECT-TRACK DEVELOPMENT
TTM #2023-01
GTS: https://ld-igr-gts.dot.ca.gov/district/6/report/29166

Sent via email

Jesus Orozco
Community Development Director
City of Kerman
850 S. Madera Avenue
Kerman, CA 93630

Dear Mr. Jesus Orozco:

Thank you for the opportunity to review the Tentative Tract Map for the proposed Whispering Falls Project. The proposed project is proposing a three-phase development. Currently, approximately 5 acres are designated as High Density Residential (HDR) and approximately 15 acres for Medium Density Residential (MDR). The proposed site is located at 870 S. Modoc Ave in the City of Kerman, approximately 1.0 miles south of State Route (SR) 180 in Fresno County.

The mission of Caltrans is to provide a safe, sustainable, integrated, and efficient transportation system to enhance California's economy and livability. The Local Development Review (LDR) Program 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. **Caltrans recommends that a Transportation Impact Study (TIS) be completed for the proposed development**. Caltrans has been entrusted to protect the State Highway system to ensure the safe and efficient movement of people and goods throughout the State. Our recommendation for a TIS is based on our need to fully assess this project's impacts, and to recommend mitigation for all project-related impacts to the State Highway System.

   The study should also provide recommendations for any necessary traffic mitigations, such as additional traffic signals, roundabouts, or lane widening. This study will help us ensure that the development does not create any undue traffic congestion or safety concerns in the area.

   The TIS should follow the current Caltrans Traffic Impact Study Guide. The analysis should refer to Caltrans' Traffic Operations Policy Directive 20-04, dated December 4, 2020. A Vehicle Miles Traveled (VMT) analysis should also be prepared for the proposed development.

2. Given that the future development may attract regional traffic from employees and trucks, **Caltrans recommends that the project proponents(s) conduct a vehicle-miles traveled (VMT) study once development is proposed**. In the absence of a local agency VMT guideline, the preparer should refer to the Caltrans Vehicle Miles Traveled-Focused Transportation Impact Study Guide, dated May 20, 2020. Improvements for existing/future bike and pedestrian facilities on roads in the vicinity of the Project and connectivity between home to work/home to shops should be considered and included in the VMT mitigation plan.

3. Caltrans **recommends** that the Project implement on-site freight parking areas and/or spaces within the Project boundaries that truck drivers can utilize for extending parking periods before loading or after unloading to alleviate freight parking shortages and maintain the Federal Hours of Service regulations.

If you have any further questions, please contact Nicholas Isla at (559) 981-7373 or email nicholas.isla@dot.ca.gov.

Sincerely,

DAVID PADILLA, Branch Chief
Transportation Planning – North

County of Fresno

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

April 3, 2023

Jesus Orozco
Community Development Director
City of Kerman
(559) 846-9386
jorozco@cityofkerman.org

SUBJECT: REQUEST FOR REVIEW AND COMMENTS – City of Kerman, Whispering Falls Development

Dear Jesus,

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 divisions of the Fresno County Public Works and Planning Department. Based on an initial review, we offer the following comments:

Administration offers the following comments:

> Development of the proposal would require annexing the subject area into the City of Kerman. Such annexation proposal should include the entire widths of road rights-of-way.

Transportation Planning offers the following comments:

> This project is likely to impact county facilities and should require a TIS, please include the county in all future routings best point of contact is hluna@fresnocountyca.gov. Using ITE trip Generation Manual (11th Edition) trips are calculated to be over the county's threshold.
>
> The entire right-of-way for that segment of W. Kearney Blvd. from the existing City of Kerman city limit to S. Modoc Ave should be annexed to the City of Kerman.
>
> The entire right-of-way for that segment of W. California Ave. from the existing City of Kerman city limit to S. Modoc Ave should be annexed to the City of Kerman.
>
> The entire right-of-way for that segment of S. Modoc Ave. from W. Kearney Blvd. to W. California Ave. should be annexed to the City of Kerman.

The intersection of W. Kearney Ave. and S. Modoc Ave. should be annexed to the City of Kerman.

The intersection of W. California Ave. and S. Modoc Ave. should be annexed to the City of Kerman.

If you have any further questions regarding this matter, please contact Hector Luna at hluna@fresnocountyca.gov.

Public Health, Environmental Health Division offers the following comments:

Construction permits for the proposed development should be subject to assurance that the City of Kerman community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.

Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.

Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

Future construction and projects have the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City of Kerman Municipal Code and the Fresno County Noise Ordinance Code.

As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental

Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

If you have any further questions regarding this matter, please contact Kevin Tsuda at ktsuda@fresnocountyca.gov.

Policy Planning offers the following comments:

The City of Kerman is anticipating amending its Sphere of Influence (SOI) and annexing an 80-acre territory to the incorporated city boundary. The 80-acre territory consist of four parcels each of which is approximately 20 acres. Below are the APNs of the subject parcels and the status of the Williamson Act contract for each parcel.

- APN 020-160-36s - Not under contract.
- APN 020-160-18s - Under Contract No. 4388.
- APN 020-160-19s - Under Contract No. 4388.
- APN 020-160-02s - Under Contract No. 3926.

As noted above, except APN 020-150-36s, the rest of the subject parcels are under Williamson Act contract. Annexation of land subject to a Williamson Act contract is addressed under Article 3. Contracts (51240-51257.5) of the Government Code which must be addressed by the City of Kerman and the Fresno County LAFCo at the time the SOI amendment and annexation of territory is being considered by LAFCo.

If you have any further questions regarding this matter, please contact Jordan Walton at jowalton@fresnocountyca.gov.

If you have any questions regarding the information described in this letter, please contact me at rmartin@fresnocountyca.gov or (559) 600-4305.

Sincerely,

Raymond Martin, Staff Analyst
Development Services and Capital Projects Division
G:\4360Devs&Pln\PROJSEC\PROJDOCS\Environmental\OAR\City of Kerman\Whispering Falls Development\City of Kerman Whispering Falls OAR Response Letter.docx

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

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

April 7, 2023

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

RE: Annexation Application No. ANX 2023-01, Pre-zone Application No. REZ 2023-01, General Plan Amendment Application No. GPA 2023-01, Tentative Subdivision Map Application No. TSM 2023-01, Conditional Use Permit Application No. 2023-02, and Development Plan Application No. DPL 2023-01 and 02
S/E Kearney Boulevard and Modoc Avenue
FID's Siskiyou No. 146

Dear Mr. Orozco:

The Fresno Irrigation District (FID) has reviewed the proposed Applications for Whispering Falls Development located at 870 South Modoc Avenue in the City of Kerman proposing to develop a 20-acre parcel and phased development on three additional parcels, APNs: 020-160-02S, 18S, 19S, and 36S. FID has the following comments:

1. FID has a canal within the Project Area as shown on the attached FID exhibit map. The facility includes FID's Siskiyou No. 146. In most cases, the existing facilities will need to be upgraded to meet then-current urban standards or relocated by the developer to accommodate new urban developments which will require new pipelines and new exclusive easements. FID will impose the same conditions on future projects as it would with any other project located within the common boundary of the City of Kerman and FID. FID will require that it review and approve all maps and plans which impact FID canals and easements.

2. The City of Kerman has a Surface Water supply agreement with FID, entered into on June 7, 2022. The proposed area is outside the sphere of influence at the time of execution of the agreement and will therefore not be eligible for any additional surface water supplies.

Summary of Requirements:

- FID Board Approval.
- Existing Encroachments removed and/or relocated.
- Review and Approval of all Plans.
- Execute Pipeline Replacement and Easement Agreement.
- Replace existing pipeline with 24" RGRCP ASTM C-361 RGRCP (with MacWrap).

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

- Execute Agreement(s), as necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).

Area of Concern

1. FID's Siskiyou Lateral No.146 runs southwesterly, traversing the north portion of the Annexation Boundary, and crossing Modoc Avenue approximately 15 feet west of the subject property, as shown on the attached FID exhibit map, and will be impacted by future development. FID records indicate a 15 feet easement recorded on March 15, 1984, as Document. No. 84025511 Official Records of Fresno County. These easements do not meet FID's current standards for 48-inch pipe as shown on the attached FID Standard Detail P-06. Additional easement width will be required to provide a minimum of 40 feet wide easement for the pipeline and an agreement entered into with FID for that purpose.

2. FID's records indicate this section of the Siskiyou Lateral pipeline was installed in 1984 (39 years old) as a 20-inch inside diameter Polyvinyl Chloride Pipe with Solvent Weld Joint (PVC-S). PVC-S is a non-reinforced PVC 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 and will need to be replaced.

3. FID requires the Applicant/Developer to replace the existing pipeline with new 24-inch diameter ASTM C-361 B25 Rubber Gasket Reinforced Concrete Pipe (RGRCP) in accordance with FID standards and that the applicant enter into an agreement with FID for that purpose.

4. 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.

5. 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 gasketed 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. 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.

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 contractors 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. 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.

12. 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.

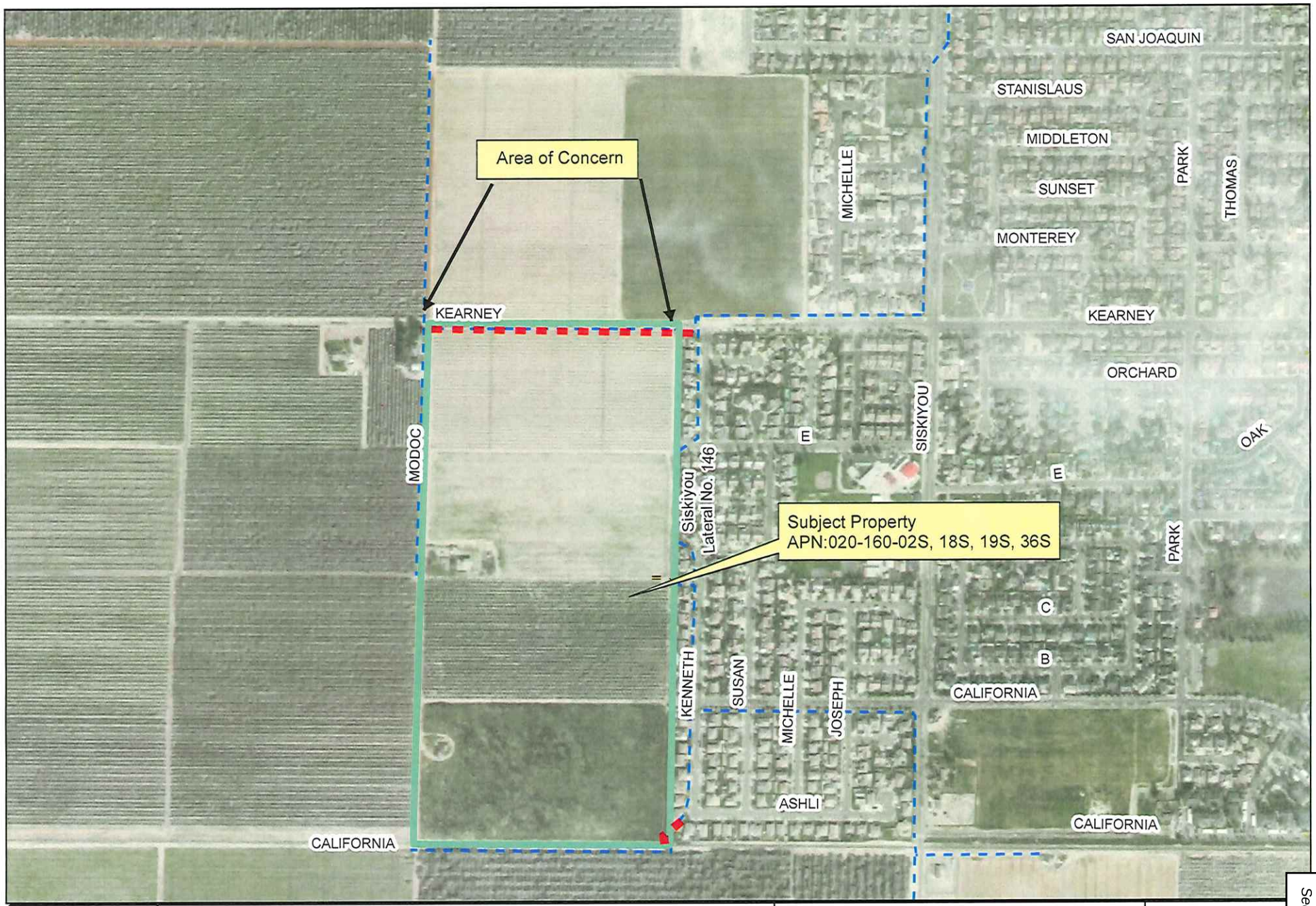
13. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.

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\20230223 FID Master.mxd
Spatial Reference
Name: NAD 1983 StatePlane California IV FIPS 0404

0 330
Feet
1 inch = 658.44 feet

Jeremy Landrith

From: Jesus Orozco <jorozco@cityofkerman.org>
Sent: Monday, March 13, 2023 12:12 PM
Subject: City of Kerman Project Distribution Whispering Falls ANX 2023-01 & TSM 2023-01
Attachments: Kerman_Whispering Falls Project Distribution 03 13 2023_TSM 2023-01.pdf; Kerman Distribution Package 3.13.2023.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Stakeholder,

Please find attached a summary of a Development Application for a project referred to as Whispering Falls and associated exhibits proposed within City of Kerman Sphere of Influence boundaries.

Please provide comments or questions on or before **April 13, 2023.**

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

Respectfully,

Jesus R. Orozco | Community Development Director
City of Kerman | Community Development Department
p. (559) 846.9386 | f. (559) 846.6199
850 S. Madera Ave. Kerman, CA 93630
jorozco@cityofkerman.org
cityofkerman.net

City of Kerman

Community Comes First

850 SO. MADERA AVE.
KERMAN, CA 93630-1799
Telephone: 559-846-9384
FAX: 559-846-6199

March 13, 2023

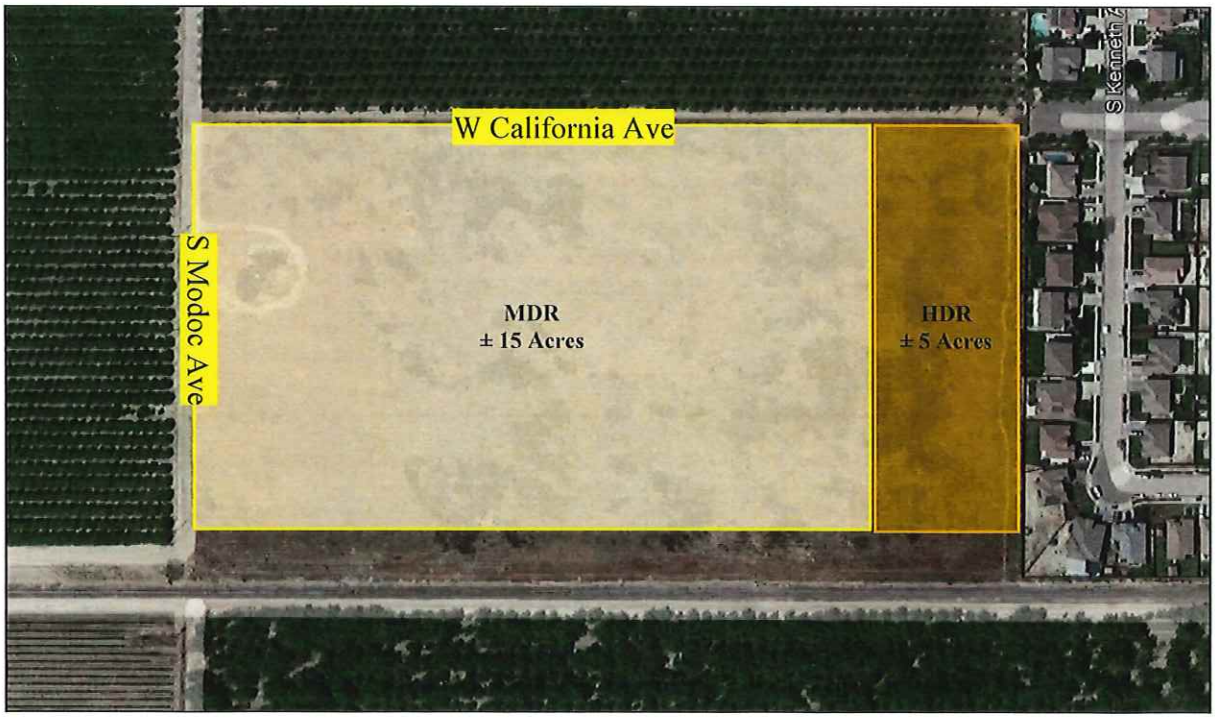
Subject: Project Distribution and Request for Comments for Application(s) related to Whispering Falls Development located at 870 S. Modoc Avenue, Kerman, CA 93630 (APN 020-160-36S)

Dear Stakeholder:

Please accept this project distribution as a formal invitation to provide comments related to a project proposal referred to as Whispering Falls. Below are details of the project proposal.

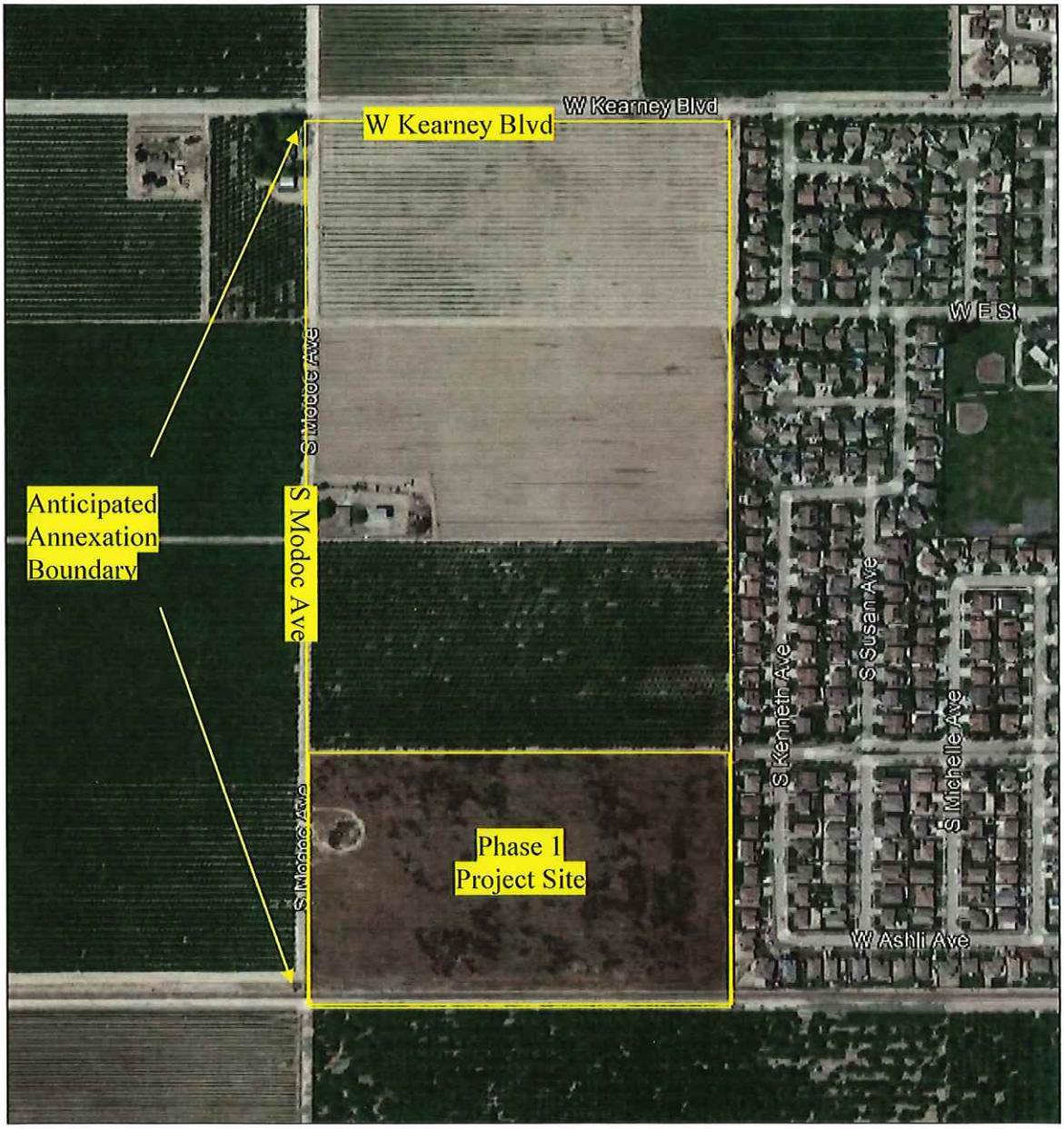
A. Site Information

Site Address	870 S. Modoc Avenue, Kerman, CA 93630
APN	020-160-36S
Size	20.01 acres (gross)
General Plan Land Use Designation	MDR – Medium Density Residential and HDR – High Density Residential (City)
Zone District	AE-20 – Exclusive Agricultural (County)



C. Annexation (ANX 2023-01)

The project applicant is proposing a three-phase development, all of which is currently located out of City of Kerman city limits. The first phase of the project encompasses approximately 20 acres as shown on page 1. Development of Phase 1 entails the review and processing of entitlements listed C through H below. In order to ensure proper growth management, consistent with the 2040 General Plan goals and policies (LU-3), it is anticipated that approximately 60 additional acres of land located to the north of the project site will be included as part of the annexation application, for a total of approximately 80 acres. Final annexation boundary to be determined by Fresno County LAFCO.



D. Pre-zone (REZ 2023-01)

Phase 1. The proposed pre-zoning is substantially consistent with the underlying General Plan land use designations. Currently, approximately 5 acres are designated as High Density Residential (HDR), and approximately 15 acres are designated as Medium Density Residential (MDR). Proposed pre-zoning includes SD-R-2.5 (Multi-Fam) and SD-R-5 (Single-Fam)

Phase 2 & 3. A pre-zone for Phases 2 & 3 has not been determined at this time. Anticipated pre-zoning will be consistent with the MDR (Medium Density) land use designation; R-1-7, R-1-12, R-2, SD-R-5, SD-R-4.5, SD-R-3.5.

E. General Plan (Text) Amendment (GPA 2023-01)

The project proposal entails a blending of densities. As a result, a General Plan Text Amendment is being considered to ensure consistency between the proposed pre-zoning and existing General Plan Land Use designations. The General Plan Text Amended will include the SD-R-2.5 zone district as a compatible zone within the MDR (Medium Density Residential) land use designation. No change to the project site's land uses are being proposed.

F. Tentative Subdivision Map (TSM 2023-01)

A tentative subdivision map encompassing 118 single family residential units and 56 multi-family residential units with private streets and other common amenities will be considered. Access into the site will be via W California Ave alignment, to be improved to City standards. Interior access street will be privately maintained by an HOA, to be established as a condition to recordation of a final map. *See Exhibit 'A'*

G. Conditional Use Permit (CUP 2023-02)

Conditional uses within the SD district are those uses listed on the conditional use lists of the R-1, R-2 and R-3 zone districts (Section 17.58.040). Multi-family residential is listed as a conditional use in the R-1 zone district and therefore the proposed development would be subject to a Conditional Use Permit. Because the project implements a blending of densities, the CUP will memorialize multi-family development where single-family development is traditionally permitted as a by-right use.

H. Development Plan (DPL 2023-01 &02)

Physical elements associated with the development (e.g. architecture, floor plans, landscaping, parking, setbacks etc.) of TSM 2023-01 will be considered. Development Plans for the single-family and the multi-family residential development will be considered separately. Key considerable features of the project include streets and open space areas to be privately maintained by an HOA's. The project design also includes areas with alley-loaded garages.

Physical construction will be subject to the California Building Code and zoning Development standards in effect at the time of construction.

I. CEQA (ENV 2023-01)

An initial study for the project will be prepared consistent with CEQA guidelines to be distributed for public comment at a later date. Tentatively the following technical studies will be conducted:

- Air Quality/GHG/HRA Analysis to quantify emissions and evaluate compared to the SJVAPCD GAMAQI significance thresholds.
- Biological Resources Assessment because the project would be located on land where no urban development has occurred.
- Cultural Resources Assessment (may not be required – will utilize CHRIS record search, SLF results, and tribal consultation).
- Phase I ESA because the project would be located on a site that is currently or previously developed with agricultural uses.
- Noise Study to measure and quantify noise sources compared to established Noise Compatibility Standards identified in the General Plan.
- Traffic Study to estimate trip generation, identify roadway improvements, and ensure maintenance of LOS standards in compliance with the General Plan.
- VMT Analysis since the site does not screen out utilizing OPR guidance or Fresno COG VMT mapping.

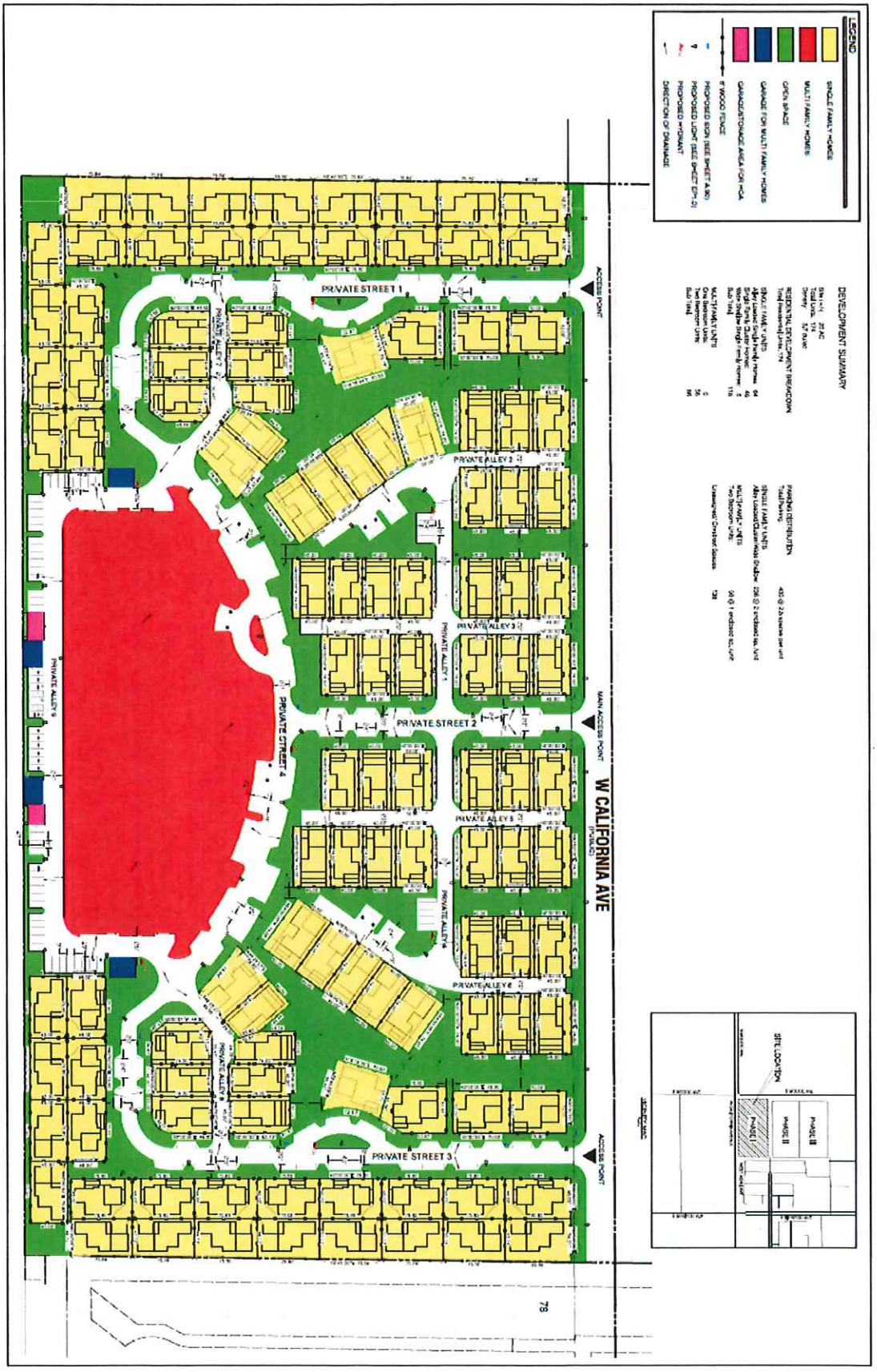
Your cooperation in this matter is greatly appreciated. Should you have any questions, please feel free to contact me at (559) 846-9386 or email at jorozco@cityofkerman.org.

Sincerely,

Jesus R. Orozco

Jesus R. Orozco
Community Development Director

Exhibit 'A'


LEGEND
SINGLE FAMILY HOMES
MULTI-FAMILY HOMES
OPEN SPACE
GARAGE FOR MULTI FAMILY HOMES
GARAGE/STORAGE AREA FOR HOA
6' WOOD FENCE
PROPOSED SIGN (SEE SHEET A.80)
PROPOSED LIGHT (SEE SHEET EP1.0)
DIRECTION OF DRAINAGE
DEVELOPMENT SUMMARY
RESIDENTIAL DEVELOPMENT BREAKDOWN
PARKING DISTRIBUTION
PRIVATE STREET 1
PRIVATE STREET 2
PRIVATE STREET 3
PRIVATE STREET 4
PRIVATE ALLEY 1
PRIVATE ALLEY 2
PRIVATE ALLEY 3
PRIVATE ALLEY 4
PRIVATE ALLEY 5
PRIVATE ALLEY 6
PRIVATE ALLEY 7
PRIVATE ALLEY 8
PRIVATE ALLEY 9
ACCESS POINT
MAIN ACCESS POINT
W CALIFORNIA AVE
(PUBLIC)
SITE LOCATION
PHASE I
PHASE II
78

IN THE CITY OF KERMAN, COUNTY OF FRESNO, STATE OF CALIFORNIA

PLANNED UNIT DEVELOPMENT FOR WHISPERING FALLS &TENTATIVE TRACT MAP

PHASE 1

OWNER/ DEVELOPER

ENGINEER / REPRESENTATIVE

GENERAL NOTES

LEGAL DESCRIPTION

PHASING

ZONING/ LAND USE

PROJECT AREA

RESIDENTIAL P.A. & DENSITY

MULTIPLE FINAL MAPS

BENCHMARK

TOPOGRAPHY SOURCE

EARTHWORK QUANTITIES

UTILITIES

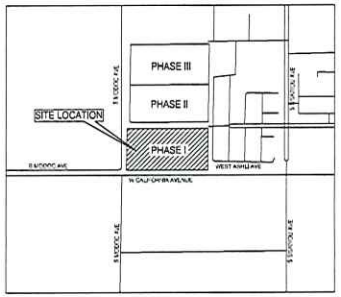
EASEMENT NOTES

LEGENDS OF ABBREVIATION AND SYMBOL

G.B.	GRADE BEAM	ALTHA SURVEY LINE	TOH OF SLOPE
F.S.	FINISH SURFACE	EQUESTRIAN TRAIL	TOF OF SLOPE
F.I.	POINT OF INTERSECTION	MTN. BIKE TRAIL	FUEL MODIFICATION ZONE (SEE NOW PROPERTY LINE- PER DP, SEE DETS, SHEET 6)
ELEV.	ELEVATION	RIDGELINES	
TYP.	TYPICAL	RAISED	
(253.0	PAD ELEV.	EMIL LANE	
P.D.E.	PRIVATE DRAINAGE EASEMENT	TTM 33301 BOUNDARY	
	CONC. IRRIGATION OR DOWN DRAIN	TTM 33401 - PM 21417 BOUNDARY	
	DIRECTION OF FLOW	PM 24815 BOUNDARY	
	EASEMENT NOTE	PLANNING AREA BOUNDARY	
	BUILDING NOTE	STORM DRAIN INLET / RISER	
	STREET GRADE	CATCH BASIN INLET	
	EXISTING SPOT ELEVATION	STORM DRAIN OUTLET	T TRAIL HEAD MONUMENT
		UNDER CURB DRAINAGE (TYP.)	
		DAYLIGHT	RIPRAP
		DRAINAGE	TRAIL CROSSING
		EXIST. CONTOUR	WILDLIFE CORRIDOR
		PROP. CONTOUR	
		CENTERLINE	
		SWALE FLOW LINE HIGH POINT	
		GRADING EASEMENT	

SHEET INDEX

SHEET NO.	DESCRIPTION
CIVIL:	
C1.0	COVER SHEET
C2.0	PROJECT INFORMATION
C2.1	SITE RENDERINGS
C2.2	LOT INFORMATION
C3.0	MASTER SITE PLAN
C3.1	PHASE 1 SITE PLAN
C4.0	TENTATIVE MAP
C4.1	TENTATIVE MAP (LOTS 1-59)
C4.2	TENTATIVE MAP (LOTS 60-118)
C4.3	TENTATIVE MAP (LOT 119)
C5.0	PRELIMINARY GRADING PLAN
C6.0	PRELIMINARY UTILITY PLAN
ARCHITECTURAL:	
A.16	BUILDING A ELEVATIONS
A.17	BUILDING A ELEVATIONS
A.18	BUILDING A ELEVATIONS
A.19	BUILDING B ELEVATIONS
A.20	BUILDING B ELEVATIONS
A.21	BUILDING B ELEVATIONS
A.22	MATERIAL BUILDING A ELEVATIONS
A.23	MATERIAL BUILDING B ELEVATIONS
A.23	SITE PERSPECTIVE
A.24	SITE PERSPECTIVE
A.25	SITE PERSPECTIVE
A.47	ALLEY LOADED PLAN 1A - ELEVATIONS
A.48	ALLEY LOADED PLAN 1B - ELEVATIONS
A.49	ALLEY LOADED PLAN 1C - ELEVATIONS
A.53	ALLEY LOADED PLAN 2A - ELEVATIONS
A.54	ALLEY LOADED PLAN 2B - ELEVATIONS
A.55	ALLEY LOADED PLAN 2C - ELEVATIONS
A.59	ALLEY LOADED PLAN 3A - ELEVATIONS
A.60	ALLEY LOADED PLAN 3B - ELEVATIONS
A.61	ALLEY LOADED PLAN 3C - ELEVATIONS
A.35	CLUSTER PLAN 1A - ELEVATIONS
A.36	CLUSTER PLAN 1B - ELEVATIONS
A.37	CLUSTER PLAN 1C - ELEVATIONS
A.41	CLUSTER PLAN 2A - ELEVATIONS
A.42	CLUSTER PLAN 2B - ELEVATIONS
A.43	CLUSTER PLAN 2C - ELEVATIONS
A.65	WIDE SHALLOW PLAN A - ELEVATIONS
A.66	WIDE SHALLOW PLAN C - ELEVATIONS
A.84	CLUBHOUSE ELEVATIONS
A.90	SITE SIGNAGE PLAN
ELECTRICAL:	
EP1.0	ELECTRICAL SITE PHOTOMETRIC PLAN



VICINITY MAP

SAMC DESERT & MINIMEX CONSULT-NG

DAHLIN

WHISPERING FALLS
PLANNED DEVELOPMENT AND TENTATIVE TRACT MAP IN CITY OF KERMAN/FRESNO COUNTY

COVER SHEET
C1.0

SM325.21

PROJECT NARRATIVE

The Kerman mixed-density Project is located on me western edge or me city of Kerman identified as Planning Area per 1 the City or Kerman's General Plan. In keeping with me General Plan vision for the area, the proposed project pro-vides a variety a housing types, ranging from detached alley-loaded single-family and cluster homes to multi-story apartments.

The project pays careful attention in creating a distinct identity with a focus on pedestrian scale, community character and walkability. The intended use of alleys, incorporating wide shallow lots and clustering of select residences allow for the streetscape to be oriented towards the architecture of the homes while relegating the alleys to the back-ground. The homes are comprised of two-story massing and will use design elements such as prominent front porches, stepping down of roof massing, and incorporating single-story elements to reduce me overall scale and mass of me building. The porches that are street/paseo facing provide a semi-private outdoor transition area from the public to the private realm. The alley-loaded homes maintain pedestrian connectivity through the use or meandering paseos that provide safe and continuous pedestrian connections from the homes to the rest of me community. Some of the larger open spaces in between the homes will also be landscaped to provide opportunities for passive recreation and will, in certain locations, integrate storm water run-off collection areas creating a truly usable and functioning landscape amenity.

The proposed central clubhouse is located on an axis from the main entry providing a sense or arrival and community placemaking. The formal entry drive is heightened with additional landscaping to visually enhance the entrance to the community. It is anticipated that the homes along the entry drive will be slightly elevated from the street to further develop the formal character. The multi-family portion of the community is located directly behind the clubhouse, utilizing the larger scale of the buildings to help frame the vista from the main entry. Parking for the multi-family units is screened from the entrance vista by being located behind the multi-family buildings. The multi-family building will orient the units towards the open space surrounding me clubhouse, resulting in allowing for more active usage and will also provide "eyes on the green".

The proposed project both thorough its design and range of housing types, is an opportunity to create a truly distinct and unique mixed-density project in the City or Kerman.

DEVELOPMENT SUMMARY

Site (+/-) : 20 AC
Total Units: 174
Density: 8.7 du/ac

RESIDENTIAL DEVELOPMENT BREAKDOWN
Total Residential Units: 174

SINGLE FAMILY UNITS
Alley Loaded Single Family Homes: 64
Single Family Cluster Homes: 46
Wide Shallow Single Family Homes: 8
Sub Total: 118

MULTI-FAMILY UNITS
One Bedroom Units: 0
Two Bedroom Units: 56
Sub Total: 56

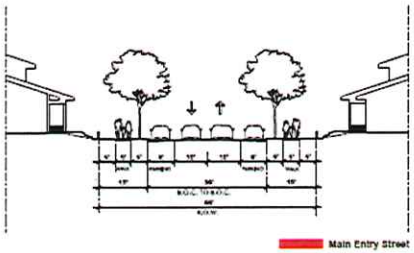
PARKING DISTRIBUTION
Total Parking: 430 @ 2.5 spaces per unit

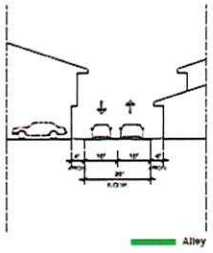
SINGLE FAMILY UNITS
Alley Loaded/Cluster/Wide Shallow: 236 @ 2 enclosed sp. /unit

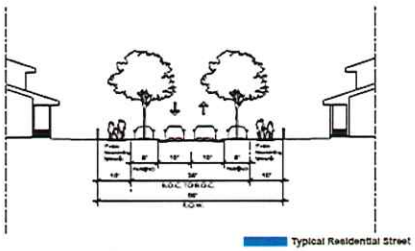
MULTI-FAMILY UNITS
Two Bedroom Units: 56 @ 1 enclosed sp. /unit

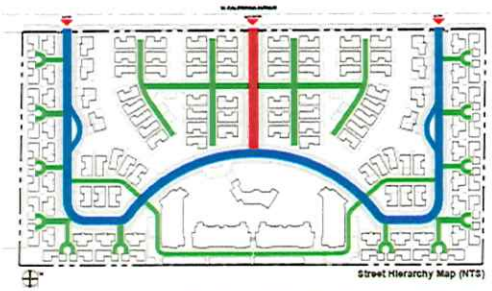
Unassigned/ On-street Spaces: 138

HOUSING TYPOLOGY AND DISTRIBUTION









STREET SECTIONS & STREET HIERARCHY

Documentary Transfer Tax $

For the benefit of the
Fresno Irrigation District

84025511

GRANT OF EASEMENT

THIS INDENTURE, made and entered into this 29th day of June, 1982, by and between Iris L. Steffen, as Trustee under the Iris L. Steffen Living Trust Agreement dated March 30, 1981 as Grantors, and FRESNO IRRIGATION DISTRICT, a public corporation in the County of Fresno, State of California, as Grantee,

W I T N E S S E T H:

For a valuable consideration, receipt of which is hereby acknowledged, Grantors do hereby grant unto Grantee, its successors and assigns, a perpetual and exclusive easement and right-of-way to construct, install, operate, use, maintain, alter, repair, improve, reconstruct, enlarge and supplement pipes, pipelines and conduits, and to flow and conduct water through said pipes, pipelines and conduits, across, over, through and under that certain real property owned by Grantors in the County of Fresno, State of California, more particularly described as follows:

See Exhibit "A" attached hereto.

Said easement and right-of-way is described as follows:

See Exhibit "A" attached hereto.

Said easement and right-of-way shall include all rights convenient or incidental to the use thereof including the right of ingress to and egress from said easement and right-of-way so described over and across said real property owned by Grantors.

All pipes, pipelines, conduits and other facilities constructed by Grantee upon and within said easement shall become and remain the property of Grantee and shall be maintained by Grantee at Grantee's expense and Grantor shall have no right, title or interest therein.

When said pipes, pipelines and other structures or facilities shall be constructed, the manner in which they shall be constructed and the time and manner for conducting and discharging water through the same shall be in the sole and absolute control of Grantee. If Grantee fails to construct the pipeline project and determines that the easement is not needed Grantee will abandon the easement by recorded document. Said easement shall not be deemed abandoned by Grantee until and unless such document is recorded.

Grantors reserve the right to use the surface of the land within said easement for their own purposes, so long as said use by Grantors does not interfere with the use of said easement by Grantee for the purposes for which said easement is granted, provided Grantors shall not build or construct any building or other permanent structure on said easement without the written permission and consent of Grantee. Grantee shall have the right, without notice, and at Grantors' expense, to remove any structures, fences, trees, vines, shrubs or other encroachments from said easement which do interfere with the purposes or use of said easement. Grantors shall maintain the surface of said land and keep it in a safe condition for the use of Grantee and others.

GIS 3671

84025511

This indenture shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the undersigned have caused this grant of easement to be executed the date herein above written.

WITNESSED BY

Kenneth E. Sangmaster

Iris L. Steffan as Trustee under the Iris L. Steffan Living Trust Agreement dated March 30, 198

GRANTORS

STATE OF CALIFORNIA

County of FRESNO

On this 29th day of JUNE in the year one thousand nine hundred and 82, before me JOHN E. MATSUOKA, a Notary Public, State of California, duly commissioned and sworn, personally appeared KENNETH E. SANGMASTER known to me to be the person whose name IS subscribed to the within instrument as witness thereto, who, being by me duly sworn AND deposed and said: that HE resides in THE County of FRESNO, State of CALIFORNIA, that HE WAS present and saw IRIS L. STEFFAN, AS TRUSTEE UNDER THE IRIS L. STEFFEN LIVING TRUST AGREEMENT DATED MARCH 30, 198 (personally known to HIM to be the person described in, and who executed the said within instrument as part thereto), sign, seal, and deliver the same; that the said IRIS L. STEFFAN, AS TRUSTEE UNDER THE IRIS L. STEFFAN LIVING TRUST AGREEMENT DATED MARCH 30, 1981 duly acknowledged in the presence of said affiant, that SHE executed the same and that HE, the said affiant, thereupon, and at the request of said IRIS L. STEFFAN, subscribed HIS name as witness thereto.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of FRESNO the day and year in this certificate first above written.

OFFICIAL SEAL
JOHN E. MATSUOKA
NOTARY PUBLIC - CALIFORNIA
FRESNO COUNTY
My comm. expires JUL 16, 1982

John E. Matsuoka

Notary Public, State of California.

My Commission Expires JULY 16, 1982

This document is only a general form which may be proper for use in simple transactions and in no way acts, or is intended to act, as a substitute for the advice of an attorney. The publisher does not make any warranty, either express or implied, as to the legal validity of any provision or the suitability of these forms in any specific transaction.

Cowdery's Form No. 46 (Acknowledgment—Witness). (C. C. Secs. 1195-1197, C. C. P. Sec. 1935) (FEB. 80)

The above Grant of Easement is accepted for and on behalf of the Fresno Irrigation District this 7th day of March, 1984.

BY: Robert L. Amyx

TITLE: Secretary

84025511

EXHIBIT A

IRIS L. STEFFEN
APN 20-140-05
APN 20-160-02

EXISTING PROPERTY

Lots 23 and 24 and the West 3/4ths of Lots 25, 26 and 27 and 28 in Section 11, Township 14 South, Range 17 East, Mount Diablo Base and Meridian, according to "Map of Subdivision of Sections 2 and 11 and part of Sections 1 and 12, Township 14 South, Range 17 East, Mount Diablo Base and Meridian part of FRESNO IRRIGATED FARMS COMPANY TRACT" recorded in Book 8 Page 1 of Record of Surveys, records of Fresno County.

EXCEPTION THEREFROM all oil, gas and other hydrocarbon substances.

EASEMENT

The North 15.00 feet of the above mentioned Lot 24 and the West 15.00 feet of the above mentioned Lots 23 and 24.

STATE OF CALIFORNIA
COUNTY OF Fresno } ss.

On this 7th day of March, in the year 19 84 before me, the undersigned, a Notary Public in and for said State, personally appeared Robert L. Simpson, Secretary of the Fresno Irrigation District, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that the Corporation executed it.

WITNESS my hand and official seal.

MAVA NICHOLS
NOTARY PUBLIC-CALIFORNIA
PRINCIPAL OFFICE IN
FRESNO COUNTY
My Commission Expires Mar. 9, 1985

Mava Nichols
Notary Public in and for said State.

ACKNOWLEDGMENT—Corporation—Wolcotts Form 222CA-X—Rev. 5-82
©1982 WOLCOTTS, INC.

STANDARD SYMBOLS and ABBREVIATIONS

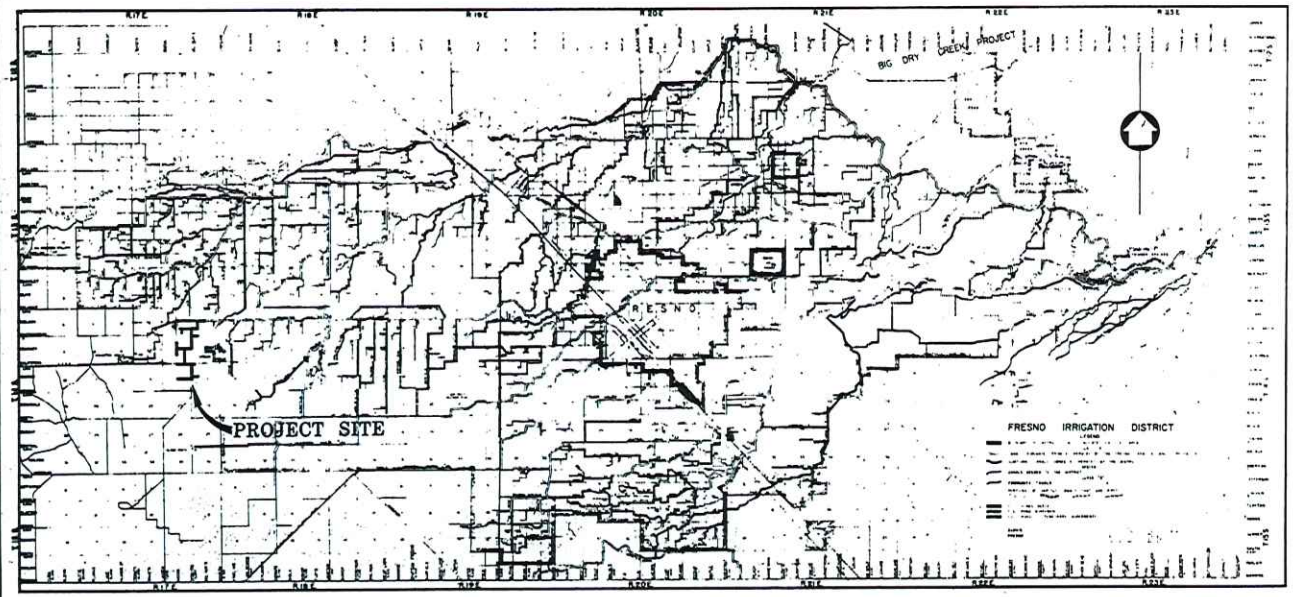
- Proposed Pipeline Construction
- Property line, Co. R/W & R.R. R/W
- Section line & Section corner monument
- FID Easement
- Telephone Cable
- Edge of Pavement
- Service Pole with Meter
- Telephone Pole, Service Pole, Power Pole & Transformer Pole
- Temporary Bench Mark
- Pump with Concrete Base
- Stand Pipe
- Signs
- Existing Underground Irrigation Line
- Existing Irrigation Structures
- Trees, Trunk Diameter as noted
- Vineyards
- Structure as noted
- Sanitary Sewer Manhole
- Irrigation Valves
- Railroad Tracks
- Fences as noted
- Underground electrical conduit
- Sewer Main
- Gas Main
- Water Line
- Mail Box

FRESNO IRRIGATION DISTRICT

ROBERT E. LEAKE, JR. ... MANAGER RICHARD J. SCHUMACHER ... DISTRICT ENGINEER

PLANS FOR CONSTRUCTION OF IRRIGATION FACILITIES SISKIYOU LATERAL

MARCH 1984



VICINITY MAP
N.T.S.

NOTES

1. Where underground and surface structures are shown on the Plans, the locations, depth and dimensions of structures are believed to be reasonably correct, but are not guaranteed. Such structures are shown for the information of the contractor, but information so given is not to be construed as a representation that such structures will, in all cases, be found where shown, or that they represent all the structures which may be encountered.
2. All work shall be done in accordance with the requirements of Fresno County, Southern Pacific Transportation Co., the State of California, and Fresno Irrigation District.
3. All work areas shall be left in a neat and presentable condition. Existing driveways, roadways, and other physical improvements shall be preserved, restored or replaced in kind.
4. Contractor shall conduct his operations in a manner which will least affect crops and the harvesting of or other farming operations associated with the crops. Dust control is mandatory. Contractor shall coordinate his construction schedule with the District to minimize disruptions.

48 HOURS
Before Excavating
CALL "U.S.A." TOLL FREE
800 642-2444
UNDERGROUND SERVICE ALERT

BENCH MARKS

BM KH4
Chiseled "b" on top of headwall 76.00± North of Nielsen Avenue West side Del Norte Avenue. Elev. = 221.83 Fresno County Datum

BM KH6
Fresno County brass cap monument stamped KH6. 43.3' North of Nielsen Avenue 19.0' East of Siskiyou Avenue, 46.7' Northeast of Sec. corner. Elev. = 216.561 Fresno County Datum

BM KH54
Fresno County brass cap monument Southside P.P., 340' ± North of Church Avenue, East side Siskiyou Avenue. Elev. = 208.19 Fresno County Datum

BM KH57 1/2
U.S.C. & G.S. monument X-234, 1935, 0.1 mile East of Lassen Avenue, South side railroad tracks. Elev. = 207.95 Fresno County Datum

INDEX

DESCRIPTION	SHEET No.
COVER SHEET	1
LAYOUT SHEET	2
PLAN AND PROFILE SHEETS	3-15
DETAIL SHEET	16-17

RECORD DRAWINGS
DATE 4/26/84

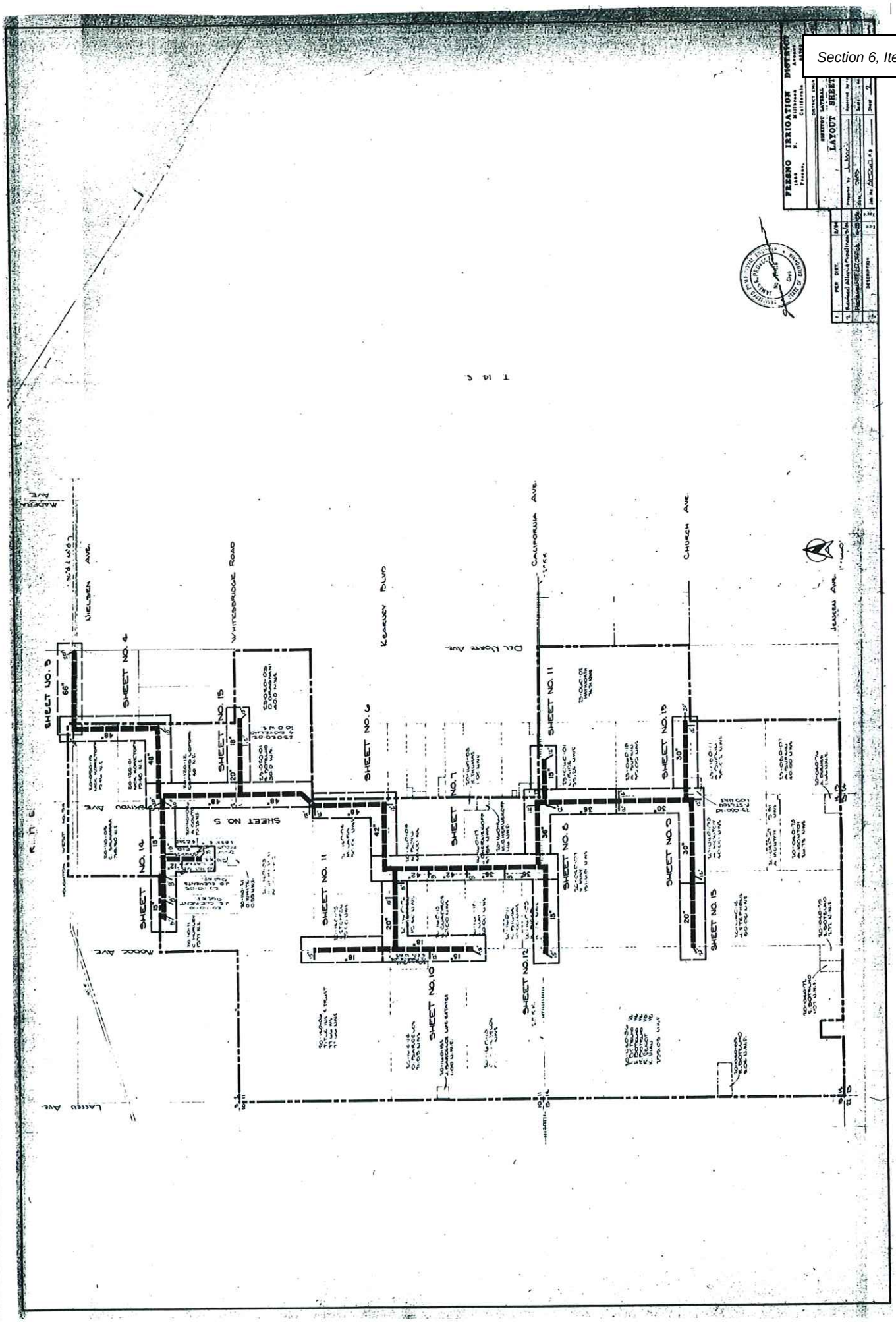
FRESNO IRRIGATION DISTRICT
1469 N. Millbrook Avenue
Fresno, California 93703

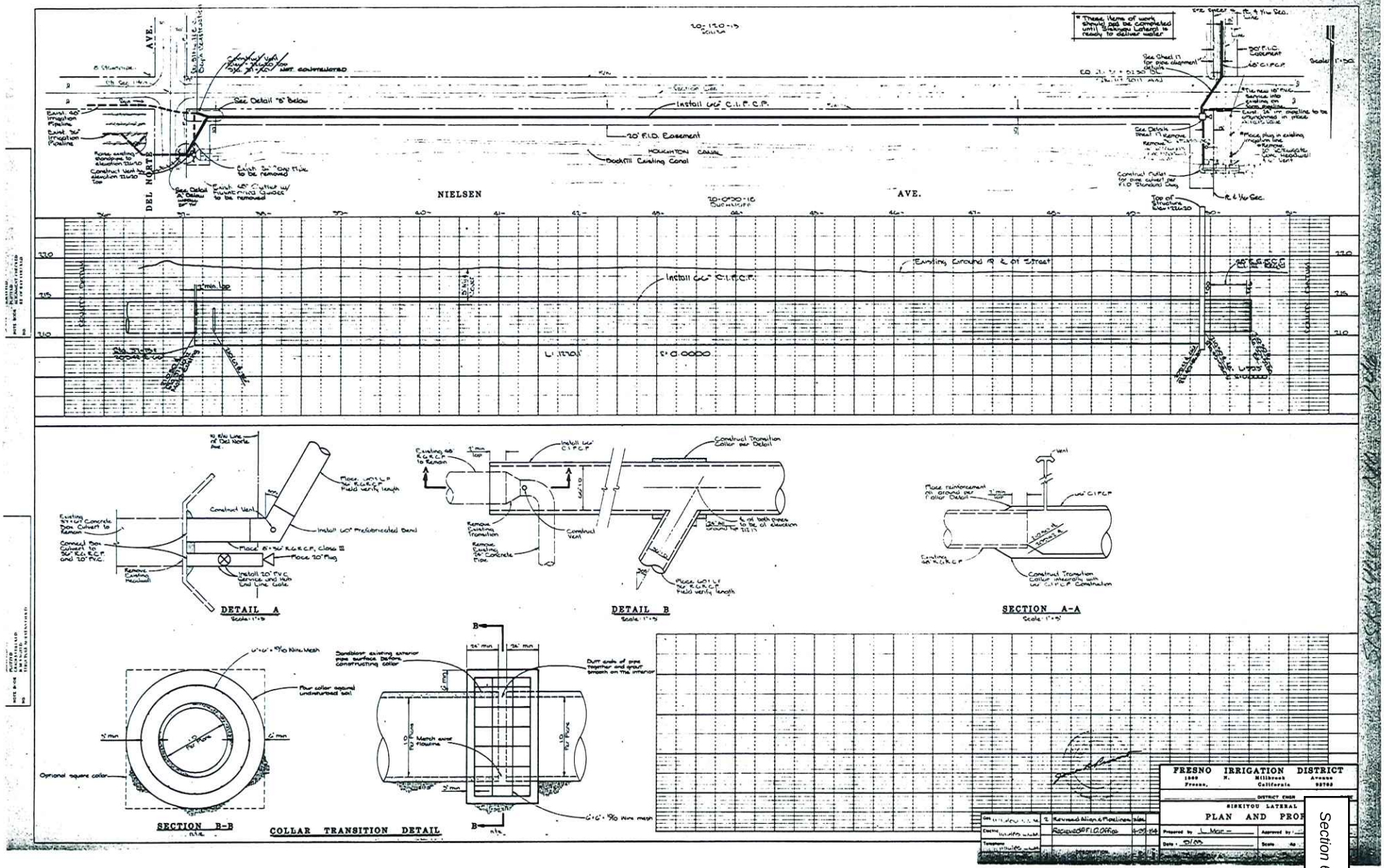
DISTRICT ENGR. DATE

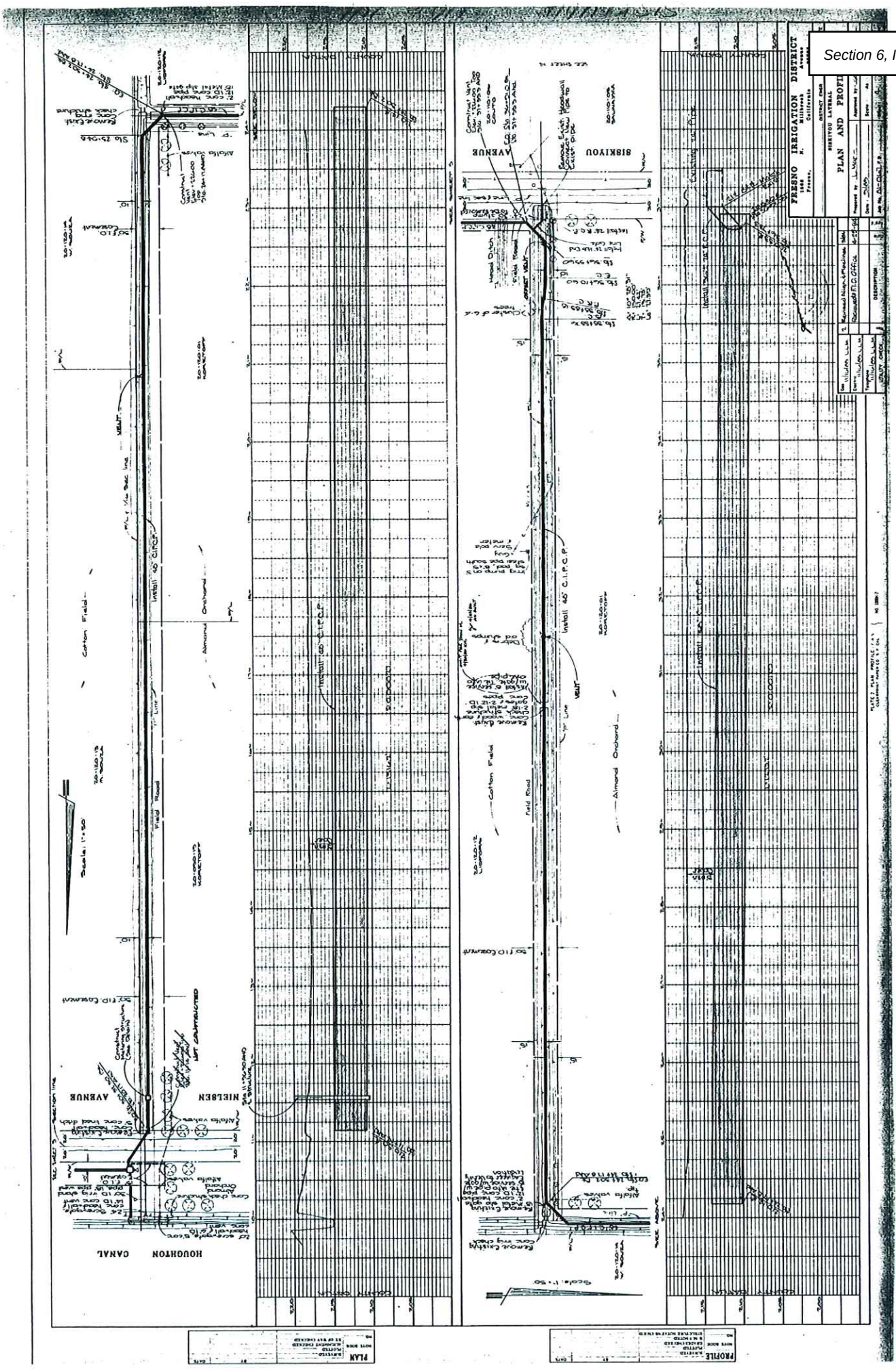
SISKIYOU LATERAL
COVER SHEET

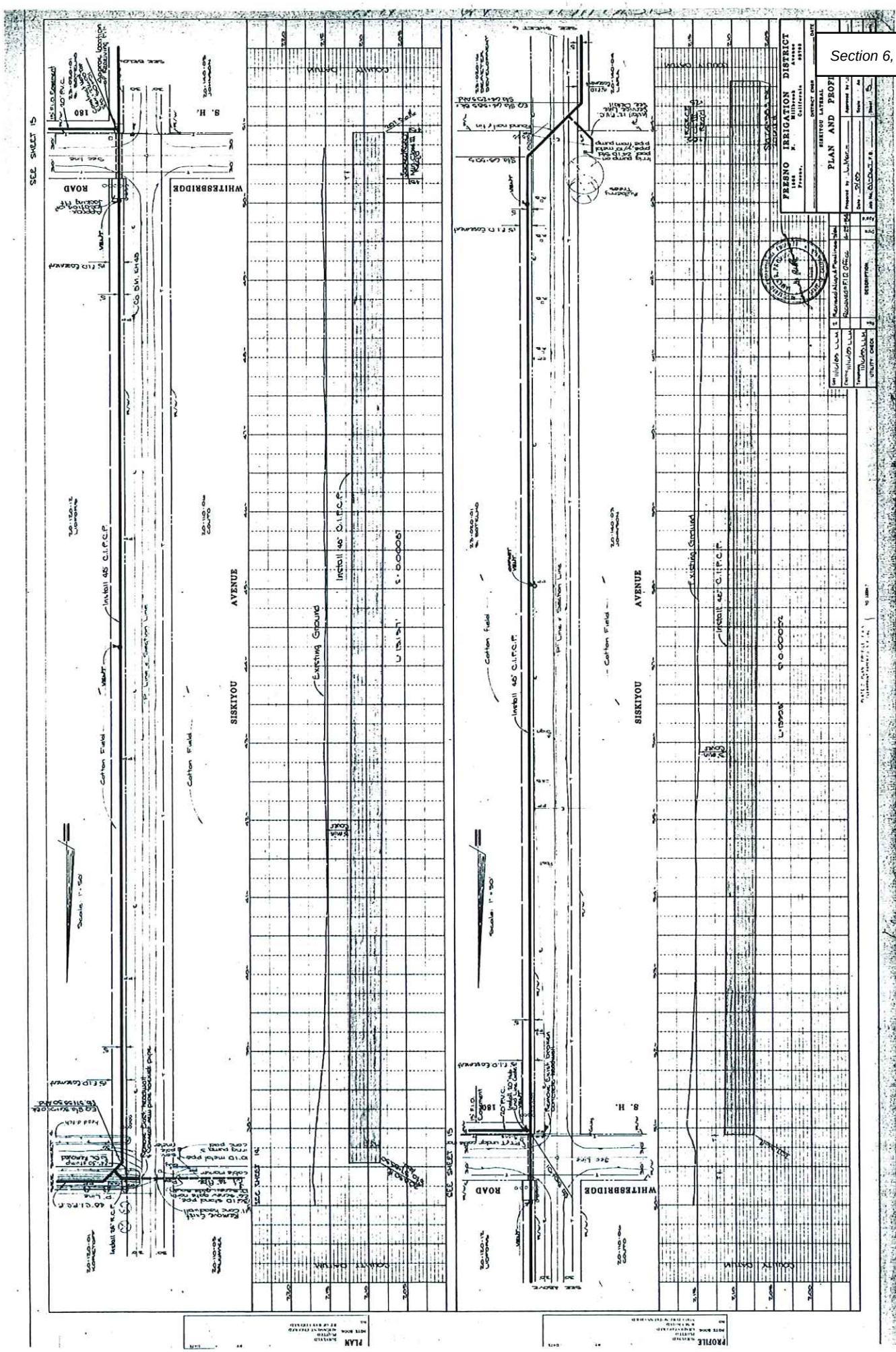
No.	Description	By	Date
1	Revised Align & Pipelines	JMH	4-25-84
	Recieved @ F.I.D Office		4-25-84

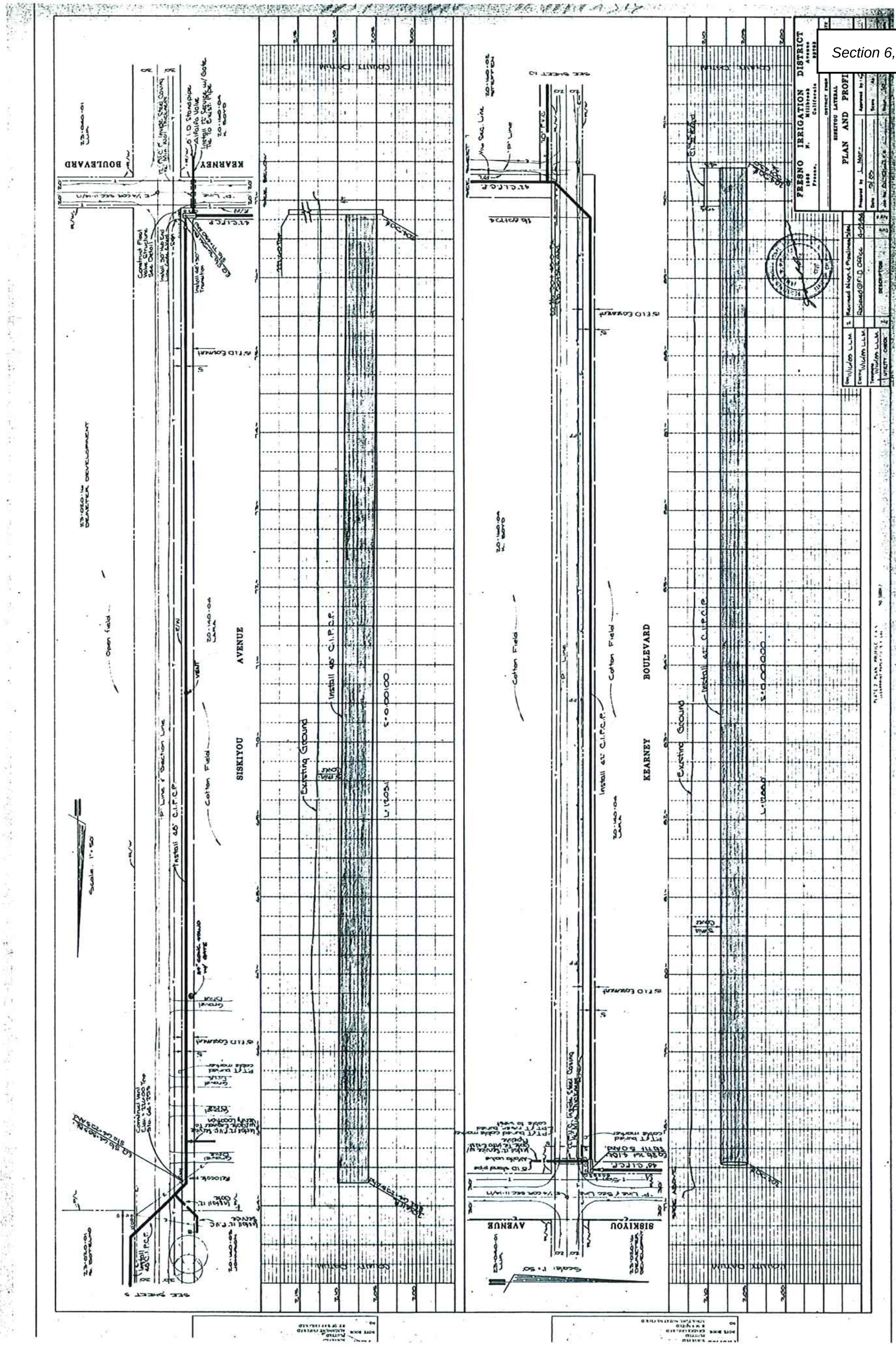
Prepared by: JMH Approved by:
Date: 2-84 Scale: As Shown
Job No. 2-84-1 Sheet 1 of 17

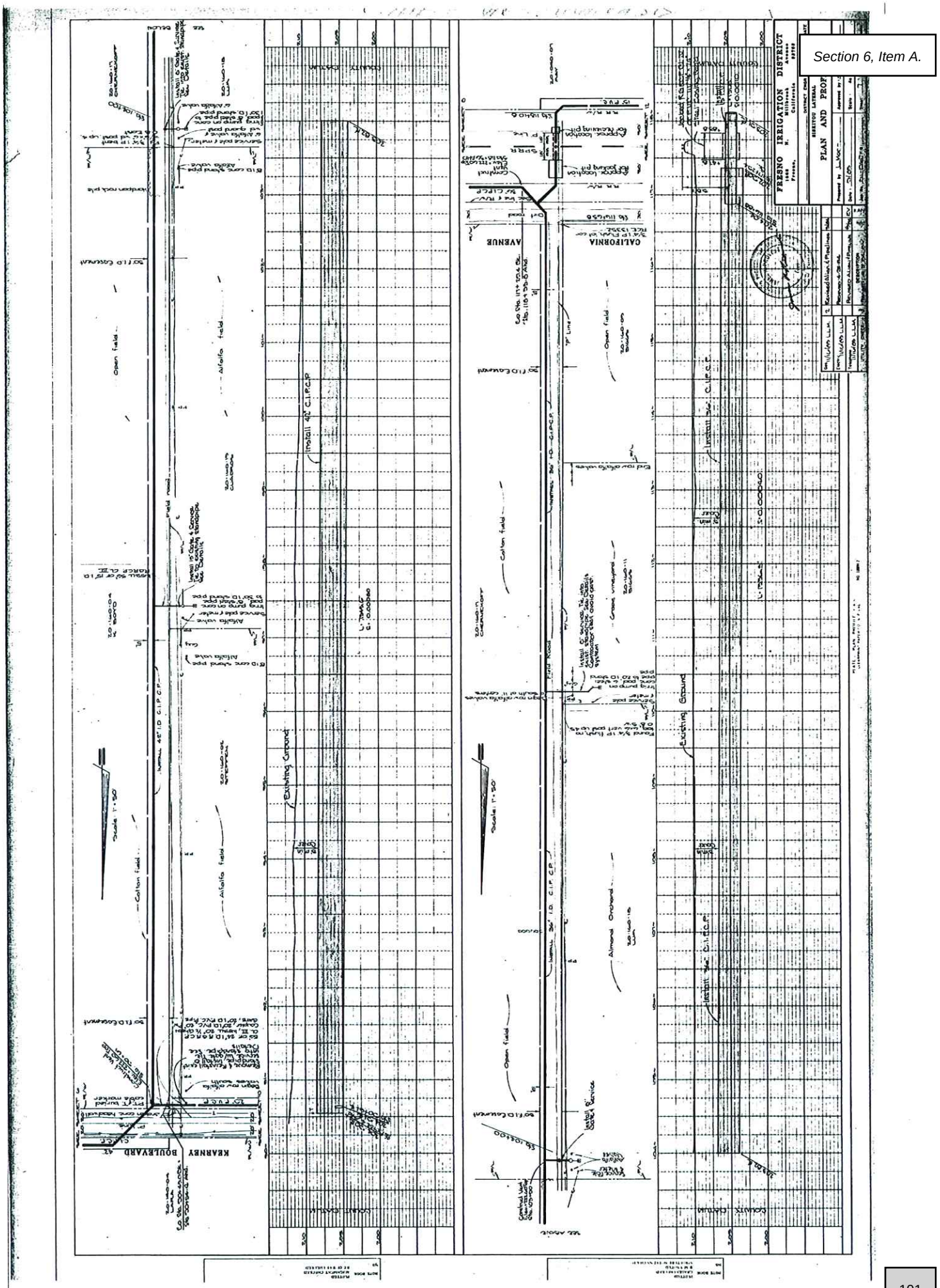

FRESNO IRRIGATION DISTRICT
LAYOUT SHEET
SHEET NO. 3
SHEET NO. 4
SHEET NO. 5
SHEET NO. 6
SHEET NO. 7
SHEET NO. 8
SHEET NO. 9
SHEET NO. 10
SHEET NO. 11
SHEET NO. 12
SHEET NO. 13
SHEET NO. 14
SHEET NO. 15
NIELSEN AVE.
WHITESBRIDGE ROAD
KEARNEY BLVD.
CALIFORNIA AVE.
CHURCH AVE.
DEL NORTE AVE.
MADERA AVE.
MOOC AVE.
LASSEN AVE.

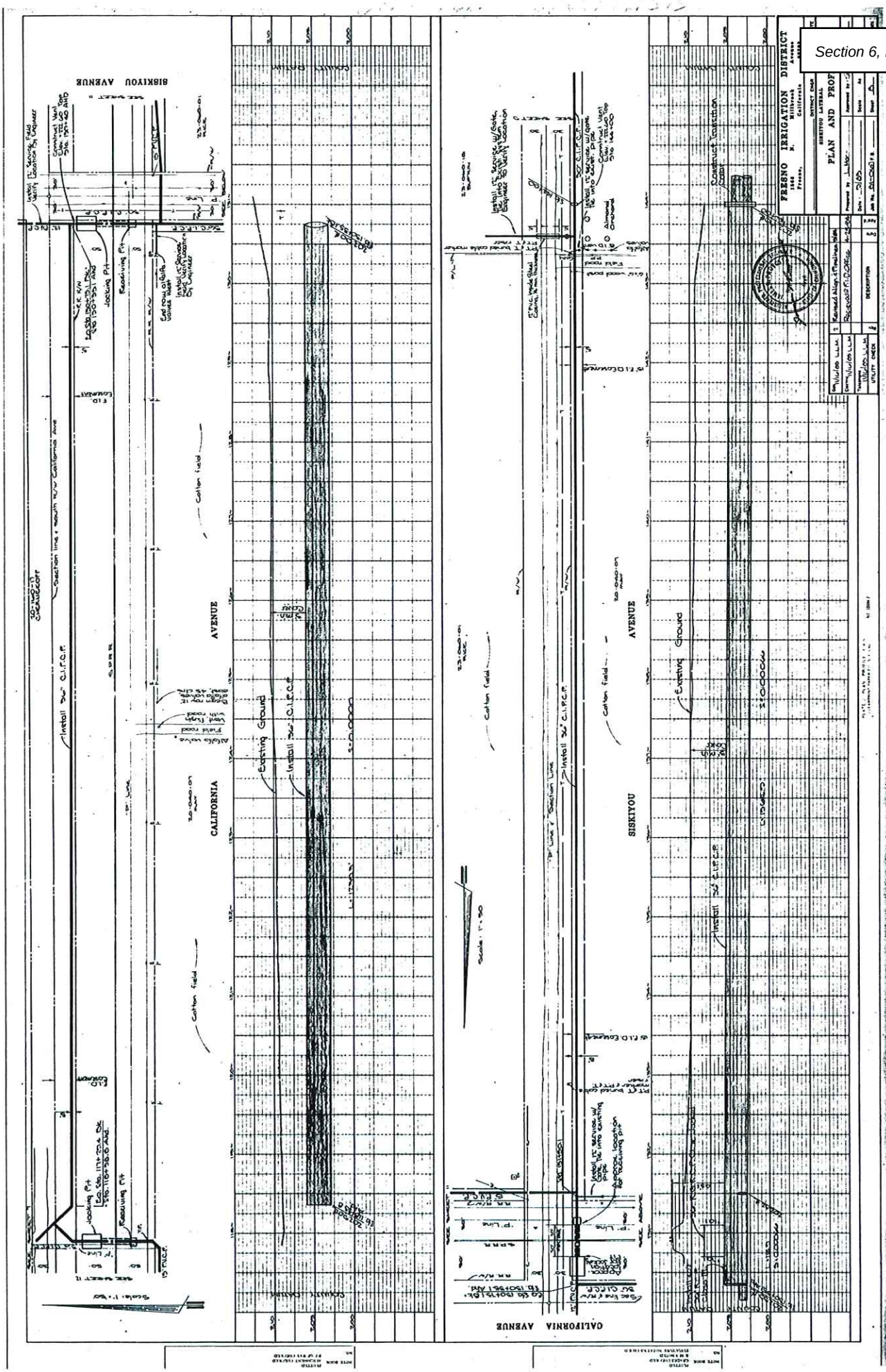

DEL NORTE AVE.
NIELSEN AVE.
Install 66" C.I.P.C.P.
20' F.I.D. Easement
HOUGHTON CANAL
Backfill Existing Canal
Existing Ground @ & of Street
Install 66" C.I.P.C.P.
DETAIL A
DETAIL B
SECTION A-A
SECTION B-B
COLLAR TRANSITION DETAIL
FRESNO IRRIGATION DISTRICT
PLAN AND PROF

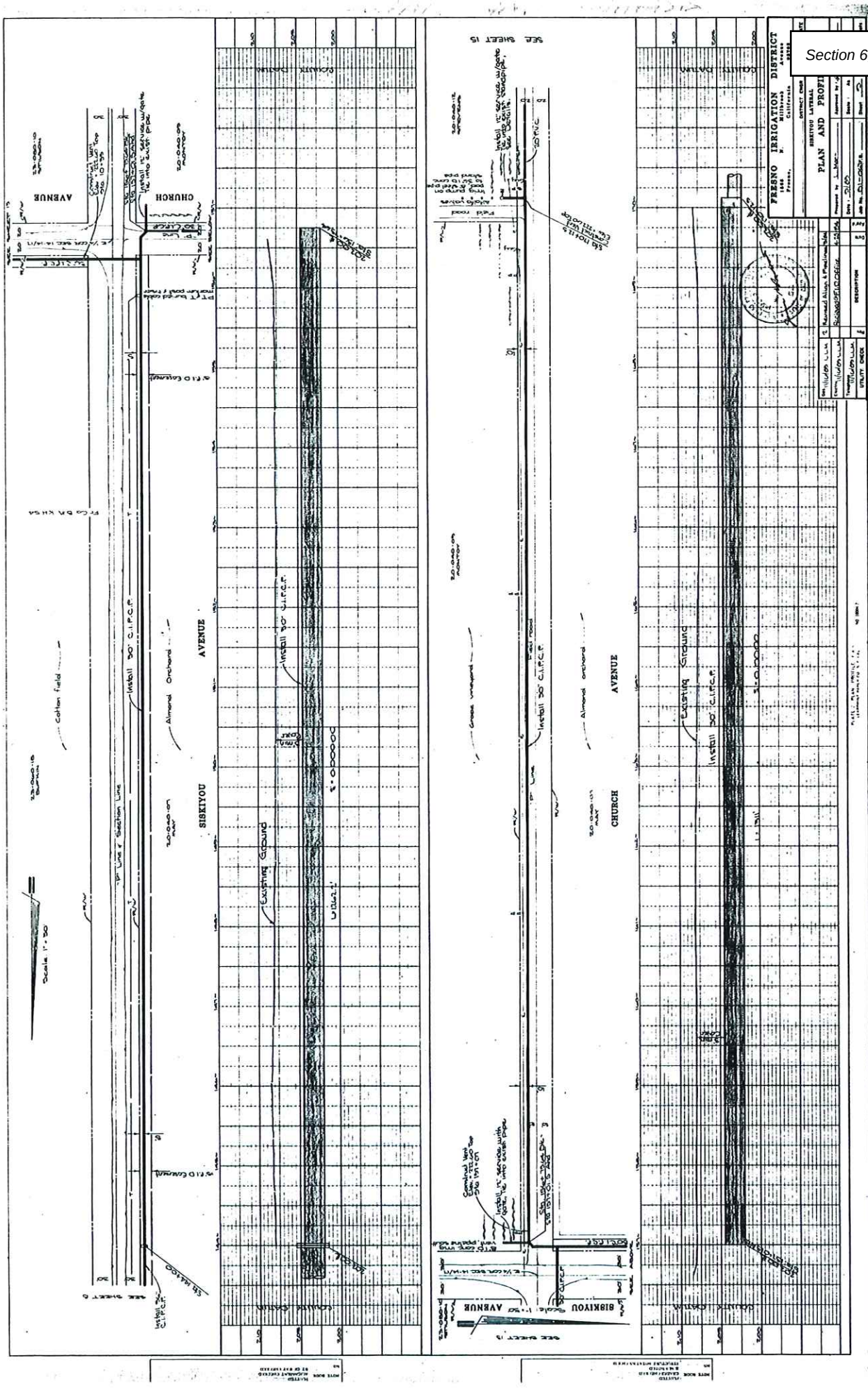

FRESNO IRRIGATION DISTRICT
PLAN AND PROFI
HOUGHTON CANAL
NIELSEN AVENUE
SISKIYOU AVENUE
Cotton Field
Almond Orchard
Field Road
Install 48" C.I.P.C.P.
Scale: 1"=50'
PLAN
PROFILE

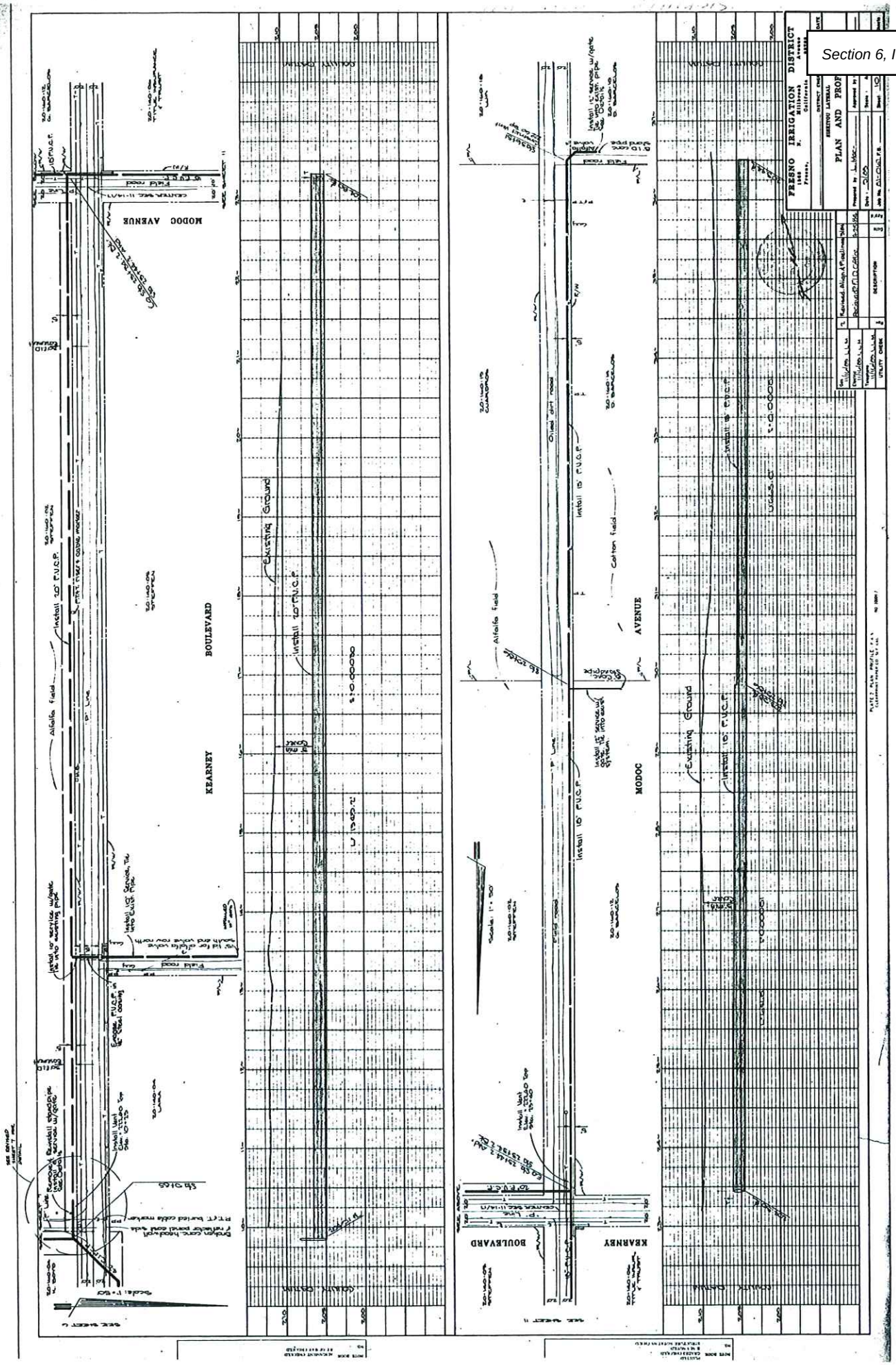

FRESNO IRRIGATION DISTRICT
PLAN AND PROFI
SISKIYOU AVENUE
WHITESBRIDGE ROAD
Existing Ground
Install 48" C.I.P.C.P.
Cotton Field
Scale: 1"=50'
PLAN
PROFILE

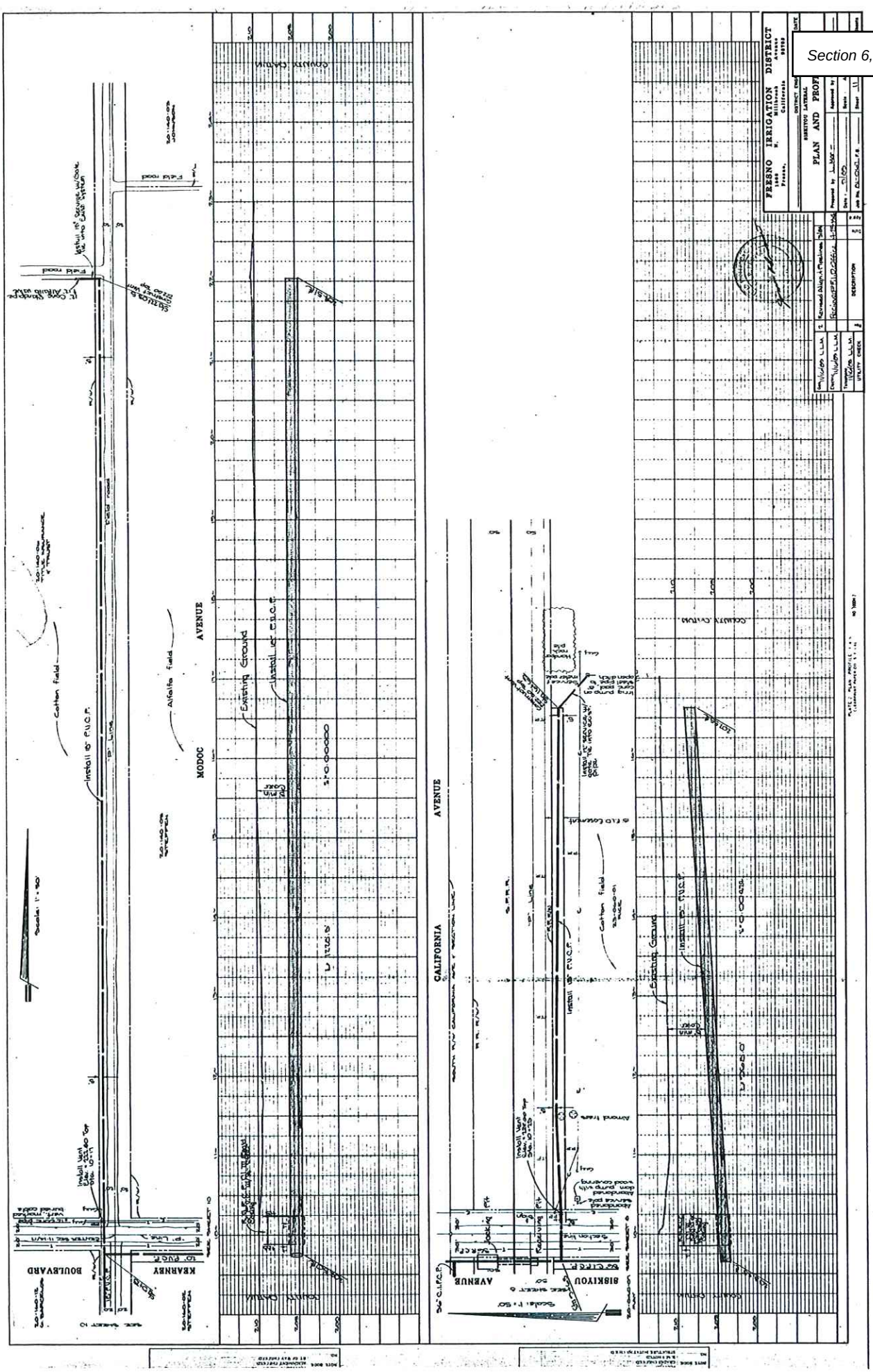

FRESNO IRRIGATION DISTRICT
PLAN AND PROFI
SISKIYOU AVENUE
KEARNEY BOULEVARD
Cotton Field
Open field
Existing Ground
Scale: 1"=50'

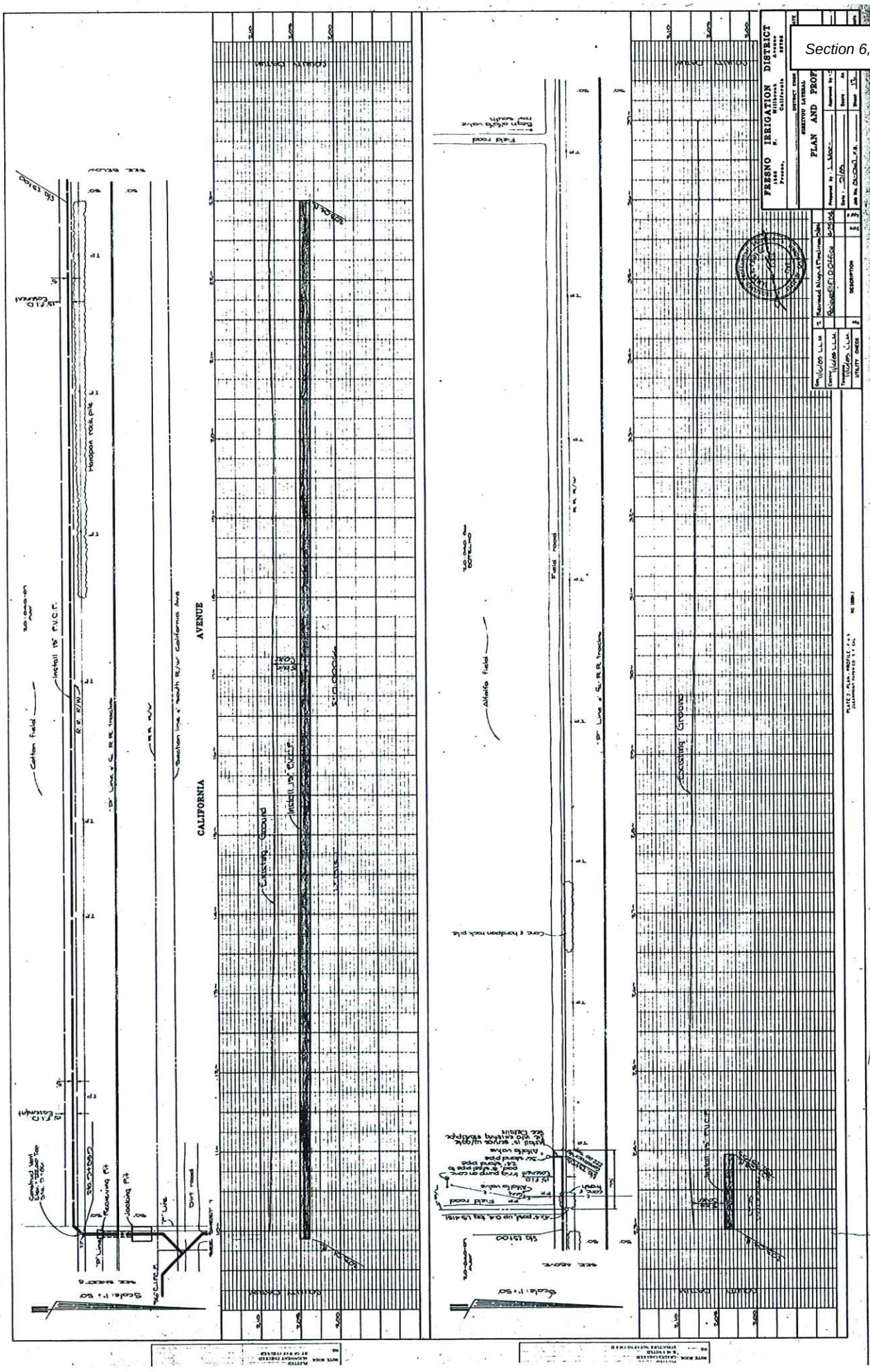

FRESNO IRRIGATION DISTRICT
PLAN AND PROF
KEARNEY BOULEVARD
CALIFORNIA AVENUE
Existing Ground
Install 42" I.D. C.I.P.C.P.
Install 36" I.D. C.I.P.C.P.
Open field
Alfalfa field
Cotton field
Almond Orchard
Scale: 1" = 50'

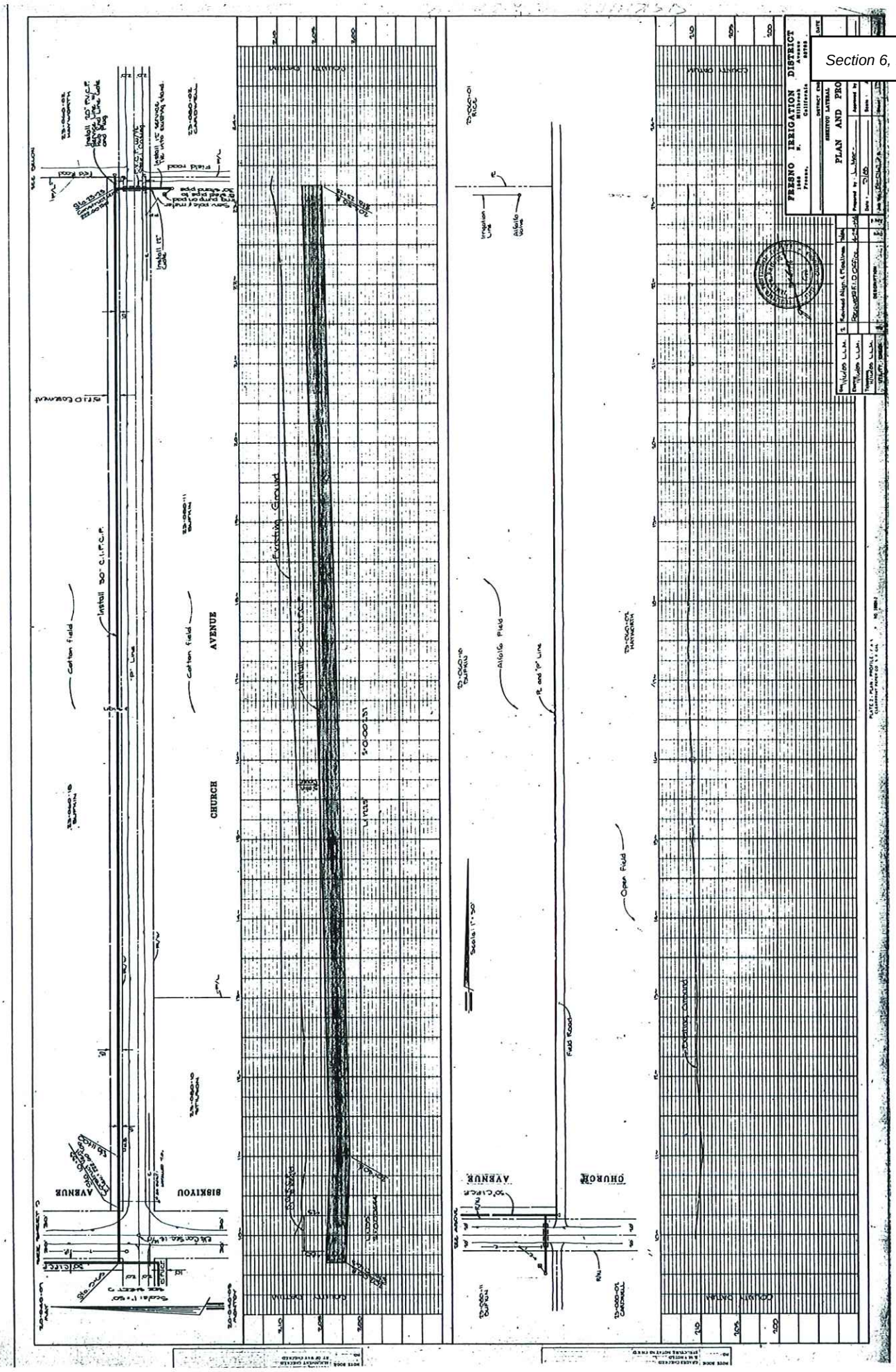

FRESNO IRRIGATION DISTRICT
PLAN AND PROF
SISKIYOU AVENUE
CALIFORNIA AVENUE
Existing Ground
Cotton field
Section line & south R/W California Ave
Install 36" C.I.P.C.P.
Jacking Pit
Receiving Pit
Scale: 1"=50

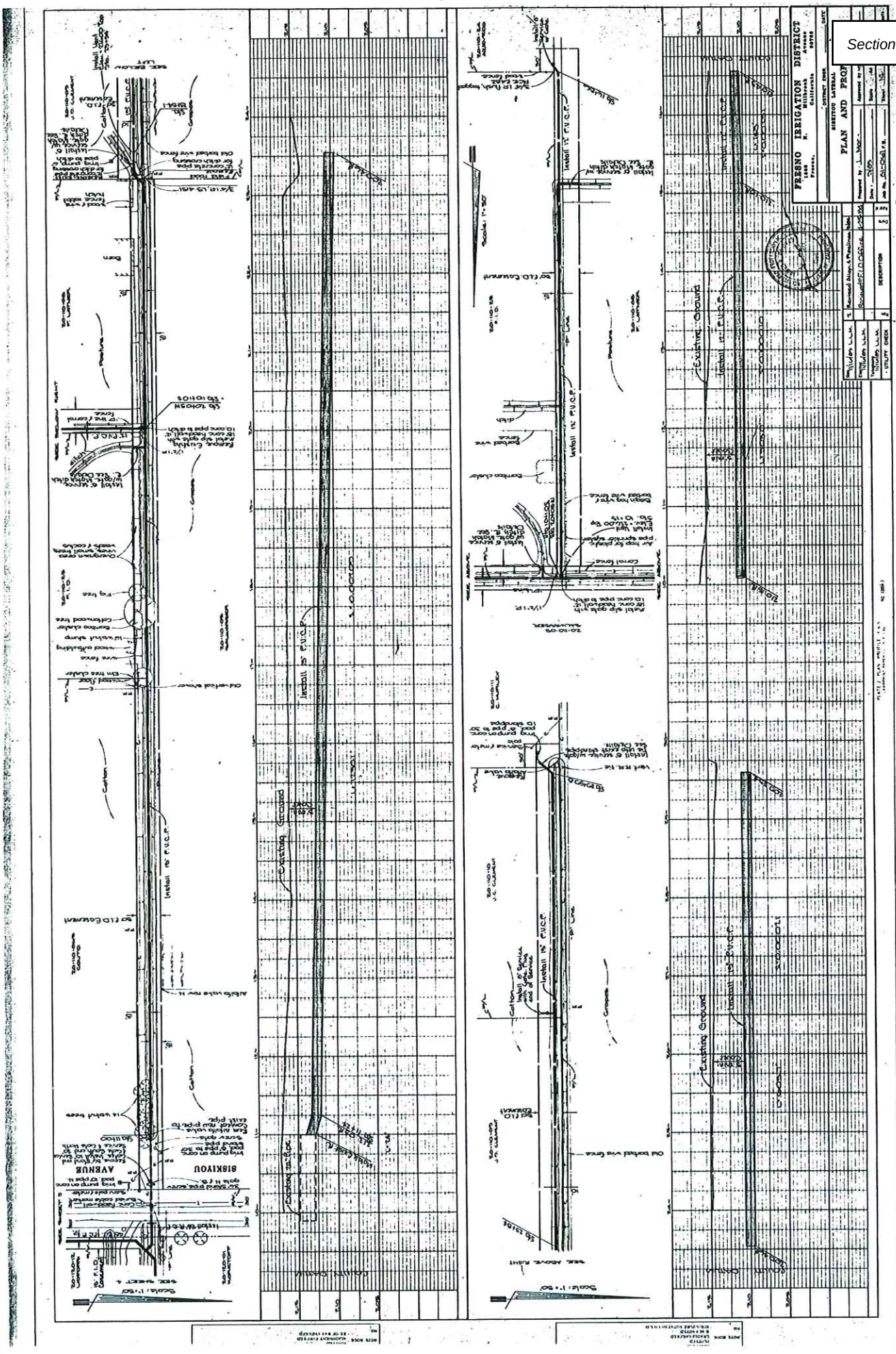

FRESNO IRRIGATION DISTRICT
SISKIYOU LATERAL
PLAN AND PROFI
SISKIYOU AVENUE
CHURCH AVENUE
Scale 1" = 50'
Cotton field
Almond Orchard
Existing Ground
Install 30" C.I.P.C.P.
Grape vineyard
Field road
Scale 1" = 50'
SEE SHEET 15
SEE SHEET 6
COUNTY DATUM

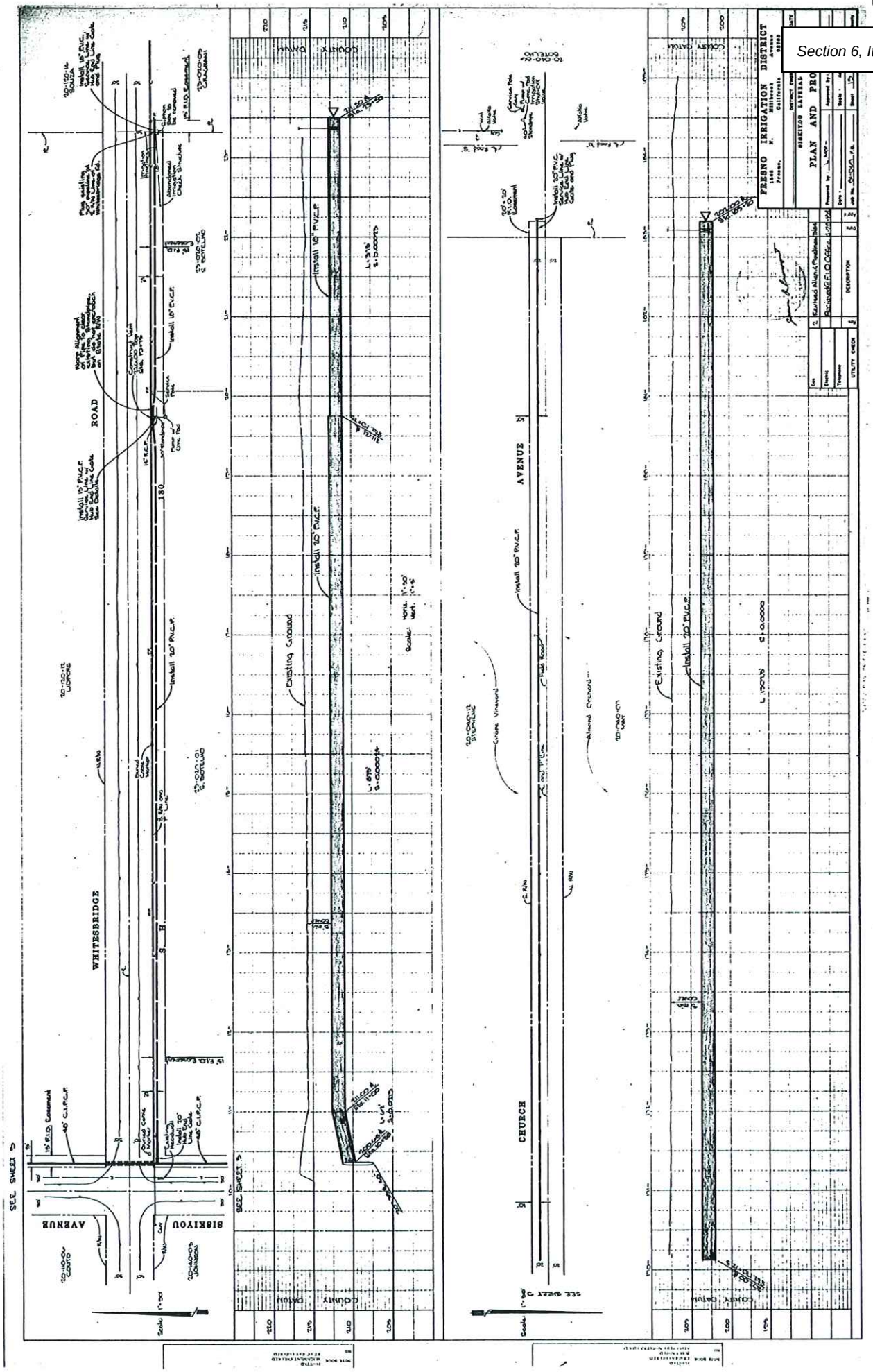

FRESNO IRRIGATION DISTRICT
PLAN AND PROF
MODOC AVENUE
KEARNEY BOULEVARD
MODOC AVENUE
KEARNEY BOULEVARD
Existing Ground
Alfalfa field
Cotton field
Install 20" P.V.C.P.
Install 15" P.V.C.P.
Install 10" P.V.C.P.
Oiled dirt road
Field road
Scale: 1" = 50'

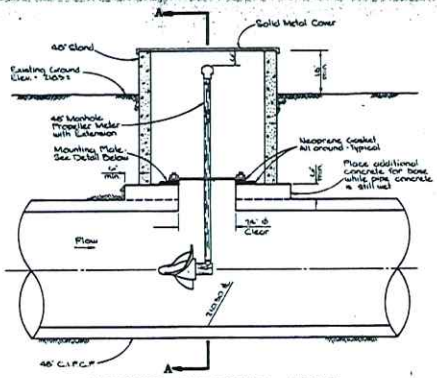

FRESNO IRRIGATION DISTRICT
PLAN AND PROF
MODOC AVENUE
CALIFORNIA AVENUE
SISKIYOU AVENUE
KEARNEY BOULEVARD
Existing Ground
Cotton field
Alfalfa field
Install 18" P.V.C.P.
Scale: 1" = 50'


FRESNO IRRIGATION DISTRICT
PLAN AND PROF
CALIFORNIA AVENUE
Existing Ground
Field road
Alfalfa field
Cotton field
Hardpan rock pile
Dirt road
Scale: 1" = 50'


FRESNO IRRIGATION DISTRICT
PLAN AND PRO
CHURCH AVENUE
SISKIYOU AVENUE
Cotton field
Alfalfa Field
Open Field
Field Road
Existing Ground
Irrigation Line
Alfalfa Valve
Scale 1" = 50'

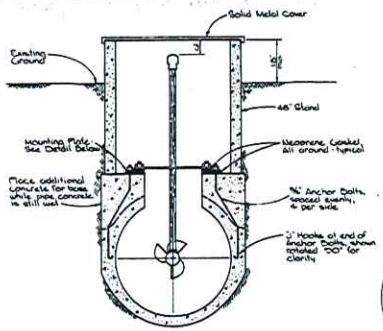

FRESNO IRRIGATION DISTRICT
PLAN AND PROF
SISKIYOU AVENUE
Existing Ground
Install 15" P.V.C.P.
Install 12" P.V.C.P.
Cotton
Grapes
Pasture
Scale: 1"=50'


FRESNO IRRIGATION DISTRICT
PLAN AND PRO
WHITESBRIDGE
ROAD
AVENUE
SISKIYOU
CHURCH
AVENUE
Existing Ground
Install 20" P.V.C.P.
Install 18" P.V.C.P.
COUNTY DATUM
SEE SHEET 5



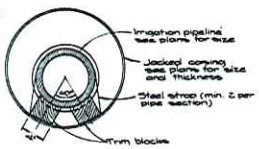
METERING STRUCTURE DETAIL

n.t.s.

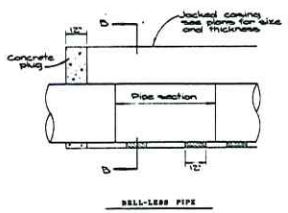


SECTION A-A

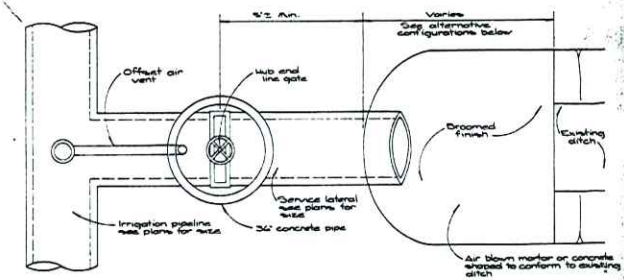
n.t.s.



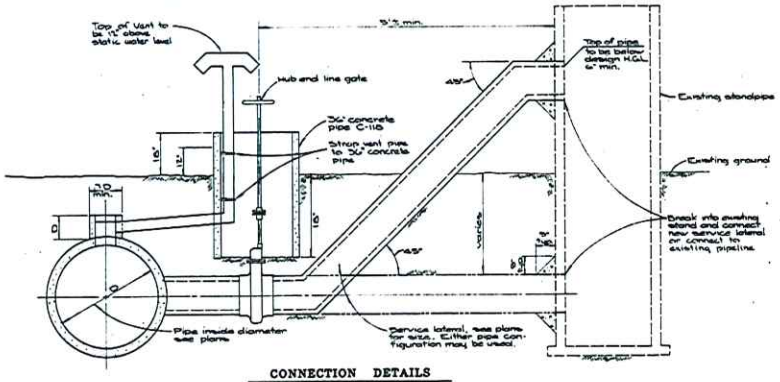
SECTION B-B



BELL-LESS PIPE



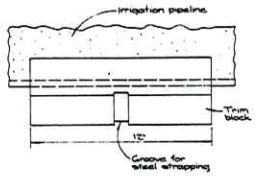
OUTLET STRUCTURE

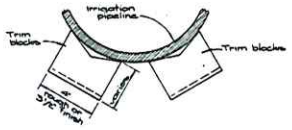


CONNECTION DETAILS

TO EXISTING STANDPIPE

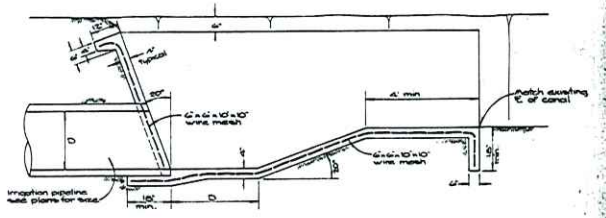
n.t.s.



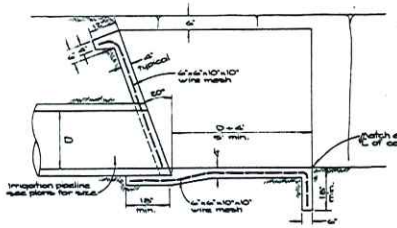


REDWOOD BLOCK DETAIL

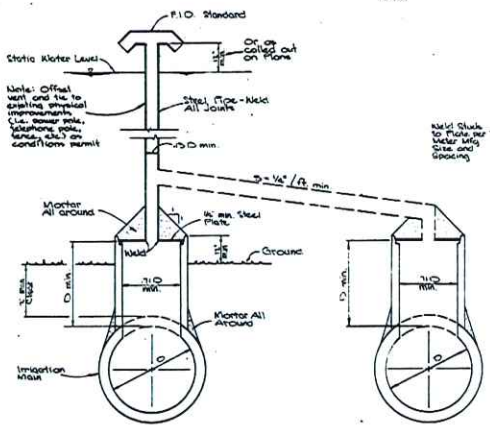
n.t.s.



PIPELINE BELOW FLOWLINE OF CANAL



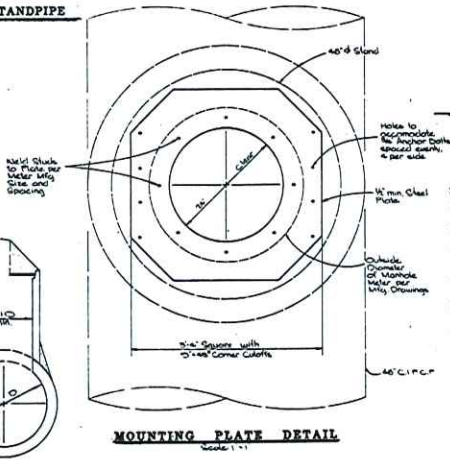
PIPELINE FLUSH WITH CANAL



VENT DETAIL

OFFSET AIR VENT

Scale: 1" = 1'



MOUNTING PLATE DETAIL

Scale: 1"=1'

INSTALLATION OF IRRIGATION PIPE

IN JACKED STEEL CASING

NOTES:

1. CONCRETE SHALL BE CLASS 'B'
2. RDWD. BLOCKS SHALL BE CONST. HEART GRADE
3. RDWD. BLOCKS SHALL BE WED'D. TO FIT CONTOUR OF PIPE.
4. WHEN JACKING CASING, GRADE SHALL BE SET SO ℄ OF CASING SHALL COINCIDE WITH ℄ IRRIGATION PIPE.
5. RDWD. BLOCKS SHALL BE STRAPPED TO THE PIPE WITH STEEL STRAPPING OR APPROVED WIRE BANDS.
6. REINFORCED CONCRETE PIPE MAY BE JACKED WITHOUT STEEL CASING AS PERMITTED BY THE ENCROACHMENT PERMITS.

CONNECTION DETAILS

TO EXISTING DITCH

FRESNO IRRIGATION DISTRICT

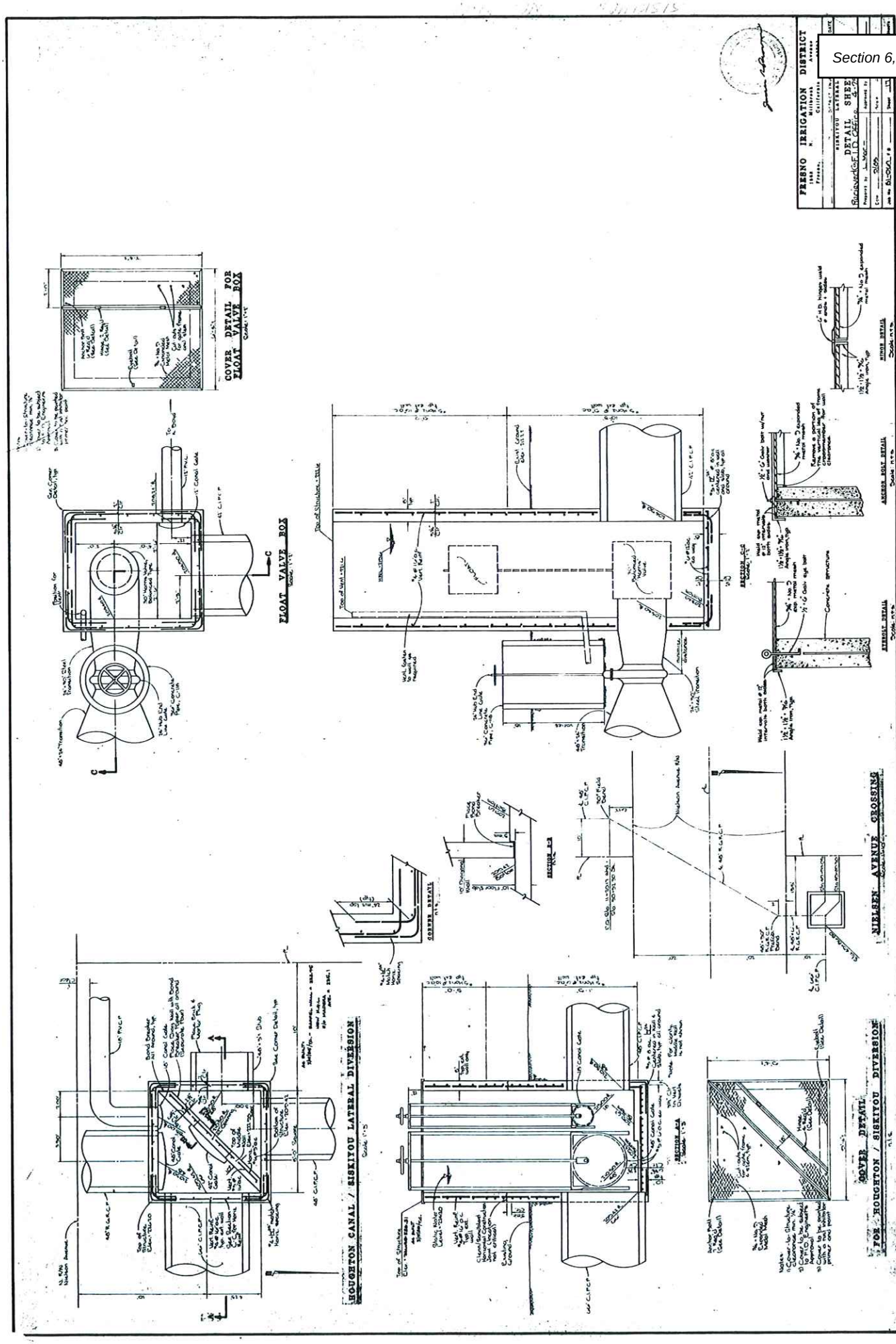
1469 N. Millbrook Avenue, Fresno, California 93728

DISTRICT ENGINEER

SIERITOS LATERAL

DETAIL SHEET

2	Revised Align. & Pipelines	SLM	
	Reviewed @ F.I.D. Office 5-15-96		
		Prepared by SLM	Approved by
		Date: 2/96	Scale
		Job No. 95-0040	Sheet No.


FRESNO IRRIGATION DISTRICT
DETAIL SHEET
COVER DETAIL FOR FLOAT VALVE BOX
FLOAT VALVE BOX
NIELSEN AVENUE CROSSING
HOUGHTON CANAL / SISKIYOU LATERAL DIVERSION
COVER DETAIL FOR HOUGHTON / SISKIYOU DIVERSION

NORTH CENTRAL FIRE PROTECTION DIST
Board of Directors: Ken Abrahamian • Michael Foglio
Michael Golden • Rusty Nonini • Amanda Souza
Fire Chief: Timothy V. Henry, CFO, EFO

Fire Headquarters
15850 W. Kearney Boulevard
Kerman, California 93630-9335
(559) 878-4560 • FAX (559) 846-3788
www.northcentralfire.org

March 28, 2023

Jesus OROZCO, Building & Planning Dept.
City of Kerman
Planning & Development Department
850 S. Madera Ave
Kerman, CA. 93630-1799

Transmitted by Email to:**jorozco@cityofkerman.org**

RE:
Reference # **TSM 2023-01**
Applicant Name **City of Kerman**
Project Address **870 S Modoc Ave**
Project City & Zip **KERMAN, 93630**
Project APN: **020-160-36S**

North Central Fire Protection District (NCFPD) has received notice of the project and will continue to review the project for its potential impacts on the NCFPD.

Application Types

Site Plan Review (SPR)
Director Review Application (DRA)
Conditional Use Permit (CUP)
Tentative Parcel Map (TPM, TPMW)
Initial Study Application (ISA)
Variance Application (VA)
General Plan Application (GPA)
Tentative Tract Map (TTM)
Pre-Application for Certificate of Compliance (PCOC)

All application types stated above **SHALL** comply with California Code of Regulations Title 24 – Fire Code and California Code of Regulations Title 19 – Public Safety. Prior to receiving your NCFPD conditions of approval for your project, you must submit construction plans to the City of Kerman Planning & Development for review. It is the **Applicants Responsibility** to deliver a minimum of **one** set of digital plans to the NCFPD.

Before plans are submitted to the North Central Fire Protection District please visit our website at www.NorthCentralFire.org and fill out the Fire District Permit Application (**DFP-001f**) to submit with your plans.

Please Note – requirements for your project may include but are not limited to:

☒ **Water Flow Requirements**	☒ **Fire Hydrants**
☐ **Water Storage Requirements**	☒ **Fire Sprinklers Systems**
☐ **Fire Pumps**	☐ **Fire Alarm Systems**
☒ **Road Access (includes Compaction Report)**	☒ **Premises Identification**
☐ **Hood Suppression System**	☒ **NCFPD Ordinance 2022-01**

Please contact the NCFPD at **Fire.Prevention@NorthCentralFire.org** to schedule an over the counter meeting to receive your specific requirements for your project. Failure to schedule an appointment with the NCFPD will affect your ability to obtain final approval for your project.

Sincerely,

TIMOTHY V. HENRY, CFO, EFO
Fire Chief

By

GEORGE D MAVRIKIS, FIRE MARSHAL
Fire Prevention Division

Jenna Chilingerian

From: Jesus Orozco <jorozco@cityofkerman.org>
Sent: Tuesday, April 18, 2023 11:54 AM
To: Jenna Chilingerian
Cc: Bonique Emerson
Subject: [EXTERNAL] FW: City of Kerman Project Distribution Whispering Falls ANX 2023-01 & TSM 2023-01

Hi Jenna,

Just talked to Solid Waste (Mid Valley).

They will require three bins for the SFR. They are requesting from the applicant, clarification on 1) the storage of those bins 2) confirm if they will be proposed to be serviced from the alley, if so, alley access will need to meet Fire's turn radius requirements.

The Multi Fam component will need to include a trash enclosure that accommodates bins as indicated in the link below.

SFR- service trucks do a side load pick up.
Multi-Fam/Commercial- service trucks do a front load pick up.

Jesus R. Orozco | **Community Development Director**
City of Kerman | Community Development Department
p. (559) 846.9386 | f. (559) 846.6199
850 S. Madera Ave. Kerman, CA 93630
jorozco@cityofkerman.org
cityofkerman.net

From: Jay Fowler [mailto:jayfowler@midvalleydisposal.com]
Sent: Tuesday, April 18, 2023 11:45 AM
To: Jesus Orozco <jorozco@cityofkerman.org>
Subject: RE: City of Kerman Project Distribution Whispering Falls ANX 2023-01 & TSM 2023-01

Here are the bins sizes

https://www.midvalleydisposal.com/bin-services/#:~:text=Our%20containers%20range%20in%20size,6%2Dyard%20front%20load%20containers.

From: Jesus Orozco <jorozco@cityofkerman.org>
Sent: Thursday, March 30, 2023 10:16 AM
To: Jay Fowler <jayfowler@midvalleydisposal.com>
Subject: RE: City of Kerman Project Distribution Whispering Falls ANX 2023-01 & TSM 2023-01

Hello Jay,

I am following up on this project. If you are not the correct contact, please point me in the right direction.

The project is proposed as a gated community that entails alley-loaded access and there is some concern regarding service vehicle accessibility in the alley. Are there any specifications the Mid Valley has for these types of projects?

Please advise.

Respectfully,

Jesus R. Orozco | **Community Development Director**
City of Kerman | Community Development Department
p. (559) 846.9386 | f. (559) 846.6199
850 S. Madera Ave. Kerman, CA 93630
jorozco@cityofkerman.org
cityofkerman.net

From: Jesus Orozco
Sent: Monday, March 13, 2023 12:11 PM
Subject: City of Kerman Project Distribution Whispering Falls ANX 2023-01 & TSM 2023-01

Dear Stakeholder,

Please find attached a summary of a Development Application for a project referred to as Whispering Falls and associated exhibits proposed within City of Kerman Sphere of Influence boundaries.

Please provide comments or questions on or before **April 13, 2023.**

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

Respectfully,

Jesus R. Orozco | **Community Development Director**
City of Kerman | Community Development Department
p. (559) 846.9386 | f. (559) 846.6199
850 S. Madera Ave. Kerman, CA 93630
jorozco@cityofkerman.org
cityofkerman.net

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

March 14, 2023

Jesus Orozco
City of Kerman
850 S Madera Ave
Kerman, CA 93630

Ref: Gas and Electric Transmission and Distribution

Dear Jesus Orozco,

Thank you for submitting the ANX 2023-01 and TSM 2023-01 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [24/2 + 24 + 36/2 = 54] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line ‘kicker blocks’, storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E’s ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4’) in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING."**

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

May 5, 2023

Jesus Orozco
City of Kerman
850 S Madera Ave
Kerman, CA 93630

Re: ANX 2023-01 & TSM 2023-01
Whispering Falls

Dear Jesus Orozco,

Thank you for providing PG&E the opportunity to review the proposed plans for Whispering Falls dated 3/13/2023. Our review indicates the proposed improvements do not appear to directly interfere with existing PG&E facilities or impact our easement rights.

Please note this is our preliminary review and PG&E reserves the right for additional future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to the design, we ask that you resubmit the plans to the email address listed below.

If the project requires PG&E gas or electrical service in the future, please continue to work with PG&E's Service Planning department: https://www.pge.com/cco/.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

San Joaquin Valley AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

April 18, 2023

Jesus Orozco
City of Kerman
Planning Division
850 S. Madera Avenue
Kerman, CA 93630

Project: Annexation 2023-01, Whispering Falls Development

District CEQA Reference No: 20230278

Dear Mr. Orozco:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the project documentation from the City of Kerman (City) for the Whispering Falls Development identified as Phase 1. Per the documentation, the project proponent is proposing a three-phase development on approximately 80 acres of land. Phase 1 is to allow for the construction of approximately 118 single family residential units and 56 multi-family residential units (Project). Phases 2 and 3 have not been determined at this time. The Project will also include an annexation and pre-zone of the80 acres of land.. The Project is located on 20 acres of the 80 acres land at 870 S. Modoc Avenue in Kerman, CA.

The District offers the following comments regarding the Project:

1) Project Related Emissions

The District's initial review of the Project (i.e., Phase 1) concludes that emissions resulting from construction and/or operation of the Project are not expected to exceed any of the following significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: https://www.valleyair.org/transportation/GAMAQI.pdf.

While Phase 1 may individually be under the District's Small Project Analysis Levels (SPAL), all three development phases when assessed in its entirety may exceed the SPAL. Therefore, if applicable, the District recommends that the City assess the entire three-phased development under the California Environmental Quality Act (CEQA).

Samir Sheikh
Executive Director/Air Pollution Control Officer

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4800 Enterprise Way
Modesto, CA 95356-8718
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34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (661) 392-5500 FAX: (661) 392-5585

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For the Project, 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, including the latest tier equipment.

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://www.valleyair.org/transportation/GAMAQI.pdf.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels of significance 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.

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.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:
http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls

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. This step will ensure all components are addressed when performing the HRA.

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the project-related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk, or 1.0 for either the Acute or Chronic Hazard Indices.

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 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 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: www.valleyair.org/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 review 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 old farm tractors.

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 east 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 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: http://www.valleyair.org/grants/cgym.htm and http://valleyair.org/grants/cgym-commercial.htm.

7) 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: www.valleyair.org/rules/1ruleslist.htm. 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.

7a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

7b) District Rule 9510 - Indirect Source Review (ISR)

The Project is subject to District Rule 9510 because it will receives a project-level discretionary approval from a public agency and will equal or exceed 50 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 inform the project proponent to 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: http://www.valleyair.org/ISR/ISRHome.htm.

The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm.

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

7c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: http://www.valleyair.org/busind/comply/asbestosbultn.htm.

7d) 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: http://www.valleyair.org/rules/currntrules/r4601.pdf

7e) 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.*

Should the project 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://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx

Information about District Regulation VIII can be found online at:
http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

7f) 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: http://valleyair.org/rule4901/

7g) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

8) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Matt Crow by e-mail at Matt.Crow@valleyair.org or by phone at (559) 230-5931.

Sincerely,

Brian Clements
Director of Permit Services

For: Mark Montelongo
Program Manager

LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
ADA COMPLIANCE • LEED ACCREDITED • STORM WATER QUALITY
4694 W JACQUELYN AVENUE
FRESNO, CA 93722
PH (559) 276-2790 FX (559) 276-0850

SCOTT A. MOMMI
PRESIDENT

DANIEL J. ZOLDAK, PE,PLS, CASp, LEED AP,
QSD, QSP
VICE PRESIDENT

June 23, 2022

Jesus R. Orozco
Community Development Director
City of Kerman

RE: Revised Development Plans [870 S. Modoc Ave.]

Dear Jesus R. Orozco,

With regards to the Review Comments for the Development Plans for 870 S. Modoc Ave. dated May 10, 2023, responses to each comment have been prepared. See these responses italicized in red below.

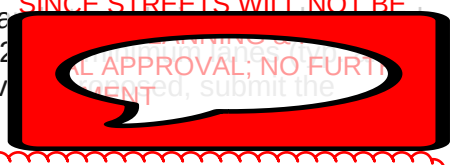
1) Public Works Requirements

Revisions required. Revise site plan (C3.1), tentative map (C4.0), preliminary grading plan (C5.0), and preliminary utility plan (C6.0) in accordance with **Exhibit A** dated May 10, 2023. Transfer all redline notes and comments to the corrected exhibit(s) and submit them to the Community Development Department. Revisions are summarized as follows.

a) Confirm if turn radius (see call outs) will accommodate turnaround for fi… and solid waste disposal vehicles. Refer to North Central Fresno Coun… District Section 403.002 Fire Department Access Policy for private stre… requirements (**Exhibit B**). Revise to meet the requirements or if an alte… submit the alternative and justification for review.

Response: Revised the inside turning radius to 34' at the two areas indicated on the redlines. Also provided hammerhead turnarounds at the west and east end of the alleys in accordance with the Fire Department Access Policy. See Truck Turnaround Detail added to Sheet C3.1.

b) Proposed 20-foot private streets may be too narrow to accomm… addition to fire/emergency access vehicles and water, sewer, a… with minimum required separations. The recommendation is 12… streets). Revise to meet the recommendation or if an alternativ… alternative and justification for review.



Response: Fire Department Access Policy requires private streets to be 20' minimum unless it abuts a structure with roof eaves greater than 30 feet in height, in which case a 26' minimum drive is required along one long side of the building. The southernmost street south of the apartment buildings has been increased from 24' to 26' wide so that all 4 apartment buildings meet this requirement. All other private streets will remain as shown since they meet the minimum requirements in the Fire Department Access Policy.

Sewer lines must have 10' horizontal clearance from storm and water mains. We esti in the worst case, we would need 19' of horizontal distance for all three service lines. The 20' roads will be sufficient.

c) Widths of West Cali ndard P-1 for typical collector street cross section IRE THEY MEET MIN. lternative cross section is proposed, submit th

NO FURTHER COMMENT

Response: Revised West California Avenue to match City Standard P-1 street cross section for typical collector street. See detail added to Sheet C2.0. The previously shown 100' ROW has been reduced to 84' with 8' Landscape easement on both sides of the street. See Sheet C4.0 for added dimensions for the ROW consistent with P-1.

d) There is a master planned sewer trunk that runs north-south in Modoc Avenue adjacent to the property. The master planned sewe on the width of the west side of Modoc Ave (i.e., if the west side is 30 feet as well, th ed for a 40 foot total easement for the sew and revise or update the proposed vaca

20' IS NOT SUFFICIENT FOR A LARGE DIAMETER TRUNK MAIN. IF CITY IS GOING TO AGREE TO THIS PROPERTY TO THE WEST

Response: Confirmed with the Title Report that the width of Modoc Avenue is 40'. The label on Sheet C4.0 has been updated accordingly. We request that the City place the sewer in the west side of Modoc Ave and accept a 20-foot easement.

e) Show the proposed public utility easements in the private st ater and sewer system/service.

NO FURTHER COMMENT

Response: Sewer will be private service. See easement for proposed water service added to Sheet C4.0.

f) The property is at the upstream end of the master-plan drainage area "K." The master planned basin is to be west of Lassen Avenue and will not be constructed in the near future. A temporary basin is required (or other storage method proposal) to store runoff from 100-year, 10-day storm event. Revise the exhibits to show the temporary basin (or other storage method proposal). If proposing another storage method (e.g., the stor feature one through four), provide size/capacity and confirm with City Engineer that the storage method is capable of storing runoff from a 100-year, 10-day s event.

NO FURTHER COMMENT

Response: The owner of the subject property also owns the 20-acre parcel directly to the north. A temporary basin of approximately 2-acres will be constructed at the southwest corner of the northern property to collect runoff from 100-year, 10-day storm event. See Sheet C3.0 for location of the temporary basin.

g) Per the City's Sewer Master Plan, the subject property is master planned to be served by the future sewer trunk (30") in Modoc Avenue. The Sewer Master Plan calls for a temporary lift station and temporary main (15") to route wastewater east to California Avenue in the interim. There may be the possibility for only the temporary sewer main (15") to be installed with this project, but there may not be enough fall to get from the southwest corner of the existing manhole in California Avenue. Discuss options with City Enginee lity plan accordingly.

NO FURTHER COMMENT

Response: A temporary lift station and 15" main will be installed. See Sheet C6.0.

h) Submit preliminary title report for confirmation of all rights-of-way and easements affe property. Submit documents for review including Document 2006-0144355 F.C.R. vacating the north 30 feet of West California Avenue right-of-way, docum vacating the south portion of West California Avenue, and Document g the north 25 feet of railroad right-of-way.

HAVE NOT RECEIVED;

Response: A title report has been ordered and will be provided to the City as soon as it becomes available.

2) North Central Fresno County Fire Protection District

a) Revise site plan (C3.1) and tentative map (C4.0) per North Central Fresno County Fire Protection District Section 403.002 Fire Department Access Policy for private streets and driveways **(Exhibit B)**.If an alternative is proposed, submit the alternative and justification for review.

Response: Fire Department Access Policy requires private streets to be 20' minimum unless it abuts a structure with roof eaves greater than 30 feet in height, in which case a 26' minimum drive is required along one long side of the building. The southernmost street south of the apartment buildings has been increased from 24' to 26' wide so that all 4 apartment buildings meet this requirement. All other private streets will remain as shown since they meet the minimum requirements in the Fire Department Access Policy.

3) Planning Division

a) Revise site plan (C3.1) and development plan (C2.2, C2.3) in accordance with **Exhibit C** dated May 10, 2023.

Response: Plan sheets have been updated in accordance with Exhibit C as required. Please see calculation added to Sheet C3.1 showing the ratio of open space to residents. The lot diagrams on Sheet C2.2 have been updated to show usable open space, and that it exceeds 250 SF for each lot. The tables on Sheet C2.2 have been updated to show lot coverage and provided rear yard setback as appropriate.

b) Remove all water features that are not proposed to be utilized for storm water collection as depicted in water feature plan (L3.0). Removal of these features has been previously discussed with Applicant. Revise plans accordingly.

Response: All water features will be utilized for storm water collection. We are currently finalizing the updated Project Description which will provide a detailed description of the proposed water features. The updated project description will be provided shortly after this package submittal.

NORTH CENTRAL FIRE PROTECTION DIST
Board of Directors: Ken Abrahamian • Cheryl Belluomini
Michael Foglio • Rusty Nonini • Amanda Souza
Fire Chief: Timothy V. Henry , CFO, EFO

Fire Headquarters
15850 W. Kearney Boulevard
Kerman, California 93630-9335
(559) 275-5531 • FAX (559) 846-3788
www.northcentralfire.org

September 14, 2023

Jesus Orozco, Director
Community Development Department
850 S. Madera Ave
Kerman, CA 93630

Transmitted by Email to: mcampos@cityofkerman.org

RE:CUP 2023-02, ANX 2023-01, REZ 2023-01, GPA 2023-01, TSM 2023-01
Applicant Name **Scott A. Mommer**
Project Address 870 S. Modoc Ave
Project City & Zip **Kerman, 93630**
Project APN: **200-160-36S**

North Central Fire Protection District (NCFPD) has received the revisions sent by Jenna Chilingerian via email on September 6, 2023 for the above referenced project along with the associated documentation for the Whispering Falls project. The Fire District does not have land use authority and cannot approve or deny these types of applications. The following comments are offered at this time as advisements to the project for future permitting requirements. The comments / conditions are in accordance with the 2022 edition of the California Building and Fire Codes. This review is ONLY for CUP, ANX, REZ, GPA and TSM applications. Review was NOT completed for structural elements of the site.

Before plans are submitted to the North Central Fire Protection District please visit our website at www.NorthCentralFire.org and fill out the Fire District Permit Application (**DFP-001f**) to submit with your plans.

Please be advised, the documents received are the same as the documents reviewed July 31 (i.e. the dates and plans are the same). As such, no additional comments have been generated.

The conditions of approval are as follows:

1. 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. Civil plan submittal shall clearly show how no-parking areas will be marked and enforced.

2. Please note that sheet C2.0 does not match sheet C3.1 in regards to the alley width to the south of the Apartment buildings. Sheet C3.1 shows the required minimum width of 26-feet.

3. Hydrant spacing, location and main sizes have not been evaluated at this time. The utility plans Sheet C6.0 do not show main sizes.

4. Per California Fire Code, Section D103.1 – where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26-feet exclusive of shoulders. There are currently several sections of roadway on sheet C3.1 and Sheet C6.0 that DO NOT meet this requirement.

5. It is indicated that the apartment buildings will be 10-feet apart in some instances. Please be advised that this may cause some significant difficulties in meeting code requirements for exterior construction and opening protection.

There were two follow-up items requested from fire:

1) Request Fire red-line requested points of access and required road / alley widths.
2) Request Fire to provide draft COS's related: fire main flow analysis, fire sprinkler system type, HOA fire fee agreement, FH and FH distance req. etc.

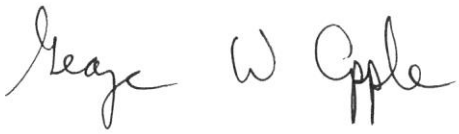
In response to item 1. Please see comments 1, 2 and 4 above. Additionally, per the California Fire Code, fire access shall be provided to within 150-feet of all portions of the buildings. Please show compliance with this requirement on the plan set. This will identify where points of access will be required along with the roadway (alley widths).

In response to item 2. This is out of the scope of the fire department. It is the project engineers and architects to determine the fire flow, fire sprinkler type and fire hydrant distribution. There are too many variables in how sprinklers are used as trade-offs in the type of construction, egress requirements, type of construction, etc.

Please work with Chief Henry and Chief Kutka in regards to any fire fee agreements.

Please contact the NCFPD at **Fire.Prevention@NorthCentralFire.org** to schedule a site inspection for verification of the above conditions.

Sincerely,



George Apple, CFM
Contract Fire Plans Examiner

"Mission: To integrate with our community by exceeding traditional service expectations"

LEGAL DESCRIPTION

PARCEL 1:

LOT 17 IN SECTION 11, TOWNSHIP 14 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN OF FRESNO IRRIGATED FARMS CO TRACT, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 8, PAGE 1 OF RECORDS OF SURVEYS, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND MINERALS OF ANY KIND OR CHARACTER, IN, ON, OR THEREUNDER, AS RESERVED IN DEEDS OF RECORD.

PARCEL 2:

LOT 18 IN SECTION 11, TOWNSHIP 14 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, OF FRESNO IRRIGATED FARMS CO. TRACT, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 8, PAGE 1 OF RECORD OF SURVEYS, FRESNO COUNTY RECORDS.

EXCEPTING THEREFROM THE SOUTH 75 FEET OF THE WEST 100 FEET THEREOF.

EXCEPTING THEREFROM ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND MINERALS OF ANY KIND OR CHARACTER, IN, ON, OR THEREUNDER, AS RESERVED IN DEEDS OF RECORD.

PARCEL 3:
THE SOUTH 76 FEET OF THE WEST 100 FEET OF LOT 16 IN SECTION 11, TOWNSHIP 14 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, OF FRESNO IRRIGATED FARMS CO. TRACT, ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 8, PAGE 1 OF RECORD OF SURVEYS.

EXCEPTING THEREFROM ALL OIL, GAS, OTHER HYDROCARBON SUBSTANCES AND MINERALS OF ANY KIND OR CHARACTER, IN, ON, OR THEREUNDER, AS RESERVED IN DEEDS OF RECORD.

[redacted] THE PTR BE INCLUDED IN THIS [redacted] AS SHOWN ON THIS SOUTH [redacted]

ZONING/ LAND USE

APN: 020-160-36S
EXISTING ZONING: AE20
PROPOSED ZONING: PUD
PROPOSED LAND USE: RESIDENTIAL / MULTI-FAMILY
EXISTING LAND USE: VACANT
SURROUNDING ZONING: AE20
SURROUNDING LAND USE: VACANT/ RESIDENTIAL

OWNER/ SUBDIVIDER

BOYD COMPANIES
275 S. MADERA AVE., #100
KERMAN, CA 93630

NOTES

1. THE SOURCE OF WATER SUPPLY SHALL BE THE CITY OF KERMAN.

IN THE CITY OF KERMAN, COUNTY OF FRESNO, STATE OF CALIFORNIA

PLANNED UNIT DEVELOPMENT FOR WHISPERING FALLS & TENTATIVE SUBDIVISION MAP TSM 2023-01

HATCHING LEGEND

- COMMON AREA
- PROPOSED CROSS ACCESS
- ▲ RIGHT-OF-WAY DEDICATED FOR STREET PURPOSES PER THIS MAP

8' LANDSCAPE EASEMENT

W CALIFORNIA AVE
(PUBLIC)

84'

50'

8' LANDSCAPE EASEMENT

CURRENT P[redacted] THE WEST[redacted] MODO[redacted] IRRIGATION[redacted]

[redacted] OF LOTS 17/18, [redacted] PER FRESNO

EAST 20' OF S MODOC AVE R.O.W. TO BE VACATED

TRENT

PAIGE

SETH

AMANDA

BRIDGET

ROBIN

CAMILLE

MADILYN

EVIE

MICHAEL

COMMON AREA 1

COMMON AREA 2

COMMON AREA 3

COMMON AREA 4

COMMON AREA 5

COMMON AREA 6

PROPOSED 10' WATER EASEMENT

PROPOSED 10' WATER EASEMENT

PROPOSED 10' WATER EASEMENT

PROPOSED 10' WATER EASEMENT

NORTH 30' OF W CALIFORNIA AVE R.O.W. VACATED PER DOC. 2006-0144355 F.C.R.

SOUTH PORTION OF W CALIFORNIA AVE VACATED PER SEPARATE DOCUMENT

NORTH 25' OF RAILROAD R.O.W. QUITCLAIMED PER DOC. 2004-0265622

[redacted] THIS VACATED [redacted]

[redacted] REFERENCES SU[redacted] [redacted] PARCEL [redacted]

[redacted] OF RR [redacted] ARE PL[redacted]

[redacted] HOLD 21 (INST. NO. 8[redacted])

[redacted] ACTIONS TR[redacted]

RAILROAD

[redacted] ALLY ENCROACH ON PROPERTY; RE[redacted] [redacted] LINE EASEMENT DESCRIBED I[redacted]

LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
4694 WEST JACQUELYN AVENUE – FRESNO CALIFORNIA 93722
TEL: 559 276-2790 FAX: 559 276-0850 WWW.LARSANDERSEN.COM

SAMC SCOTT A. MOMMER CONSULTING

DAHLIN

TRUE NORTH

SCALE: 1"=50'-0"
0 25 50 100 150 200

WHISPERING FALLS
PLANNED DEVELOPMENT AND TENTATIVE TRACT MAP IN CITY OF KERMAN/FRESNO COUNTY

TENTATIVE MAP
C4.0

SM325.21

06.23.2023

Attachment 'F'

Resolution No. 2024-13

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL TO INITIATE ANNEXATION FOR THE WHISPERING FALLS RESIDENTIAL PROJECT CONSISTING OF 5 PARCELS IDENTIFIED AS APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, AND 020-041-47S CONTAINING APPROXIMATELY 61.89 ACRES LOCATED ON THE EAST SIDE OF SOUTH MODOC AVENUE BETWEEN WEST KEARNEY BOULEVARD AND THE WEST CALIFORNIA AVENUE ALIGNMENT/SAN JOAQUIN VALLEY RAILROAD (ANNEXATION 2023-01) AND ADOPTION OF MITIGATED NEGATIVE DECLARATION (ENV 2023-01) AND MITIGATED MONITORING AND REPORTING PROGRAM

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 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, and 020-041-47S and the adjacent right-of-way on South Modoc Avenue and the West California Avenue Alignment ("Project Area"); and

WHEREAS, the Project Area includes one (1) active Williamson Act contract (APN 020-160-19S) as the northernmost parcel (which is not currently proposed for development);

WHEREAS, the City will not succeed to the rights, duties, and powers of the County under the Williamson Act contract for APN 020-160-19S, 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 Exhibits 'A-1' attached hereto and by this reference incorporated herein; and

WHEREAS, the proposed annexation area is inside the Sphere of Influence (SOI) 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 MOU 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 allow for the implementation of the City of Kerman 2040 General Plan adopted in July 2020; and

WHEREAS, the Project Area contains approximately 5 existing parcels containing approximately 61.89 acres within the City's existing Sphere of Influence, and is located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad (see Exhibit 'A-1'); and

WHEREAS, approval of the project would require approval of an Annexation 2023-01, Rezone 2023-01, General Plan Amendment 2023-01, Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01; and

WHEREAS, the City prepared an Initial Study, Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #2024040147) for the project, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on July 15, 2024, to consider a recommendation to the City Council regarding annexation of the Project Area shown in Exhibit 'A-1'; and

WHEREAS, in conjunction with the public hearing on July 15, 2024, the Planning Commission considered a recommendation of prezoning and annexation for the Project Area, consistent with the General Plan, as amended; and

WHEREAS, in the public hearing on July 15, 2024, the Planning Commission considered recommending to the City Council that no significant environmental impacts would result from the proposed project with the incorporation of mitigation measures, adopt a Mitigation Monitoring and Reporting Program, dated June 2024 and certify that Mitigation Negative Declaration 2023-01 (SCH #2024040147) was prepared pursuant to CEQA; and

WHEREAS, after due consideration of all the items before it, the Planning Commission now desires to adopt this Resolution recommending to the City Council to initiate the annexation of the Project Area and Adoption of Mitigated Negative Declaration 2023-01 and Mitigated Monitoring and Reporting Program Prepared for the project.

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

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

2. CEQA. 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 Initial Study and Mitigated Negative Declaration 2023-01 (MND) and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #2024040147) to evaluate the environmental effects of the project, including the proposed annexation. The Environmental Assessment / Initial Study was prepared for this project in accordance with the requirements of the CEQA Guidelines and reflects the City Council's independent judgment and analysis. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment necessitated a thorough review of the proposed Project and relevant environmental issues. While the proposed Project could have a potentially significant effect on the environment, based on its independent judgment and analysis, the Planning Commission recommends the City Council find that feasible mitigation measures or

alternatives have been incorporated into the project in order to avoid the effects or mitigate the effects to a point where no significant effect on the environment will occur, and there is no substantial evidence in the record that this Project may have any direct, indirect or cumulative effects on the environment that are potentially significant and adverse. The proposed Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the Project to avoid potentially significant effects are set forth in the Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this Project may have significant direct, indirect or cumulative effects on the environment. As such, the Planning Commission recommends the City Council also find and determine that in light of the entire administrative record and the substantial evidence before it, the Project has been adequately environmentally assessed as required by CEQA per the the Initial Study/Mitigated Negative Declaration.

3. Recommendation of Adoption of MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration prepared for the Project, including the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. The City of Kerman Community Development Department located at 850 S. Madera Ave. Kerman, CA 93630, is recommended to be designated as the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based. The Planning Commission further recommends that the City Council authorize the Director, or designee, to execute and file with the Fresno County Clerk, as appropriate, a Notice of Determination for approval of the Project.

4. General Plan Consistency. The Planning Commission finds that the annexation is consistent with the goals, objectives, and policies of the Kerman General Plan, as amended by General Plan Amendment 2023-01. In this regard, the Planning Commission recommends the City Council find that public necessity, convenience, general welfare, or good zoning practices justify annexation of the Project Area. 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-5.4 New Incompatible Land Uses as described below, and implements the planned residential land uses in the Project Area.

   (a) General Plan Policy LU-3.2. Urban Form: To maintain the City's compact form, this policy requires the City to 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 are managed by two growth lines, "Area 1" and "Area 2." The Project Area is in Area 1.

   In particular, the Project Area is within "Area 1" of the City's Sphere of Influence. LU 3.2 Urban Form allows the City to consider requests to amend the current Sphere of influence and City limits into Area 1 based on the ability of the City to provide services to the area. Further, for any change in Sphere of Influence or City Limits, the City is to consider 1) 80% of The change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect

the public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed residential uses consistent with the General Plan.

(b) General Plan Policy LU-3.3. Prevent Spawl Development. The City shall direct new development to areas that are continuous to existing or approved development and prevent sprawl development. The Project Area is contiguous to existing and approved development within City limits. Therefore, the Project is consistent.

(c) General Plan Policy LU-5.4. New Incompatible Uses. This policy prohibits the City from introducing new incompatible land uses and environmental hazards into existing residential areas. The Project Area is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the Project is consistent.

5. 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.

This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan including but not limited to LU-3.2, LU-3.3, LU-5.4.

(b) The proposal must be consistent with city general and specific plans, including adopted goals and policies.

The proposed annexation area will be consistent with the City's General Plan goals and policies contingent upon approval of the entitlements, including the General Plan Amendment, Prezone/Rezone, Tentative Subdivision Map, Development Plans, Conditional Use Permit, and Variance, including but not limited to LU-2.1, LU-2.4, LU-2.5, LU-3.2, LU-3.3, LU-5.4, CIRC-1.10, and CIRC-2.1.

(c) Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan.

The City has prepared an Initial Study / Mitigated Negative Declaration (MND) for the project. The MND has concluded that no significant environmental impacts will occur as a result of the project.

(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 and approved development plan for multi-family residential.

(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 proposed annexation would meet this condition whereby the City has contemplated this annexation area as a housing program necessary to fulfill RHNA obligations 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.

4. Recommendation for Approval. Based on the information provided above, the Planning Commission recommends to the City Council of Kerman to initiate annexation for the entire Project Area 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 'A-1', in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Planning Commission recommends the City Council direct the City Manager to take all necessary steps to submit a complete application for the proposed annexation, including preparation and submittal of all LAFCO required forms, documents and studies and payment of all required fees, in accordance with any applicable agreement with the County of Fresno governing the same. The Planning Commission further recommends that the City shall, at least 30 days prior to filing any annexation proposal with the Fresno Local Agency Formation Commission, notify the County of Fresno of the City's intention to file such proposal and the date upon which City expects such proposal to be filed.

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

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the City of Kerman Planning Commission on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: K. Nehring, C. Molloy, R. Bandy, R. Felker

Noes: NONE

Absent: NONE

Recused: S. Bishop

The foregoing resolution is hereby approved.

6 August 2024

Kevin Nehring
VICE CHAIRPERSON

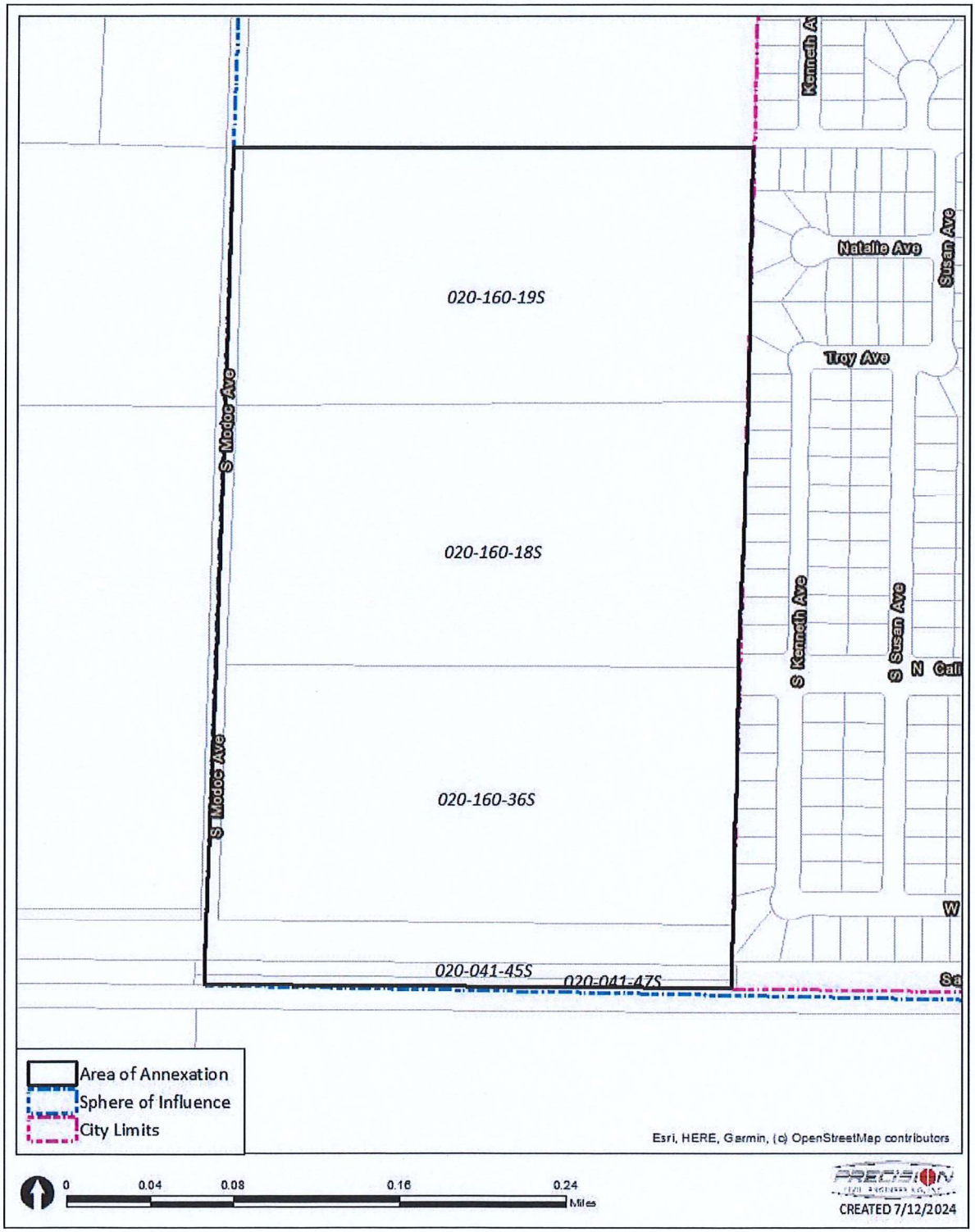
Attest:

8/7/24

Juliana Gomez
Recording Secretary

Exhibit 'A-1': Proposed Area of Annexation

EXHIBIT 'A-1'
Annexation 2023-01
PROPOSED AREA OF ANNEXATION



APNs: 020-160-19S, 020-160-18S, 020-160-36S, 020-041-45S, 020-041-47S

Resolution No. 2024-14

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF I) GENERAL PLAN AMENDMENT 2023-01 TO AMEND THE 2040 KERMAN GENERAL PLAN TO ADD THE SD-R-2.5 ZONING DISTRICT AS A COMPATIBLE ZONING DISTRICT WITHIN THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION AND SET A MINIMUM RESIDENTIAL DENSITY OF FIVE (5) DWELLING UNITS PER ACRE; AND II) REZONE 2023-01 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN TO PREZONE APPROXIMATELY 41.49 ACRES (APNS 020-160-36S, 020-160-18S, 020-041-45S, AND 020-041-47) TO THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 2,500 SQUARE FEET (SD-R-2.5) ZONING DISTRICT AND APPROXIMATELY 20 ACRES (020-160-19S) TO THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 5,000 SQUARE FEET (SD-R-5) ZONING DISTRICT

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 Whispering Falls, LLC., pertaining to 5 parcels consisting of 60 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad identified as APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, and 020-041-47S ("Project Area"); and

WHEREAS, because the Project Area is outside of City limits and currently has County agricultural zoning, a prezone/rezone is needed; and

WHEREAS, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 55 acres) and HDR – High Density Residential (approximately 5 acres);

WHEREAS, the MDR land use designation allows up to 12 units per acre with no minimum density, and the HDR land use designation allows between 20 and 24 units per acre; and

WHEREAS, the 20-acre parcel within the Project Area identified as APN 020-160-36S located on the east side of South Modoc Avenue between West California Avenue and West California Avenue Alignment/San Joaquin Valley Railroad has two underlying land use designations, MDR (15 acres) and HDR (5 acres); and

WHEREAS, Whispering Falls, LLC. proposes a variety of housing types and sizes on the 20-acre parcel, including 118 single-family units and 56 multi-family units, plus a community

center, on and off-site improvements including roadways, sidewalks, landscaping, parking, and 3.19 acres of common open space; and,

WHEREAS, because the project combines single-family and multi-family residential uses on a site that is designated MDR – Medium Density Residential and HDR – High Density Residential, the smart development (SD) combining district is the most appropriate and applicable zoning district for combining residential uses on one site; and

WHEREAS, the density range permitted in the SD-R-2.5 zone district is 8-20 units per acre, which is consistent with the density ranges of the MDR and HDR zoning districts; and

WHEREAS, approval of the project would require approval of Annexation 2023-01, General Plan Amendment 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01; and

WHEREAS, a proposal has been made requesting amendments to the Kerman General Plan text, as shown in the attached Exhibit 'B-1'; and

WHEREAS, the requested General Plan Amendment 2023-01 consists of amendments to the Kerman General Plan that would add the SD-R-2.5 zoning district as a compatible zoning district within the Medium Density Residential land use designation and set a minimum residential density of 5 dwelling units per acre; and

WHEREAS, the requested Rezone 2023-01 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 Acres (AE-20) to SD-R-2.5 zoning district (APNS 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47) and SD-R-5 zone district (APN 020-160-19S) as shown in the attached Exhibit 'B-2', consistent with the MDR land use designation, upon approval of General Plan Amendment 2023-01; and

WHEREAS, the proposed General Plan Amendment 2023-01 and Rezone 2023-01 will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the proposed General Plan Amendment and Rezone are compatible with the neighborhood and are not expected to be detrimental to the health, safety and welfare of the city; and

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

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the related General Plan Amendment and Rezone and related entitlements were distributed for public review and comment to various local agencies and groups, and 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

mitigated negative declaration, 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 General Plan Amendment 2023-01 and Rezone 2023-01.

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

3. General Plan Amendment 2023-01 Findings. 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 2023-01,including the following:

    a. The change is consistent with the General Plan goals and policies.

        The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Moreover, GPA 2023-02 is supported by policy LU-3.3 Prevent Sprawl Development and LU-3.5 Increase Density and Intensity within City Limits., which prevents urban sprawl by allowing denser developments within the City's land uses.

    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 has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval.

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

An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

4. Rezone 2023-01 Findings. The Planning Commission finds, and recommends the City Council find, as follows:

    a. The change is consistent with the General Plan.

    The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan.

    b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community.

    The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. Moreover, Rezone 2023-01 is supported by policy LU-2.1 Attractive Community, LU-2.4 Architectural Character, and LU-2.5 High-Quality Design, which cumulatively, enhance the design, character, and vibrancy of the City's health, safety, and welfare.

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

    An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

5. Recommendation for Approval. Given that all the findings can be made, the Planning Commission recommends the City Council adopt a resolution approving GPA 2023-01, to add the SD-R-2.5 zoning district as a compatible zoning district within the medium density residential land use designation and set a minimum residential density of five (5) dwelling units per acre, all as per the attached Exhibit 'B-1' made a part hereof by this reference. The Planning Commission further recommends the City Council adopt an ordinance

approving Rezone 2023-01 to amend the official zoning map of the City of Kerman to prezone approximately 41.49 acres (APNs 020-160-36s, 020-160-18s, 020-041-45s, and 020-041-47) to the Smart Development Combining District – Residential – Minimum 2,500 Square Feet (SD-R-2.5) zoning district and approximately 20 acres (APN 020-160-19s) to the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (Sd-R-5) Zoning District as set forth in Exhibit 'B-2'.

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

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the City of Kerman Planning Commission on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: K. Nehring, C. Molloy, R. Bandy, R. Felker

Noes: NONE

Absent: NONE

Recused: S. Bishop

The foregoing resolution is hereby approved.

6 August 2024

Kevin Nehring
Vice Chairperson

Attest:

8/7/24

Juliana Gomez
Recording Secretary

Exhibit 'B-1'

General Plan Amendment 2023-01

Whispering Falls

Change from: Page 3-6

Kerman General Plan

Designation	Description	Density / Intensity
Medium Density Residential **MDR** **Compatible Zoning:** R-1-7 R-1-12 R-2 SD-R-5 SD-R-4.5 SD-R-3.5 PD-R-7 PD-R-12 ~~PD~~	**Purpose and Application:** This designation allows for residential development at a density of up 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. Each quadrant of the community will contain land that is designated for this type of residential development to provide a mix of housing types. **Typical Uses:** ▪ Single family detached dwellings ▪ Small-lot multifamily dwellings, including duplexes, triplexes, fourplexes, and mobile homes ▪ Accessory dwelling units ▪ Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)	**Maximum Density:** 12 du/ac

Change to: Page 3-6

Kerman General Plan

Designation	Description	Density / Intensity
Medium Density Residential **MDR** **Compatible Zoning:** R-1-7 R-1-12 R-2 SD-R-5 SD-R-4.5 SD-R-3.5 SD-R-2.5 PD-R-7 PD-R-12	**Purpose and Application:** This designation allows for residential development at a density of up 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. Each quadrant of the community will contain land that is designated for this type of residential development to provide a mix of housing types. **Typical Uses:** ▪ Single family detached dwellings ▪ Small-lot multifamily dwellings, including duplexes, triplexes, fourplexes, and mobile homes ▪ Accessory dwelling units ▪ Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)	**Maximum Density:** 12 du/ac **Minimum Density:** 5 du/ac

Exhibit 'B-2'

Rezone 2023-01

Ordinance No. 24-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN CITY APPROVING REZONE 2023-01 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN TO PREZONE APPROXIMATELY 41.49 ACRES (APNS 020-160-36S, 020-160-18S, 020-041-45S, AND 020-041-47S) TO THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 2,500 SQUARE FEET (SD-R-2.5) ZONING DISTRICT AND APPROXIMATELY 20 ACRES (020-160-19S) TO THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 5,000 SQUARE FEET (SD-R-5) ZONING DISTRICT

WHEREAS, an application was filed by Whispering Falls, LLC., pertaining to 5 parcels consisting of 60 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad identified as APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, and 020-041-47S ("Project Area"); and

WHEREAS, because the Project Area is outside of City limits and currently has County agricultural zoning, a prezone/rezone is needed; and

WHEREAS, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 55 acres) and HDR – High Density Residential (approximately 5 acres);

WHEREAS, the 20-acre parcel within the Project Area identified as APN 020-160-36S located on the east side of South Modoc Avenue between West California Avenue and West California Avenue Alignment/San Joaquin Valley Railroad has two underlying land use designations, MDR (15 acres) and HDR (5 acres); and

WHEREAS, Whispering Falls, LLC. proposes a variety of housing types and sizes on the 20-acre parcel, including 118 single-family units and 56 multi-family units, plus a community center, on and off-site improvements including roadways, sidewalks, landscaping, parking, and 3.19 acres of common open space; and,

WHEREAS, because the project combines single-family and multi-family residential uses on a site that is designated MDR – Medium Density Residential and HDR – High Density Residential, the smart development (SD) combining district is the most appropriate and applicable zoning district for combining residential uses on one site; and

WHEREAS, the density range permitted in the SD-R-2.5 zone district is 8-20 units per acre, which is consistent with the density ranges of the MDR and HDR zoning districts; and

WHEREAS, approval of the project would require approval of Annexation 2023-01, General Plan Amendment 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01; and

WHEREAS, the requested Rezone 2023-01 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 Acres (AE-20) to SD-R-2.5 zoning district (APNS 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) and SD-R-5 zone district (020-160-19S) as shown in the attached Exhibit 'B-2', consistent with the MDR land use designation, upon approval of General Plan Amendment 2023-01; and

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

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the related entitlements for the project were distributed for public review and comment to various local agencies and groups, and 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 July 15, 2024, and adopted a resolution with a recommendation to the City Council to approve Rezone 2023-01; 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 August ___, 2024, to consider Rezone 2023-01 during which the Council solicited public testimony, considered the environmental assessment, and approved of the Rezone 2023-01 to amend the City's official Zoning Map on real property described herein below as Exclusive Agriculture to the SD-R-2.5 and SD-R-5 zone districts.

NOW, THEREFORE, the City of Kerman City Council does ordain 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. California Environmental Quality Act (CEQA). The City Council previously prepared and certified Mitigated Negative Declaration 2023-01 (MND) for the project. The MND identified rezoning of the project site. The rezoning does not change the environmental assessment of the MND. Further, the MND was adopted on _____, 2024. 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 previously adopted MND 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 MND 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 adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds the RZ 2023-02 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 2023-01 Findings. The City Council finds as follows:

    a. The change is consistent with the General Plan.

    The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan.

    b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community.

    The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. Moreover, Rezone 2023-01 is supported by policy LU-2.1 Attractive Community, LU-2.4 Architectural Character, and LU-2.5 High-Quality Design, which cumulatively, enhance the design, character, and vibrancy of the City's health, safety, and welfare.

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

    An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

4. Approval of Rezone 2023-02. Given that all the findings can be made, the City Council approves Rezone 2023-01 to amend the official zoning map of the City of Kerman to prezone approximately 41.49 acres (APNs 020-160-36s, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District – Residential – Minimum 2,500 Square Feet (SD-R-2.5) zoning district and approximately 20 acres (APN 020-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (SD-R-5) Zoning District as set forth in Exhibit 'A'.

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: The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

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 ___ day of August, 2024, and passed and adopted at a regular meeting of the City Council on the ____ day of _____, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

The foregoing ordinance is hereby approved.

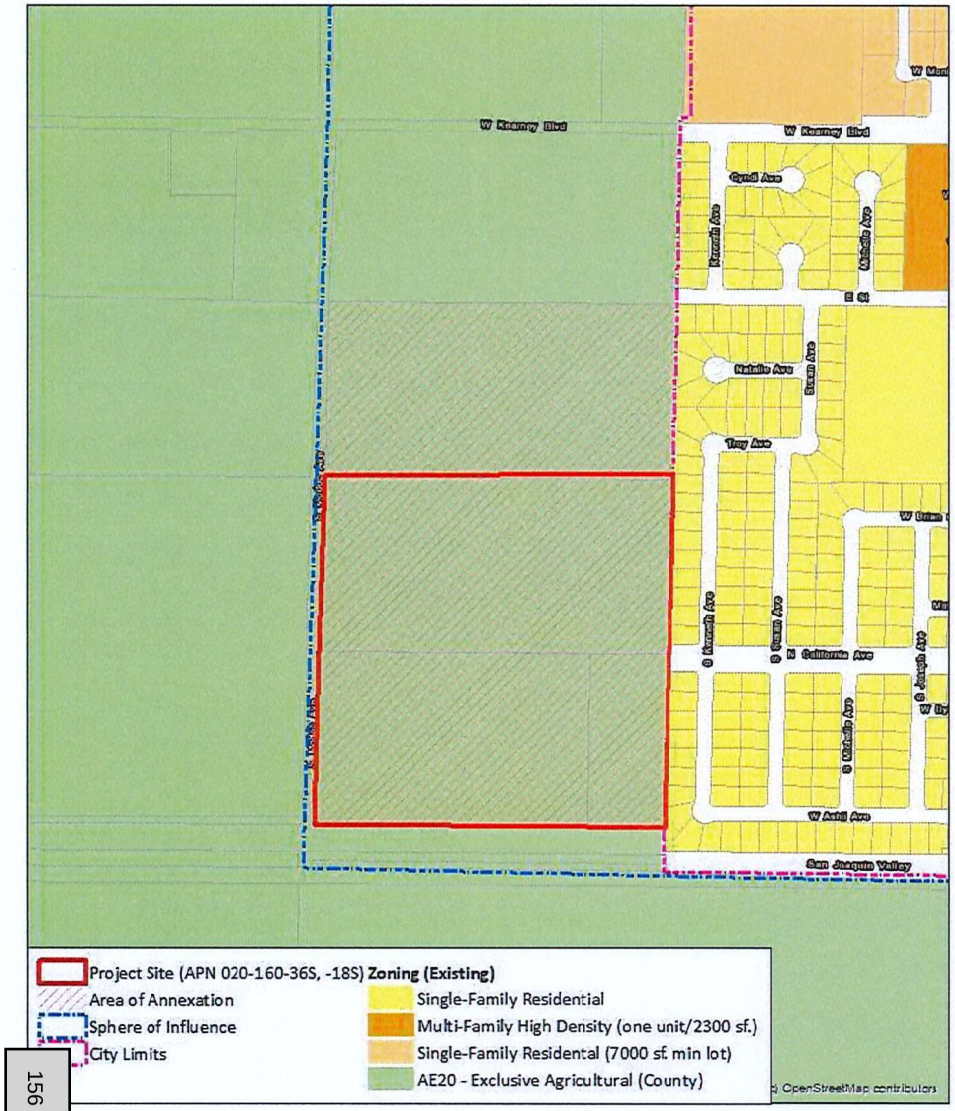
_____
Maria Pacheco, Mayor

_____
Josie Camacho, City Clerk

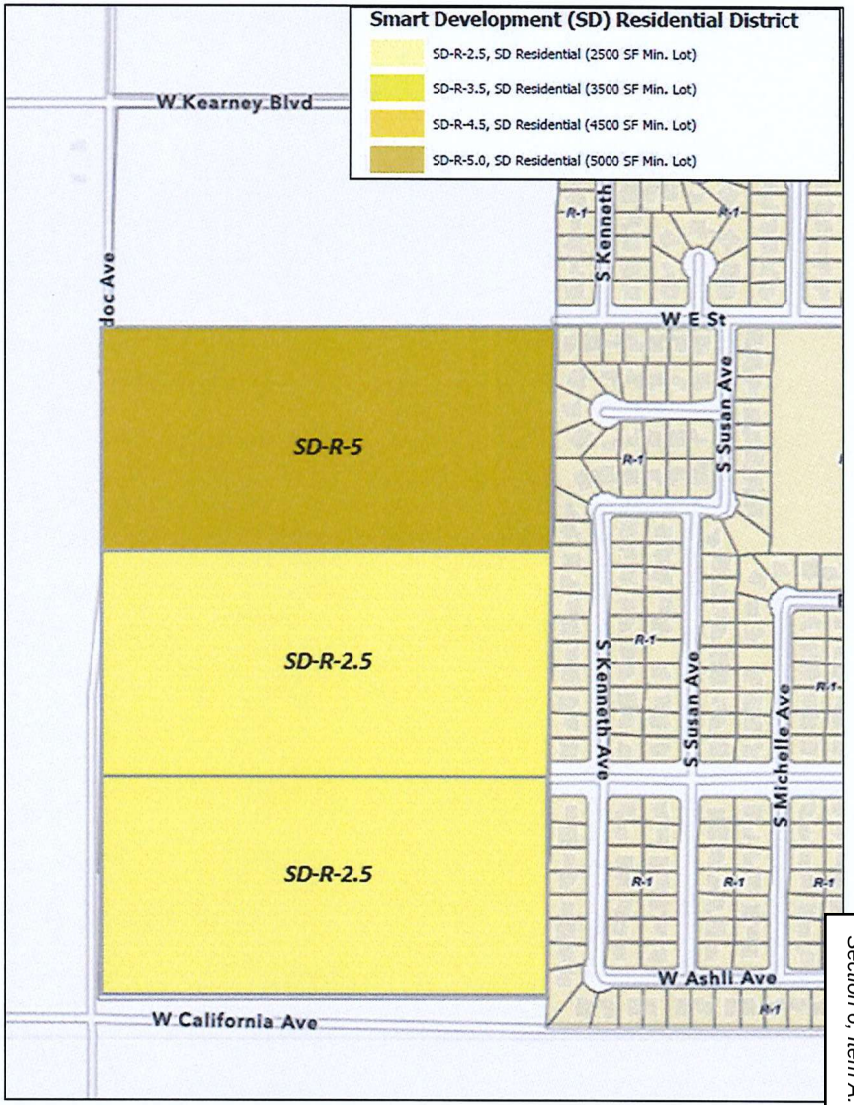
Exhibit 'A'

Rezone 2023-01 – Zoning Map

Existing County Zoning



New City Zoning



Resolution No. 2024-15

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

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

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

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

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

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

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

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

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

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

2. CEQA. The Planning Commission concurrently recommended approval of Initial Study and Mitigated Negative Declaration 2023-03 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the Project. As such, no additional environmental analysis is required, and the Planning Commission finds, and recommends the Council find, that the General Plan Amendment and Rezone and related project entitlements are specifically anticipated and assessed for the proposed project in the Mitigated Negative Declaration and are consistent with the purpose and intent of the Mitigated Negative Declaration.

3. Subdivision Findings. The Planning Commission determines that none of the findings required by the City's Subdivision Ordinance and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project, or that findings regarding flood protection cannot be made. To the contrary, the Planning Commission finds, and recommends the City Council find, as follows:

   a. The proposed maps are consistent with applicable general and specific plans.

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

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

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

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

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

objectives, and policies contained in the General Plan. The proposed development meets all adopted standards and requirements, thus is physically suited for the type of development being proposed.

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

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

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

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

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

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

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

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

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

4. Approval with Conditions. Based on the aforementioned findings, the Planning Commission recommends the City Council approve Tentative Subdivision Map 2023-01 (Exhibit 'C-1-), subject to the conditions set forth in Exhibit 'C-2' (Tentative Subdivision Map 2023-01 conditions of approval) attached hereto.

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

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the City of Kerman Planning Commission on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: K. Nehring, C. Molloy, R. Bandy, R. Felker

Noes: NONE

Absent: NONE

Recused: S. Bishop

The foregoing resolution is hereby approved.

6 August 2024

Kevin Nehring
Vice Chairperson

Attest:

8/7/24

Juliana Gomez
Recording Secretary

Exhibit 'C-1': Tentative Subdivision Map 2023-01
Exhibit 'C-2': Conditions of Approval for Tentative Subdivision Map 2023-01

EXHIBIT 'C-1'

TENTATIVE SUBDIVISION MAP 2023-01
Whispering Falls Residential Development

EXHIBIT 'C-2'

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

Engineering Conditions of Approval

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

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

A. General

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.

2. Comply with all conditions set forth in Title 16 of the Kerman Municipal Code (Subdivisions).

3. Pay all applicable development impact fees at the rate in effect at the time of payment, prior to the issuance of Building Permit. The applicant may be eligible for fee credits or fee reimbursements for over-sizing of facilities or construction of other eligible facilities included in the City of Kerman's Impact Fee Study. The City Engineer will determine the type and extent of improvements that are eligible for fee credits or reimbursements. For any improvements deemed eligible for fee credits or reimbursements, the applicant shall submit itemized quantity and unit costs for each item prior to acceptance of the improvements by the City.

4. Provide security in a sum to be determined by the City Engineer, prior to release of development permits, for the guarantee of improvements construction and against claims that may arise from contractors and material vendors.

5. Provide security in a sum to be determined by the City Engineer, prior to final acceptance of the off-site improvements by the City, for the guarantee and warranty of the improvements for a period of one (1) year following the completion and acceptance thereof by the City Council.

6. Provide a soils report or a waiver of soils report for approval by the City Engineer with the first submittal of the improvement plans.

7. Obtain and comply with encroachment permits from affected jurisdictions for all work performed within their rights-of-way and easements.

8. Comply with all the requirements of the local utility, gas, electric, telephone, cable, and other communication companies (Utilities). It shall be the responsibility of the applicant to notify Utilities to remove or relocate poles where necessary. The City will not accept first submittal of improvement plans without proof that the applicant has provided the improvement plans and documents showing all proposed work to the Utilities.

9. Underground all existing overhead and any new utility facilities located along the frontage of the development.

10. Contact the United States Postal Service and address all requirements for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction. Applicant shall submit a copy of the Method of Delivery Agreement (MODA) to the City.

11. Install all improvements within public right-of-way and easements in accordance with affected jurisdictions standards, specifications, master plans, and record drawings.

12. Provide and pay for all compaction testing required by the City Engineer. Compaction test locations and depths shall be established by the City Engineer. Compaction test results shall be submitted in a format acceptable to the City Engineer, for review and approval.

13. Maintain the construction site, and any public streets fronting the site, clear of any construction or landscaping debris. The site shall not be used as a storage area for equipment, materials, or other items.

14. Remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.

15. Provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of $5,000.00 shall be submitted to the City to guarantee compliance. At any time, applicant is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.

16. Maintain pedestrian and vehicular access to all surrounding properties and buildings to the satisfaction of the City of Kerman Police Department, North Central Fire Protection District, and City Engineer. For developments occurring in phases, the applicant shall submit a schedule showing the sequence of development within the area covered by the tentative map.

17. Assume responsibility for all contractor's actions during the course of any work occurring on the site. Designate, in writing before starting work, an authorized representative who shall have complete authority to represent and to act for the applicant. Said authorized

representative shall be present while work is in progress. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work which may be required. When the applicant or his authorized representative is not present for any part of the work where it may be necessary to give directions, orders may be given by the City Engineer which shall be received and obeyed by the person(s) in charge of the particular work in reference to which the orders are given. Whenever orders are given to the applicant 's representative or superintendent or foreman to do work required for the convenience and safety of the general public, such work shall be done at the applicant's expense.

18. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

B. Maps and Plans

1. Contact the City Engineer to setup a Pre-Submittal Meeting prior to the initial submittal of the improvement plans. The Applicant 's engineer is required to attend.

2. Submit a 18" x 26" final tract map, prepared by a registered civil engineer or licensed land surveyor, and adhering to Subdivision Map Act requirements and City of Kerman Municipal Code. The final tract map shall be drawn at a scale of 1"=100' and include the current filing fee, closure calculations, preliminary title report dated within 90 days of submittal, legal descriptions and drawings of required dedications. Upon approval of the final tract map, applicant shall submit a reproducible/electronic copy (PDF) to the City Engineer.

3. Submit a set of 24" x 36" construction plans prepared by a licensed Civil Engineer for review and approval of all required improvements prior to the release of any development permits. The plans shall include a site grading and drainage plan, landscaping and irrigation plans, and on-site and off-site utilities plan, if applicable, showing locations and sizes of storm drain, sewer and water mains, laterals, manholes, meters, valves, hydrants, etc.

4. Submit a reproducible/electronic copy (PDF) and two (2) black line copies of the approved set of construction plans, and two (2) bound sets of the approved construction specifications, if any, prior to beginning any construction, or within ten (10) calendar days of approval.

5. Submit Pad Certification(s) prior to issuance of building permits.

6. Submit a PDF file of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" prior to City acceptance of the improvements.

C. Dedications and Street Improvements

1. Provide right-of-way acquisition or dedicate free and clear of all encumbrances and improve the following streets to City standards:

a) California Avenue
   i) Dedicate 42' north and south of center/section line (84' total) for public street and utility purposes along development frontage.
   ii) Dedicate 2' pedestrian easement and 8' landscape easement north and south of proposed right-of-way lines.
   iii) Relinquish all direct vehicular access to California Avenue for lots backing or siding onto this street.
   iv) Construct improvements north and south of center/section line in accordance with City Standard P-1 for a Collector Street and approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaping, irrigation, and permanent paving.
   v) Construct transitional paving as required.

~~b) Modoc Avenue~~
   ~~i) Dedicate a total of 42' east of center/section line for public street and utility purposes along development frontage, north of California Avenue.~~
   ~~ii) Dedicate 2' pedestrian easement and 8' landscape easement east of proposed right-of-way lines.~~
   ~~iii) Relinquish all vehicular access to Modoc Avenue from all lots backing or siding onto this street.~~
   ~~iv) Construct improvements east of center/section line in accordance with City Standard P-1 for a Collector Street and approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaping, irrigation, and permanent paving.~~
   ~~v) Construct transitional paving as required.~~

c) Whitesbridge (SR 180) and Lassen Avenues Intersection
Adhere to Caltrans requirements including those stated in the VRPA prepared Traffic Impact Study dated March 8, 2024 with approval date of March 15, 2024, including but not limited to:
   i) Restripe of intersection approaches to include a left turn lane and shared through/right lane prior to exceeding 50% issuance of occupancy permits.
   ii) Install a traffic signal as may be warranted or pay equitable fair share.

d) Madera (SR 145) and California (A Street) Avenues Intersection
Adhere to Caltrans requirements including those stated in the VRPA prepared Traffic Impact Study dated March 8, 2024 with approval date of March 15, 2024, including but not limited to:

i) Restripe of intersection east, west and southbound approaches to include a left turn lane and shared through/right lane prior to exceeding 50% issuance of occupancy permits.
ii) Install a traffic signal as may be warranted or pay equitable fair share.

2. Dedicate a 10' public utility easement along all streets and all other locations requested by utility companies. Alternate widths must be approved in writing by all utility companies and a copy of said written approval shall be submitted to the City Engineer.

3. Obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests. These designs shall be compared to the minimum section given below and approved by the City Engineer.

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

4. Install standard barricades with reflectors at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

5. Install 2"x6" redwood header boards prior to street paving, at the end of any permanent pavement abutting undeveloped property.

6. Install temporary paved cul-de-sacs at the end of any dead-end streets, planned for future extension, longer than 150'. A 40' radius shall be provided to allow turnaround of emergency equipment.

7. Provide for all striping, stenciling, pavement markers, delineators and signage required of all street improvements within the development. All traffic signs and street name signs shall be installed in accordance with City Standards and the CA MUTCD (latest edition). A striping and signage plan shall be included with the construction plans and submitted for review and approval by the City Engineer.

8. Provide corner cut-offs at all street intersections. Corner cut-offs shall be sufficient to provide for sight distances and accommodate curb ramps.

9. Repair/replace any broken or buckled curb, gutter, and/or sidewalk along the site frontage in kind to the satisfaction of the Public Works Department.

10. Provide street names complying with the recommendations of the Planning Commission upon approval of the Final Map as listed below. Names matching existing county roads or city streets must maintain the current suffix. When deemed practical, entry streets, cul-de-sacs, and courts should utilize the name of the nearest subdivision street. Recommended names:

~~A.~~

- ~~Basswood~~
- ~~Locust~~
- ~~Olive~~
- ~~Cypress~~
- ~~Birch~~
- ~~Maple~~
- ~~Pine~~
- ~~Willow~~
- ~~Cherry~~
- ~~Myrtle~~
- ~~Poplar~~

~~Or;~~

B.

- Amanda
- Evie
- Michael
- Seth
- Bridget
- Madilyn
- Paige
- Trent
- Camille
- Max
- Robin

D. Sanitary Sewer

1. Identify and abandon all existing septic systems per City Standards and any other governing regulations.

2. Construct a permanent lift station near the eastern property line of the development for serving it and upstream master plan boundary area.

3. Install sanitary sewer mains of the size and in the locations indicated below. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

   a) California Avenue: 15" sewer main along the development frontage.
   ~~b) Modoc Avenue: 15" sewer main along the development frontage, north of California Avenue.~~
   c) Interior Streets: 8" sewer mains throughout development.

   Install one (1) 4" sewer service house branch to each lot within the development in accordance with City Standards. Additionally, install sanitary sewer main services to existing parcels' property lines, not currently served, and fronting the proposed sanitary sewer main improvements.

4. Connect to the nearest 15" sanitary sewer main available to serve the development, located in California Avenue to the east of the development. The applicant 's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of sewer service must be approved by the City Engineer and supported by appropriate calculations.

E. Water

1. Identify and abandon all existing water wells per City Standards and any other governing regulations.

2. Dedicate a 10' wide easement for all onsite water mains, hydrants, blow-offs, and water meters not located in dedicated rights-of-way.

3. Install water mains of the sizes and in the locations indicated below and provide an adequately looped water system, consisting of at minimum two connection points. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

   a) California Avenue: 8" water main along the development frontage.

~~b) Modoc Avenue: 12" water main along the development frontage, north of California Avenue.~~

c) Interior Streets: 8" water mains throughout development.

4. Install water services, size as necessary, to each lot within the development in accordance with City Standards. Water services shall be grouped at property lines. Additionally, install water services to existing parcels' property lines, not currently served and fronting the proposed water main improvements.

5. Install landscape water service(s), size as necessary, to each public landscape area within the development in accordance with City Standards.

6. Install one (1) water sampling station in accordance with City Standards. The location shall be determined by the City Engineer.

7. Install fire services in accordance with North Central Fire Protection District requirements and City Standards. Fire services shall include a detector check.

8. Install fire hydrants at locations approved by the North Central Fire Protection District. Fire hydrants and curbs shall be painted as directed by the North Central Fire Protection District.

9. Do not perform water service connection to the City of Kerman water system until a bacteriological report has been accepted by the City Engineer.

F. Grading and Drainage

1. Provide a temporary on-site retention basin for storm water disposal. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. Sizing calculations shall be provided on the grading plan. The owner of the property on which the temporary basin is to be constructed shall be responsible for maintenance. The temporary basin is solely for the convenience of the development.

2. Backfill the temporary basin within ninety (90) days after notice by the City that the permanent facility is available, and the temporary basing is no longer needed. In the event the owner fails to backfill said basin, the City may cause the basin to be backfilled. A lien to cover the cost of work will be placed on the property on which the basin is located. A covenant stating these requirements shall be prepared and recorded on the lot on which the basin is to be located.

3. Install storm drain mains of the sizes and in the locations indicated below where surface drainage is not possible. The applicant 's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

   a) California Avenue: 12" water main along the development frontage.

   ~~b) Modoc Avenue: 12" water main along the development frontage, north of California Avenue.~~

   c) Interior Streets: 8" water mains throughout development.

4. Design the site to drain to the proposed master planned storm drain facilities within the streets listed above. Any proposed storm drain system within the development shall

connect to said facilities. Minimum storm drain pipe size within public right-of-way shall be 15".

5. Submit hydrologic and hydraulic calculations (H&H) for any proposed storm drain system and submit with the grading plan for review and approval by the City Engineer. Form of H&H calculations shall be approved by the City Engineer prior to submittal.

6. Install concrete masonry block walls in accordance with City Standards, with a minimum height of 6 feet, and of a design and color approved by the City of Kerman Planning Department at the following locations:

   a) California Avenue: along the development frontage.
   ~~b) Modoc Avenue: along the development frontage, north of California Avenue.~~

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

7. Show grade differentials between lots and adjacent properties and address in conformance with City Standards. Any retaining walls required shall be masonry construction. All retaining walls shall be designed by a registered civil engineer.

8. Submit a copy of Storm Water Pollution Prevention Plan with Notice of Intent, or Construction Rainfall Erosivity Waiver, if applicable, prior to issuance of Grading Permit. The City is not a designated MS4 area and is regulated under the Construction General Permit Order 2022-0057-DWQ (CGP). Comply with all requirements of the NPDES General Permit, if applicable. Plans for these requirements shall be included in the construction plan set and shall be submitted to and approved by the City Engineer.

9. Submit a copy of the San Joaquin Valley Air Pollution Control District (SJVAPCD) Dust Control Plan or Construction Notification Form, if applicable, prior to issuance of a grading permit. The Project shall comply with all rules, regulations and conditions of approval imposed by the District. The applicant shall maintain a program of dust control to prevent air pollution as well as discomfort or damage to adjacent and surrounding properties. The applicant shall follow all requirements and recommendations made by the San Joaquin Valley Air Pollution Control District for dust and emission reduction.

G. Landscaping and Irrigation

1. Provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and all other areas reserved for landscaping. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately qualified professional and conform to the City of Kerman Standard Drawings and Specifications and the California Model Water Efficiency Ordinance. Public landscaping and irrigation shall be installed in the following locations:

   a) California Avenue: Along the frontage development from back of curb to block wall and within the median island.
   ~~b) Modoc Avenue: Along the frontage development from back of curb to block wall and within the median island.~~

2. Install all landscape improvements prior to issuance of 50% of the development's building permits.

3. Request annexation to the City's Landscaping and Lighting Maintenance District (LLMD). The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recordation of the final map. The property owner shall consent to the first-year assessment and annual increases per the provisions of the LLMD. The property owner/applicant shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a LLMD. Said notification shall be in a manner approved by the City. The property owner/applicant shall supply all necessary assessment diagrams and other pertinent materials for the LLMD.

4. Contact and comply with all requirements of the Fresno Irrigation District (FID). This may include, but not be limited to, dedicating easements, piping or relocating any existing FID canals or ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included in the previously required set of construction plans and submitted to and approved by FID prior to the release of any development permits or recording of the final map. If an FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.

5. Identify all existing onsite agricultural irrigation systems either onsite or within public rights-of-way, whether FID or privately owned prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of the development. Therefore, the applicant shall bear all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development. The applicant shall identify on the construction plans all existing irrigations systems and their disposition (abandonment, repair, relocation, and or piping) for approval by the City Engineer. The applicant shall consult with the FID for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation systems or for any service interruptions resulting from development activities.

6. Indicate on construction drawings the depth, location and type of material of any existing FID irrigation line along the proposed or existing street rights-of-way or onsite. Any existing canals or ditches shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.

H. Miscellaneous

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.

2. Remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.

3. Install ~~concrete masonry block~~ fence or walls in accordance with City Standards, with a minimum height of 6 feet, and of a design and color approved by the City of Kerman Planning Division at the following locations:

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

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

4. Provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of $5,000.00 shall be submitted to the City to guarantee compliance. At any time, applicant is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.

5. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

6. Install other private and public improvements as may be required under Development Plan Permit 2023-01 and 02.

7. Provide Cross Access Easement agreements for shared driveways, where applicable.

8. Install subdivision signage complying with applicable Building & Fire Code and Section 17.30.070 of the Kerman Municipal Code.

9. The project shall comply with all applicable mitigation measures required by the Mitigated Monitoring and Reporting Program prepared for Mitigated Negative Declaration 2023-01, dated June 2024 (SCH #2024040147).

10. Any phasing of TSM 2023-01 shall be consistent with Title 16 of the Kerman Municipal Code and the Subdivision Map Act.

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

Resolution No. 2024-16

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION CONTINGENTLY APPROVING DEVELOPMENT PLAN PERMIT 2023-01 TO ALLOW FOR THE DEVELOPMENT OF 118 SINGLE-FAMILY RESIDENTIAL UNITS AND RELATED SITE AMENITIES ON A SITE LOCATED ON THE EAST SIDE OF SOUTH MODOC AVENUE BETWEEN WEST CALIFORNIA AVENUE (PROPOSED) AND THE WEST CALIFORNIA AVENUE ALIGNMENT/SAN JOAQUIN VALLEY RAILROAD (APNs 020-160-36S, 020-041-45S, 020-041-47S)

WHEREAS, the Planning Commission considered a request for a development plan permit (DPL) 2023-01 filed by Whispering Falls, LLC. ("Applicant"/ "Property Owner") requesting approval of a development plan permit to allow for the development of 118 single-family residential units and related site amenities located on the east side of South Modoc Avenue between West California Avenue (Proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-041-45S, 020-041-47S) ("project site"); and

WHEREAS, a public notice was circulated to adjacent properties within a 300-foot radius of the project site and published in the local newspaper at least 10 days prior to the meeting as required by law; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval for Development Plan Permit 2023-01 and was made available for public review at least 72 hours prior to the public hearing; and

WHEREAS, development of the project will be consistent with the development standards of the SD-R-2.5 zone district, including those conditions prescribed by the Planning Commission, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, approval of the project will be contingent upon final approval of Annexation 2023-01, General Plan Amendment 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, and Conditional Use Permit 2023-02; and

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

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the development plan permit and related entitlements were distributed for public review and comment to various local agencies and groups, and 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 mitigated negative declaration, and considered testimony received as a part of the public hearing process; and

WHEREAS, the Planning Commission concurrently considered Annexation (ANX) 2023-01, Rezone (REZ) 2023-01, General Plan Amendment (GPA) 2023-01, Conditional Use Permit

(CUP) 2023-02, Tentative Subdivision Map (TSM) 2023-01, Development Plans (DPL) 2023-01 and 02, and Variance (VAR) 2023-01

WHEREAS, the Planning Commission held a duly noticed public hearing on July 15, 2024 and considered all of the project and environmental information presented by staff, public testimony, and all of the background information; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve Development Plan Permit 23-01 such that no decision of approval of Development Plan Permit 23-01 becomes final and effective until immediately after the City Council adopts Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program, ANX 2023-01, REZ 2023-01, GPA 2023-01, and TSM 2023-01; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that Development Plan Permit 23-01 be set for further consideration and a final decision by the Planning Commission.

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

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

2. CEQA. 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 Initial Study and Mitigated Negative Declaration 2023-01 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #2024040147) to evaluate the environmental effects of the project, including the proposed development plan permit. The Planning Commission finds that Development Plan Permit 23-01 is consistent with, and has been fully assessed by, the MND, and that Development Plan Permit 23-01 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND .

3. Development Plan Permit Findings. The Planning Commission has determined to approve Development Plan Permit 2023-01 as permissible under Kerman Municipal Code Section 17.58.060 and determined that the requirements for Development Plan Permit 2023-01 can be made, including those required by the City of Kerman Municipal Code Section 17.58.060 (A) through (I), because the project's design, including; architectural design, building placement, parking, and landscaping substantially complies with the development standards prescribed in said section.

4. Contingent Approval of Development Plan Permit 2023-01. Given that all the findings can be made, the Planning Commission approves Development Plan Permit 2023-01 subject to conditions of approval included herein as Exhibit 'D-1' and contingent upon the following:

    a. The approval of Development Plan Permit 2023-01 shall become final and effective immediately only after the City Council of Kerman i) adopts Mitigated Negative Declaration 2023-01 and the associated Mitigation Monitoring and Reporting Program; ii) approves Annexation 2023-01; iii) approves General Plan Amendment 2023-01; iv) approves Rezone 2023-01 and said ordinance adopting the same then becomes effective; and v) approves Tentative Subdivision Map 2023-01 (collectively "Council Approvals"). If all of the Council Approvals are not

made within 180 days of the adoption of this Resolution, then Development Plan Permit 2023-01 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission needed to approve Development Plan Permit 2023-01, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then Development Plan Permit 2023-01 shall be returned to the Planning Commission for further consideration and a final decision.

b. The approval of Development Plan Permit 2023-01 is also contingent and shall only become final upon approval of Conditional Use Permit (CUP) 2023-02, which is also concurrently considered and was contingently approved by the Planning Commission subject to Council Approvals. If CUP 2023-02 is not finally approved within 180 days of the adoption of this Resolution, or any change is subsequently made by the Council in response to the same on appeal or by modification to a Council Approval such that it could reasonably affect the findings of the Planning Commission needed to approve Development Plan Permit 2023-01, or require a modification or addition of a condition of approval to be consistent with a CUP 2023-02, then Development Plan Permit 2023-01 shall be returned to the Planning Commission for further consideration and a final decision.

5. Final Action and Appeals. This action shall become final and effective after, and only upon, the prior approvals including the MND and adoption of the Council Approvals and if a timely appeal of Development Plan Permit 2023-01 is then not filed with the City Clerk in accordance with the provisions of the City of Kerman Zoning Ordinance.

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: K. Nehring, C. Molloy, R. Bandy, R. Felker

Noes: NONE

Absent: NONE

Recused: S. Bishop

The foregoing resolution is hereby approved.

6 AUGUST 2024

Kevin Nehring
Vice Chairperson

Attest:

8/7/24

Juliana Gomez
Recording Secretary

Exhibit 'D-1': Conditions of Approval

EXHIBIT 'D-1'

CONDITIONS OF APPROVAL
DEVELOPMENT PLAN PERMIT 2023-01
Whispering Falls Residential Development (Single Family)

Notice To Applicant

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to the validity of conditions of approval must occur within ninety (90) calendar days after the date of this decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

Important: Please Read Carefully

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through Development Plan Permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would, on the whole, enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for DPL 2023-01 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) working days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval for this entitlement, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed (including its identification number) and specific reasons why you believe the decision or action appealed should not be upheld, and the identity of the appellant.

Approval of this Development Plan Permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this Development Plan Permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit, the zoning ordinance, and all City standards and specifications. This use permit and site plan review is granted, and the conditions imposed, are based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require an operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit, or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process, or for additions or alterations to any construction or building plans

not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the use permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this use permit.

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the receipt in the Planning Division of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within 30 days of the date of approval.

2. Development of the project shall comply with all applicable conditions of approval, as approved for DPL 2023-01.

3. The applicant's failure to utilize DPL 2023-01 within one (1) year following the date of Final Map approval of TSM 2023-01 shall render this Development Plan null and void. Any extensions of time shall be submitted in writing thirty (30) days prior to permit expiration, subject to review and approval by the Planning Commission.

4. Minor modifications to the Development Plan to meet regulatory or engineering constraints may be made with the approval of the Community Development Director.

5. Any proposed future modifications to the site, including but not limited to, the building exterior, parking/loading areas, fences/walls, new buildings, or landscaping shall require an amendment to DPL 2023-01.

6. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or as mandated by statutes.

7. It shall be the responsibility of the property owner and/or developer to ensure that any required permits, inspections, and approval from any regulatory agency are obtained prior to issuance of final occupancy.

Building Division

8. Site development shall be consistent with the approved home floor plans and elevations. The use of all rooms/activity areas shall be identified on plans submitted for a plan check and building permit.

9. Current State of California Building Code and Federal ADA requirements shall apply to the subdivision and all structures thereon. Compliance shall be verified at the permit stage and confirmed at the final inspection.

10. Fire sprinklers are required within all proposed models.

11. The applicant shall be responsible for contacting the NCFPD by email at Fire.Prevention@NorthCentralFire.org or by phone at (559) 878-4560 to schedule an over-the-counter

meeting to receive your specific requirements for your project. Failure to schedule an appointment with the NCFPD will affect your ability to obtain final approval for your project.

Planning Division

12. Except as required herein, all conditions applicable to the approval of TSM 2023-01 shall be completed prior to construction, during construction, or prior to Final Occupancy of the first unit approved under DPL 2023-01.

13. All standards for the location and design of buildings (including accessory structures) and fences, which are not specifically included in DPL 2023-01, shall conform to underlay SD Combining zone district as permitted under KMZ 17.18.030 (C).

14. A Home Owners Association shall be recorded and in effect at the time of Final Occupancy of the first home.

Home Models and Elevations

15. Development Plan Permit 2023-01 shall allow no less than 118 units in close conformance as follows:

    a. Alley Loaded Detached: Plan 1 (3BR/2.5 BA) 1,548 sq. ft. | Plan 2 (3BR/2.5 BA) 1,812 sq. ft. | Plan 3 (2BR/3BA) 2,130 sq. ft.
    b. Family Cluster Detached: Plan 1 (4BR/3BA) 2,020 sq. ft. | Plan 2 (3BR /3BA) 1,820 sq. ft
    c. Wide Shallow Detached: Plan 1 (3BR /2.5BA) 2,203 sq. ft.

16. Each floor plan shall be offered in a minimum of three (3) distinct architectural elevations, colors, and materials consistent with pages A.34 through A.66 of Attachment 'H' of the Planning Commission staff report. Each floor plan approved by the Planning Commission shall be offered as a standard elevation. Any exterior architectural embellishments or materials may be offered as an upgrade option, but, shall not be less than or equal to the quality or material of the standard elevation.

17. To the greatest extent possible, no two adjoining lots shall repeat more than one of the following design elements:

    - Floor Plan
    - Elevation
    - Setback

Parking

18. Two-covered parking stalls shall be provided for each single-family unit.

19. Guest parking shall be clearly marked and identifiable.

Fences

20. The southern project boundary adjacent to the San Joaquin Valley Railroad rail line shall be secured by a sound wall, of no less than seven (7) feet in height and shall not exceed eight (8) in height.

21. A six (6) or seven-foot (7') ~~block~~ wall or fence shall secure the western and northern project boundaries, subject to compliance with the Kerman Municipal Code.

22. The final design and color of all perimeter fencing shall be approved by the Director as part of the plan review process.

Landscaping and Open Space Areas

23. Landscape and open space areas shall be developed consistent with the conceptual site plan and renderings submitted for consideration by the Planning Commission. Landscape and open space plans shall be submitted for review and approval as part of a building permit. The project shall be subject to KMC 8.12A.120 Model Water Efficient Landscape Ordinance Requirements (MWELO).

24. No less than 3.19-acres of open space of useable active or passive recreation shall be provided. Landscape planting and design shall be consistent with pages L1.0 through L3.1 of the Development Plan submitted before the Planning Commission.

Miscellaneous Conditions

25. Subdivision entry freestanding-monumental signs shall be subject to sign review approval and building permit.

26. Accessory features and amenities including but not limited to statues, pergolas, gazebos, swimming pools, and flagpoles subject to the California Building Code shall require a stand-alone building permit.

27. The developer and/or applicant shall be responsible for meeting and conferring with North Central Fire Protection District, Mid Valley Disposal, Sebastian Corp. and any other applicable utility or service provider prior to the development of the project.

28. The project shall comply with all applicable mitigation measures required by the Mitigated Monitoring and Reporting Program prepared for Mitigated Negative Declaration 2023-01, dated June 2024 (SCH #2024040147).

29. A right-to-farm covenant shall be recorded prior to the recording of the Final Map.

End of Conditions

Resolution No. 2024-17

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION CONTIGENTLY APPROVING DEVELOPMENT PLAN PERMIT 2023-02 TO ALLOW FOR THE DEVELOPMENT OF MULTI-FAMILY RESIDENTIAL BUILDINGS AND RELATED SITE AMENITIES AND VARIANCE 2023-01 TO ALLOW A MAXIMUM BUILDING HEIGHT OF 45 FEET AND 3 STORIES FOR THE PROPOSED MULTI-FAMILY RESIDENTIAL BUILDINGS, LOCATED ON THE EAST SIDE OF SOUTH MODOC AVENUE BETWEEN WEST CALIFORNIA AVENUE (PROPOSED) AND THE WEST CALIFORNIA AVENUE ALIGNMENT/SAN JOAQUIN VALLEY RAILROAD (APNs 020-160-36S, 020-041-45S, 020-041-47S)

WHEREAS, the Planning Commission considered a request for a development plan permit (DPL) 2023-02 filed by Whispering Falls, LLC. ("Applicant"/ "Property Owner") requesting approval of a development plan permit to allow for the development of multi-family residential buildings and related site amenities located on the east side of South Modoc Avenue between West California Avenue (Proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-041-45S, 020-041-47S) ("project site"); and

WHEREAS, the Applicant submitted Variance 2023-01, requesting a deviation from Kerman Municipal Code to allow an additional 10 feet and 1 story in height, for a total maximum height of 45 feet or 3 stories for the proposed multi-family residential buildings on the project site; and

WHEREAS, Variance 2023-01 is necessary to build additional units to meet the density of the Medium Density Residential and High Density Residential land use designations and the SD-R-2.5 zone district; and

WHEREAS, a public notice was circulated to adjacent properties within a 750-foot radius of the project site and published in the local newspaper at least 10 days prior to the meeting as required by law; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval for Development Plan Permit 2023-02 and Variance 2023-01 and was made available for public review at least 72 hours prior to the public hearing; and

WHEREAS, development of the project will be consistent with the development standards of the SD-R-2.5, including those conditions prescribed by the Planning Commission, and as allowed by approval of Variance 2023-01 based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, approval of the project would also require approval of Annexation 2023-01, General Plan Amendment 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, and Conditional Use Permit 2023-02; and

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

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the related development plan permit, variance, and related entitlements were distributed for public review and comment to various local agencies and groups, and 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 mitigated negative declaration, and considered testimony received as a part of the public hearing process; and

WHEREAS, the Planning Commission concurrently considered Annexation (ANX) 2023-01, Rezone (REZ) 2023-01, General Plan Amendment (GPA) 2023-01, Conditional Use Permit (CUP) 2023-02, Tentative Subdivision Map (TSM) 2023-01, Development Plans (DPL) 2023-01 and 02, and Variance (VAR) 2023-01

WHEREAS, the Planning Commission held a duly noticed public hearing on July 15, 2024 and considered all of the project and environmental information presented by staff, public testimony, and all of the background information; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve Development Plan Permit 23-02 and Variance 2023-01 such that no decision of approval of Development Plan Permit 23-02 or Variance 2023-01 becomes final and effective until immediately after the City Council adopts Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program, ANX 2023-01, REZ 2023-01, GPA 2023-01, and TSM 2023-01; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that Development Plan Permit 23-02 and Variance 2023-01 be set for further consideration and a final decision by the Planning Commission

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

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

2. CEQA. 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 Initial Study and Mitigated Negative Declaration 2023-01 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #2024040147) to evaluate the environmental effects of the project, including the proposed development plan permit and variance. The Planning Commission finds that Development Plan Permit 23-01 is consistent with, and has been fully assessed by, the MND, and that Development Plan Permit 23-01 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND The

3. Development Plan Permit Findings. The Planning Commission has determined to approve Development Plan Permit 2023-02 as permissible under Kerman Municipal Code Section 17.58.060 and determined that the requirements for Development Plan Permit 2023-02 can be made, including those required by the City of Kerman Municipal Code Section 17.58.060 (A) through (I).

4. Contingent Approval of Development Plan Permit 2023-02. Given that all the findings can be made, the Planning Commission approves Development Plan Permit 2023-02 subject to conditions of approval included herein as Exhibit 'E-1' and contingent upon the following:

    a. The approval of Development Plan Permit 2023-02 shall become final and effective immediately only after the City Council of Kerman i) adopts Mitigated Negative Declaration 2023-01 and the associated Mitigation Monitoring and Reporting Program; ii) approves Annexation 2023-01; iii) approves General Plan Amendment 2023-01; iv) approves Rezone 2023-01 and said ordinance adopting the same then becomes effective; and v) approves Tentative Subdivision Map 2023-01 (collectively "Council Approvals"). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then Development Plan Permit 2023-01 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission needed to approve Development Plan Permit 2023-02, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then Development Plan Permit 2023-02 shall be returned to the Planning Commission for further consideration and a final decision.

    b. The approval of Development Plan Permit 2023-02 is also contingent and shall only become final upon approval of Conditional Use Permit (CUP) 2023-02, which is also concurrently considered and was contingently approved by the Planning Commission subject to Council Approvals. If CUP 2023-02 is not finally approved within 180 days of the adoption of this Resolution, or any change is subsequently made by the Council in response to the same on appeal or by modification to a Council Approval such that it could reasonably affect the findings of the Planning Commission needed to approve Development Plan Permit 2023-02, or require a modification or addition of a condition of approval to be consistent with a CUP 2023-02, then Development Plan Permit 2023-02 shall be returned to the Planning Commission for further consideration and a final decision.

5. Variance Findings. The Planning Commission has determined to approve Variance 2023-01 as permissible under Kerman Municipal Code Section 17.16.030, including that all of the following findings can be made:

    a. That any variance permit granted shall be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.

    Granting of the variance will be conditioned as to not exceed the maximum height proposed, in compliance with DPL 2023-02. Granting of the variance is necessary to make the development of the site compliant and feasible with all applicable standards.

    b. That because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning

law is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

The special circumstance in this case is the size of the parcel and the density requirements for the underlying land use designations. Upon approval of Annexation 2023-01, Rezone 2023-01, and General Plan Amendment 2023-01, the site will be annexed and pre-zoned to the smart development zone district, which is consistent with the Medium Density Residential and High-Density Residential land use designations. There is no set minimum density for the MDR land use designation; GPA 2023-01 would set the minimum to five (5) dwelling units per acre. The minimum density allowed for the HDR land use designation is 20 dwelling units per acre. The smart development zone district allows blended densities/averaging densities across land uses as long as the overall minimum density is met and the maximum density is not exceeded. The project proposes 174 dwelling units on an approximately 20-acre site, which would result in a density of 8.7 dwelling units per acre. In order to be consistent with the General Plan, at least 166 units would need to be developed across the site. Without allowance of a third story, or 10 additional feet, for the multi-family units, the project would not be able to meet the density requirements, in addition to meeting all other minimum development standards, parking requirements, and open space requirements, etc. Therefore, the variance is necessary due to these special circumstances.

c. That the granting of the variance permit will not be contrary to the intent of this title or to the public safety, health and welfare or injurious to other properties in the vicinity.

   Approval of the variance is not in conflict with the intent of the title; however, an exemption must be made in order to comply with other applicable development standards including reduced setbacks and an additional 10 feet and one (1) story in height. Approval of the variance will require conditions of approval for the development to ensure that the project does not have adverse effects on the public safety, health, and welfare or injurious to other properties in the vicinity.

d. A variance has not been granted for a use or activity which is not authorized by the zone regulations governing the parcel of property.

   Granting of the variance will not be for a use or activity that is not authorized by the zone regulations governing the subject parcel. The variance is requested for the height of the proposed structure, of a permitted use. Approval would not authorize the use of land prohibited by the zone regulations.

e. A variance shall not be granted on economic grounds.

   Approval of the variance is not based on economic grounds because approval would result in an equal or greater number of developed units, than otherwise would be if the variance is not approved.

6. Contingent Approval of Variance 2023-01. Given that all the findings can be made, the Planning Commission approves Variance 2023-01 subject to conditions of approval included herein as Exhibit 'E-1' and contingent upon the following:

    a. The approval of Variance 2023-01 shall become final and effective immediately only after the City Council of Kerman i) adopts Mitigated Negative Declaration 2023-01 and the associated Mitigation Monitoring and Reporting Program; ii) approves Annexation 2023-01; iii) approves General Plan Amendment 2023-01; iv) approves Rezone 2023-01 and said ordinance adopting the same then becomes effective; and v) approves Tentative Subdivision Map 2023-01 (collectively "Council Approvals"). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then Variance 2023-01 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission needed to approve Variance 2023-01, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then Variance 2023-01 shall be returned to the Planning Commission for further consideration and a final decision.

    b. The approval of Variance 2023-01 is also contingent and shall only become final upon approval of Conditional Use Permit (CUP) 2023-02, which is also concurrently considered and was contingently approved by the Planning Commission subject to Council Approvals. If CUP 2023-02 is not finally approved within 180 days of the adoption of this Resolution, or any change is subsequently made by the Council in response to the same on appeal or by modification to a Council Approval such that it could reasonably affect the findings of the Planning Commission needed to approve Variance 2023-01, or require a modification or addition of a condition of approval to be consistent with a CUP 2023-02, then Variance 2023-01 shall be returned to the Planning Commission for further consideration and a final decision.

7. Final Action and Appeals. This action shall become final and effective after, and only upon, the prior approvals including the MND and adoption of the Council Approvals and if a timely appeal of Development Plan Permit 2023-02 or Variance 2023-01 is then not filed with the City Clerk in accordance with the provisions of the City of Kerman Zoning Ordinance.

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: K. Nehring, C. Molloy, R. Bandy, R. Felker

Noes: NONE

Absent: NONE

Recused: S. Bishop

The foregoing resolution is hereby approved.

6 AUGUST 2024

Kevin Nehring
Vice Chairperson

Attest:

8/7/24

Juliana Gomez
Recording Secretary

Exhibit 'E-1': Conditions of Approval

EXHIBIT 'E-1'

CONDITIONS OF APPROVAL
DEVELOPMENT PLAN PERMIT 2023-02
Whispering Falls Residential Development (Multi-Family)

Notice To Applicant

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to the validity of conditions of approval must occur within ninety (90) calendar days after the date of this decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

Important: Please Read Carefully

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through Development Plan Permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would, on the whole, enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for DPL 2023-02 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) working days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval for this entitlement, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed (including its identification number) and specific reasons why you believe the decision or action appealed should not be upheld, and the identity of the appellant.

Approval of this Development Plan Permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this Development Plan Permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit, the zoning ordinance, and all City standards and specifications. This use permit and site plan review is granted, and the conditions imposed, are based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require an operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the

application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit, or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process, or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the use permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this use permit.

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the receipt in the Planning Division of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within 30 days of the date of approval.

2. Development of the project shall comply with all applicable conditions of approval, as approved for DPL 2023-02.

3. The applicant's failure to utilize DPL 2023-02 within one (1) year following the date of Final Map approval of TSM 2023-01 shall render this Development Plan null and void. Any extensions of time shall be submitted in writing thirty (30) days prior to permit expiration, subject to review and approval by the Planning Commission.

4. Minor modifications to the Development Plan to meet regulatory or engineering constraints may be made with the approval of the Community Development Director.

5. Any proposed future modifications to the site, including but not limited to, the building exterior, parking/loading areas, fences/walls, new buildings, or landscaping shall require an amendment to DPL 2023-02.

6. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or as mandated by statutes.

7. It shall be the responsibility of the property owner and/or developer to ensure that any required permits, inspections, and approval from any regulatory agency are obtained prior to issuance of final occupancy.

Building Division

8. Site development shall be consistent with the approved floor plans and building elevations. The use of all rooms/activity areas shall be identified on plans submitted for a plan check and building permit.

9. Current State of California Building Code and Federal ADA requirements shall apply to the subdivision and all structures thereon. Compliance shall be verified at the permit stage and confirmed at the final inspection.

10. A building permit shall be required for each building and structure.

11. Fire sprinklers are required within all proposed structures used for dwelling purposes.
12. The applicant shall be responsible for contacting the NCFPD by email at Fire.Prevention@NorthCentralFire.org or by phone at (559) 878-4560 to schedule an over-the-counter meeting to receive your specific requirements for your project. Failure to schedule an appointment with the NCFPD will affect your ability to obtain final approval for your project.

Planning Division

13. Except as required herein, all conditions applicable to the approval of TSM 2023-01 shall completed prior to construction, during construction, or prior to Final Occupancy of the first unit approved under DPL 2023-02.

14. All standards for the location and design of buildings (including accessory structures) and fences, which are not specifically included in DPL 2023-02, shall conform to underlay SD Combining zone district as permitted under KMZ 17.18.030 (C).

15. A Home Owners Association shall be recorded and in effect at the time of Final Occupancy of the first home.

Home Models and Elevations

16. Development Plan Permit 2023-02 and Variance 2023-01 shall allow for four (4) multi-family buildings with a maximum height of 45 feet or three (3) stories, encompassing no less than 56 units, a club house, parking facilities, and other ancillary amenities and structures.

17. The buildings shall match the architectural elevations, colors, and materials consistent with pages A.1.1 through A.23 of Attachment 'H' of the Planning Commission staff report. Any exterior architectural embellishments may be included, but, shall not be less than or equal to the quality or material of the standard elevation.

Parking

18. Two parking stalls shall be provided for each multi-family unit.

19. Guest parking shall be clearly marked and identifiable.

Fences

20. The southern project boundary adjacent to the San Joaquin Valley Railroad rail line shall be secured by a sound wall, of no less than seven (7) feet in height and shall not exceed eight (8) in height.

21. A six (6) or seven-foot (7') ~~block~~ wall or fence shall secure the western and northern project boundaries, subject to compliance with the Kerman Municipal Code.

22. The final design and color of all perimeter fencing shall be approved by the Director as part of the plan review process.

Landscaping and Open Space Areas

23. Landscape and open space areas shall be developed consistent with the conceptual site plan and renderings submitted for consideration by the Planning Commission. Landscape and open space plans shall be submitted for review and approval as part of a building permit. The project shall be subject to KMC 8.12A.120 Model Water Efficient Landscape Ordinance Requirements (MWELO).

24. No less than 3.19-acres of open space of useable active or passive recreation shall be provided. Landscape planting and design shall be consistent with pages L1.0 through L3.1 of the Development Plan submitted before the Planning Commission.

Miscellaneous Conditions

25. Subdivision entry freestanding monumental signs shall be subject to sign review approval and building permit.

26. Accessory features and amenities including but not limited to statues, pergolas, gazebos, swimming pools, and flagpoles subject to the California Building Code shall require a stand-alone building permit.

27. The developer and/or applicant shall be responsible for meeting and conferring with North Central Fire Protection District, Mid Valley Disposal, Sebastian Corp. and any other applicable utility or service provider prior to development of the project.

28. The project shall comply with all applicable mitigation measures required by the Mitigated Monitoring and Reporting Program prepared for Mitigated Negative Declaration 2023-01, dated June 2024 (SCH #2024040147).

29. A right-to-farm covenant shall be recorded prior to the recording of the Final Map.

End of Conditions

Resolution No. 2024-18

RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION CONTINGENTLY APPROVING CONDITIONAL USE PERMIT 2023-02, TO ALLOW MULTI-FAMILY RESIDENTIAL USES AND A TEMPORARY DRAINAGE BASIN LOCATED ON THE EAST SIDE OF SOUTH MODOC AVENUE BETWEEN WEST KEARNEY BOULEVARD AND WEST CALIFORNIA AVENUE ALIGNMENT/SAN JOAQUIN VALLEY RAILROAD (APNS 020-160-18S, APNs 020-160-36S, 020-041-45S, 020-041-47S)

WHEREAS, the Planning Commission considered a request for a conditional use permit filed by Whispering Falls, LLC. to allow multi-family residential uses located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad (APNs 020-160-36S, 020-041-45S, 020-041-47S); and allow a temporary drainage basin located on the east side of South Modoc Avenue between West Kearney Boulevard and West California Avenue (proposed) (APN 020-160-18S); and

WHEREAS, the parcels are zoned SD-R-2.5 and are within the Medium Density Residential and High Density Residential land use designations, with approval of Annexation 2023-01, Rezone 2023-01, General Plan Amendment 2023-01, Variance 2023-01, Tentative Subdivision Map 2023-01, and multi-family residential uses and public utility uses such as a drainage basin are permitted subject to approval of a conditional use permit; and

WHEREAS, a public notice was circulated to adjacent property owners within a 300-foot radius of the parcels and published in the local newspaper at least 10 days prior to the meeting as required by law; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval of Conditional Use Permit 2023-02 and was made available for public review at least 72 hours prior to the public hearing; and

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

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

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve Conditional Use Permit 2023-02 such that no decision of approval of Conditional Use Permit 2023-02 becomes final and effective until immediately after the City Council adopts Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program, Annexation 2023-01, Rezone 2023-01, General Plan Amendment 2023-01, and Tentative Subdivision Map 2023-01; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that

Conditional Use Permit 2023-02 be set for further consideration and a final decision by the Planning Commission

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

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

2. CEQA. 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 Initial Study and Mitigated Negative Declaration 2023-01 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #2024040147) to evaluate the environmental effects of the project, including the proposed conditional use permit. The Planning Commission finds that Conditional Use Permit 2023-02 is consistent with, and has been fully assessed by, the MND, and that Conditional Use Permit 2023-02 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND

3. Conditional Use Permit Findings. The Planning Commission finds as follows:

    a. That the proposed establishment, maintenance, and operations of the use(s) applied for will not be detrimental to the public health, safety, and welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be dangerous or detrimental to property and improvements in the neighborhood or the City.

        The project will not be detrimental to public health, safety, or welfare. It is located in a designated residential area with conditions of approval which will minimize any potential negative impacts on adjacent land uses. The conditions of approval limit types of uses that may be objectionable or detrimental to other permitted uses or adverse to the public interest health, safety, convenience or welfare of the City.

    b. That the proposed use is consistent with the Kerman General Plan.

        The project is located in a residential area suitable for residential uses. Upon approval of Annexation 2023-01 and Rezone 2023-01, the project site will be annexed and pre-zoned to the smart development zone district, which is consistent with the underlying Medium Density Residential and High Density Residential land use designations. The project proposes residential uses that are consistent with the underlying land use designations and the smart development zone district, specifically by proposing a mix of residential uses including single-family and multi-family uses, at varying densities. The project also proposes a drainage basin which is necessary for the collection of stormwater runoff resulting from the project. This use is also consistent with the underlying land use designation and zone district.

    c. That the environmental document is prepared as per the California Environmental Quality Act (CEQA).

        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 Initial Study and Mitigated Negative

Declaration 2023-01 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #2024040147) to evaluate the environmental effects of the project, including the proposed conditional use permit. The Planning Commission has fully considered the Mitigated Negative Declaration and has concurrently recommended it for approval by the City Council. Approval of this entitlement is conditional on such approval. As such, the Planning Commission finds that the conditional use permit and related project entitlements are specifically anticipated and assessed for the proposed project in the Mitigated Negative Declaration and are consistent with the purpose and intent of the Mitigated Negative Declaration.

d. That the site for the proposed use is adequate in size, shape, and location to accommodate the use as it relates to the district for which the use is proposed.

   The location of the project is within the smart development zone district, upon approval of the annexation and pre-zone, in a residential area suited for residential uses on an undeveloped parcel of land. The project's design and operations are appropriate to meet all applicable development and operational standards of the Zoning Ordinance.

4. Conditional Approval of Conditional Use Permit 2023-02. Given that all the findings can be made, the Planning Commission approves Conditional Use Permit 2023-02 subject to conditions of approval included herein as Exhibit 'F-1' and contingent upon the following:

   a. The approval of Conditional Use Permit 2023-02 shall become final and effective immediately only after the City Council of Kerman i) adopts Mitigated Negative Declaration 2023-01 and the associated Mitigation Monitoring and Reporting Program; ii) approves Annexation 2023-01; iii) approves General Plan Amendment 2023-01; iv) approves Rezone 2023-01 and said ordinance adopting the same then becomes effective; and v) approves Tentative Subdivision Map 2023-01 (collectively "Council Approvals"). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then Conditional Use Permit 2023-02 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission needed to approve Conditional Use Permit 2023-02, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then Conditional Use Permit 2023-02 shall be returned to the Planning Commission for further consideration and a final decision.

5. Final Action and Appeals. This action shall become final and effective after, and only upon, the prior approvals including the MND and adoption of the Council Approvals and if a timely appeal of Conditional Use Permit 2023-02 is then not filed with the City Clerk in accordance with the provisions of the City of Kerman Zoning Ordinance.

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: K. Nehring, C. Molloy, R. Bandy, R. Felker

Noes: NONE

Absent: NONE

Recused: S. Bishop

The foregoing resolution is hereby approved.

6 August 2024

Kevin Nehring
Vice Chairperson

Attest:

Juliana Gomez 8/7/24

Juliana Gomez
Recording Secretary

Exhibit 'F-1': Conditional Use Permit 2023-02 Conditions of Approval

EXHIBIT 'F-1'

CONDITIONS OF APPROVAL
WHISPERING FALLS – CUP 2023-02

Notice To Applicant

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to the validity of conditions of approval must occur within ninety (90) calendar days after the date of this decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

Important: Please Read Carefully

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through conditional use permit review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would, on the whole, enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for CUP 2023-02 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) working days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval for this entitlement, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed (including its identification number) and specific reasons why you believe the decision or action appealed should not be upheld, and the identity of the appellant.

Approval of this conditional use permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this conditional use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use

permit, the zoning ordinance, and all City standards and specifications. This use permit and site plan review is granted, and the conditions imposed, are based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require an operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit, or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the use permit review process, or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the use permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this use permit.

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the receipt in the Planning Division of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within 30 days of the date of approval. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the receipt in the Planning Division of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within 30 days of the date of approval.

2. Any intensification or expansion of the use beyond its approval shall be cause for review and modification of the use permit to be approved by the Commission.

3. Any proposed future modifications to the site not specifically contemplated by CUP 2023-02, including but not limited to; the building exterior, parking/loading areas, fences/walls, new buildings, or landscaping shall require an amendment to CUP 2023-02.

4. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statute.

5. It shall be the responsibility of the property owner and/or applicant to ensure that any required permits, inspections, and approval from any regulatory agency are obtained

from the concerned agency prior to the issuance of a business license or final occupancy issuance.

6. Failure to comply with the conditions of approval contained herein shall be cause for review and possibly modification or revocation to CUP 2023-02.

7. The project shall comply with all applicable mitigation measures required by the Mitigated Monitoring and Reporting Program prepared for Mitigated Negative Declaration 2023-01, dated June 2024 (SCH #2024040147).

8. Approval of CUP 2023-02 is for the benefit of the applicant. The submittal of application(s) 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, attorney's fees, and damages arising therefrom (collectively "claim"). The City shall promptly notify the applicant of any claim.

   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.

Building Division

9. A building permit shall be required for all proposed or future tenant and site improvements as required by the California Building Code, California Fire Code, and Americans with Disability Act (ADA) prior to occupancy.

10. The property owner shall submit plans consistent with the California Building Standards Code, including site development and ADA accessibility based upon the codes in effect at the time of plan check submittal.

North Central Fire Protection District

11. The applicant shall be responsible for contacting the NCFPD by email at Fire.Prevention@NorthCentralFire.org or by phone at (559) 878-4560 to schedule an over-the-counter meeting to receive your specific requirements for your project. Failure to schedule an appointment with the NCFPD will affect your ability to obtain final approval for your project.

Planning Division

Conditional Use Permit 2023-02

12. Conditional Use Permit 2023-02 shall allow for the development of 56 multi-family units a property zoned SD-R-2.5 where forty-one (41) or more multi-family units are permitted subject to a conditional use permit, to be located on APN 020-160-36, 020-041-45S and 020-041-47S, and the development of a temporary drainage basin to be located on APN 020-160-18S.

13. Prior to development of the temporary drainage basin, the property owner shall submit an application for Tentative Parcel Map and/or Lot Line Adjustment with the Planning Division.

14. Development of the temporary drainage basin shall be subject to applicable City standards and regulations and other requirements as deemed necessary by the City Engineer.

15. Where applicable, the applicant/owner shall establish cross access easement agreements for shared driveways.

16. Where applicable, conditions of approval for Tentative Subdivision Map 2023-01 and Development Plan Permit 2023-01 & 02 shall also apply.

End of Conditions

ATTACHMENT 'G'

General Plan Amendment 2023-01 Resolution

RESOLUTION NO. 24-66

(ADOPTED ON 8/28/24)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING GENERAL PLAN AMENDMENT 2023-01 TO AMEND THE 2040 KERMAN GENERAL PLAN TO ADD THE SD-R-2.5 ZONING DISTRICT AS A COMPATIBLE ZONING DISTRICT WITHIN THE MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATION AND SET A MINIMUM RESIDENTIAL DENSITY OF FIVE (5) DWELLING UNITS PER ACRE (GPA 2023-01) AND ADOPT MITIGATED NEGATIVE DECLARATION (ENV 2023-01) AND MITIGATED MONITORING AND REPORTING PROGRAM

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 Whispering Falls, LLC., pertaining to six (6) parcels consisting of 64.76 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad identified as APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U ("Project Area"); and

WHEREAS, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 56.89 acres) and HDR – High Density Residential (approximately 5 acres); and

WHEREAS, the MDR land use designation allows up to 12 units per acre with no minimum density, and the HDR land use designation allows between 20 and 24 units per acre; and

WHEREAS, 20-acres within the Project Area identified as APN 020-160-36S, located on the east side of South Modoc Avenue between West California Avenue and West California Avenue Alignment/San Joaquin Valley Railroad has two (2) underlying land use designations, MDR (15 acres) and HDR (5 acres); and

WHEREAS, Whispering Falls, LLC. proposes a variety of housing types and sizes on the 20-acre parcel, including 118 single-family units and 54 multi-family units, plus a community center,

on and off-site improvements including roadways, sidewalks, landscaping, parking, and 3.19 acres of common open space; and,

WHEREAS, because the project combines single-family and multi-family residential uses on a site that is designated MDR – Medium Density Residential and HDR – High Density Residential, the smart development (SD) combining district is the most appropriate and applicable zoning district for combining residential uses on one site; and

WHEREAS, the density range permitted in the SD-R-2.5 zone district is 8-20 units per acre, which is consistent with the density ranges of the MDR and HDR zoning districts; and

WHEREAS, approval of the project would require approval of Annexation 2023-01, General Plan Amendment 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01; and

WHEREAS, a proposal has been made requesting amendments to the Kerman General Plan text, as shown in the attached **Exhibit '1'**; and

WHEREAS, the requested General Plan Amendment consists of amendments to the Kerman General Plan that would add the SD-R-2.5 zoning district as a compatible zoning district within the Medium Density Residential land use designation and set a minimum residential density of 5 dwelling units per acre; and

WHEREAS, the proposed General Plan Amendment will provide the required consistency between the General Plan and Zoning Ordinance; and

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

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration 2023-01, provided in attached **Exhibit '2'**, and Mitigation Monitoring and Reporting Program (SCH #2024040147) for the project, provided in attached **Exhibit '3'**, and this related General Plan Amendment; and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the General Plan Amendment and related entitlements were distributed for public review and comment to various local agencies and groups, and 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

mitigated negative declaration, and considered testimony received as a part of the public hearing process; and

WHEREAS, the Planning Commission recommends that the City Council adopt General Plan Amendment 2023-01 per Resolution 2024-14; and

WHEREAS, with all requirements having been met, the City Council now desires to approve General Plan Amendment 2023-01 and adopt the Mitigated Negative Declaration prepared for the Project, including the associated Mitigation Monitoring and Reporting Program.

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. CEQA. 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 Initial Study and Mitigated Negative Declaration 2023-01 (MND) and Mitigated Monitoring and Reporting Program (SCH #2024040147) to evaluate the environmental effects of the project, including the proposed annexation. The City Council has fully considered the Mitigated Negative Declaration. The Environmental Assessment / Initial Study was prepared for this project in accordance with the requirements of the CEQA Guidelines and reflects the City Council's independent judgment and analysis. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment necessitated a thorough review of the proposed Project and relevant environmental issues. While the proposed Project could have a potentially significant effect on the environment, based on its independent judgment and analysis, the City Council finds that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects or mitigate the effects to a point where no significant effect on the environment will occur, and there is no substantial evidence in the record that this Project may have any direct, indirect or cumulative effects on the environment that are potentially significant and adverse. The proposed Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the Project to avoid potentially significant effects are set forth in the Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this Project may have significant direct, indirect or cumulative effects on the environment. As such, the City Council also finds and determines that in light of the entire administrative record and the substantial evidence before it, the Project has been adequately environmentally assessed as required by CEQA per the Initial Study/Mitigated Negative Declaration.

3. Adoption of MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council adopts the Mitigated Negative Declaration prepared for the Project, including

the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. The City of Kerman Community Development Department located at 850 S. Madera Ave. Kerman, CA 93630, is designated as the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based. The City Council authorizes the Director, or designee, to execute and file with the Fresno County Clerk, as appropriate, a Notice of Determination for approval of the Project.

4. 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 2023-01, including the following:

    a. The change is consistent with the General Plan goals and policies.

        The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Moreover, GPA 2023-02 is supported by policy LU-3.3 Prevent Sprawl Development and LU-3.5 Increase Density and Intensity within City Limits., which prevents urban sprawl by allowing denser developments within the City's land uses.

    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 has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community have been applied to this project as mitigation measures and conditions of approval.

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

        An initial study was prepared for this project consistent with the CEQA, which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated.

5. Approval of General Plan Amendment. Given that all the findings can be made, the City Council approves GPA 2023-01, to add the SD-R-2.5 zoning district as a compatible zoning district within the medium density residential land use designation and set a minimum

residential density of five (5) dwelling units per acre, all as per the attached **Exhibit '1'** made a part hereof by this reference.

6. Effective Date of Resolution. This resolution shall become effective immediately. The City Clerk shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Kerman.

The foregoing resolution was introduced and adopted by the City Council of the City of Kerman at a regular meeting held on the 28th day of August 2024, by the following vote:

AYES:	Herrera, Coleman, Yep, Pacheco
NOES:	None
ABSTAIN:	Nijjer
ABSENT:	None

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

ATTEST:

_____
Josie Camacho
City Clerk

Exhibit '1'

General Plan Amendment 2023-01

Change from: Page 3-6

Kerman General Plan

Designation	Description	Density / Intensity
Medium Density Residential **MDR** **Compatible Zoning:** R-1-7 R-1-12 R-2 SD-R-5 SD-R-4.5 SD-R-3.5 PD-R-7 PD-R-12 ~~PD~~	**Purpose and Application:** This designation allows for residential development at a density of up 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. Each quadrant of the community will contain land that is designated for this type of residential development to provide a mix of housing types. **Typical Uses:** ▪ Single family detached dwellings ▪ Small-lot multifamily dwellings, including duplexes, triplexes, fourplexes, and mobile homes ▪ Accessory dwelling units ▪ Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)	**Maximum Density:** 12 du/ac

Change to: Page 3-6

Kerman General Plan

Designation	Description	Density / Intensity
Medium Density Residential **MDR** **Compatible Zoning:** R-1-7 R-1-12 R-2 SD-R-5 SD-R-4.5 SD-R-3.5 SD-R-2.5 PD-R-7 PD R-12	**Purpose and Application:** This designation allows for residential development at a density of up 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. Each quadrant of the community will contain land that is designated for this type of residential development to provide a mix of housing types. **Typical Uses:** ▪ Single family detached dwellings ▪ Small-lot multifamily dwellings, including duplexes, triplexes, fourplexes, and mobile homes ▪ Accessory dwelling units ▪ Compatible public and quasi-public uses (e.g., churches, day-care centers, community centers, parks, and schools)	**Maximum Density:** 12 du/ac Minimum Density: 5 du/ac

Exhibit '2'

Initial Study and Mitigated Negative Declaration (Environmental Assessment 2023-01)

The Initial Study and Mitigated Negative Declaration (Environmental Assessment 2023-01) 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

Exhibit '3'

Mitigation Monitoring and Reporting Program

WHISPERING FALLS TSM 2023-01
MITIGATION MONITORING AND REPORTING PROGRAM
JULY 2024

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15097 and Section 21081.6 of the Public Resources Code (PRC). The timing of implementing each mitigation measure is identified in in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a Project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Kerman is responsible for verifying that mitigation is performed/completed.

Mitigation Measures	Party Responsible for Implementing Mitigation	Timing of Verification	Responsible for Monitoring Compliance	Verification of Completion	
				Date	Initials
Air Quality					
Mitigation Measure AIR-1. Before a construction permit is issued for the proposed Project, the Project applicant, Project sponsor, or construction contractor shall submit provide reasonably detailed compliance with one of the following requirements to the City of Kerman: a) Option 1) Where portable diesel engines are used during construction, all off-road equipment with engines greater than 75 horsepower shall have engines that meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (CARB) Tier 4 Interim off-road emission standards except as otherwise specified herein. If engines that comply with Tier 4 Interim or Tier 4	Project Applicant	Prior to issuance of a construction permit	City of Kerman Building Division		

Final off-road emission standards are not commercially available, then the construction contractor shall use the next cleanest piece of off-road equipment (e.g., Tier 3) that is commercially available. For purposes of this Project design feature, "commercially available" shall mean the equipment at issue is available taking into consideration factors such as (i) critical-path timing of construction; and (ii) geographic proximity to the Project site of equipment. If the relevant equipment is determined by the Project applicant to not be commercially available, the contractor can confirm this conclusion by providing letters from at least two rental companies for each piece of off-road equipment that is at issue. b) Option 2) Prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest), the Project applicant and/or construction contractor shall prepare a construction operations plan that, during construction activities, requires all off-road equipment with engines greater than 75 horsepower to meet either the particulate matter emissions standards for Tier 4 Interim engines or be equipped with Level 3 diesel particulate filters. Tier 4 Interim engines shall, at a minimum, meet EPA or CARB particulate matter emissions standards for Tier 4 Interim engines. Alternatively, use of CARB-certified Level 3 diesel particulate filters on off-road equipment with engines greater than 75 horsepower can be used in lieu of Tier 4 Interim engines or in combination with Tier 4 Interim engines. The construction contractor shall maintain records documenting its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information shall include, but are not limited to, equipment type, equipment manufacturer, equipment					

identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. The Project applicant and/or construction contractor shall submit the construction operations plan and records of compliance to the City of Kerman.					
Biological Resources					
Mitigation Measure BIO-1: Burrowing owls avoidance. The Project shall implement the following measures to avoid any potential impacts of nesting habitat of the Project in compliance with the federal Migratory Bird Treaty Act and relevant Fish and Game Codes: • Avoidance. Initiate grading/ground disturbance from Sept 1 – February 1 during the non-breeding period. • Preconstruction Surveys. If construction is initiated during the nesting period (Feb 1 – Aug 30), conduct a preconstruction survey to confirm that no burrowing owl has taken up residence in any parcels with ground burrowing mammals. If burrowing owl occupation is found, consult with the California Department of Fish and Wildlife to determine the appropriate avoidance and minimization measures.	Project Applicant	Prior to issuance of a construction permit	City of Kerman Building Division		
Mitigation Measure BIO-2: San Joaquin kit fox Avoidance. The following measures are recommended to avoid any potential impact to San Joaquin kit fox during construction. These measures are designed to avoid and minimize any impact on San Joaquin kit fox in the unlikely event an individual is present within the Study Area at any time during construction. • Prior to Construction: Prepare and conduct an employee education program prior to the start of construction. The program should consist of a brief presentation by persons knowledgeable in kit fox	Project Applicant	Prior to issuance of a construction permit	City of Kerman Building Division		

biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation (as summarized below). A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the Project site. • Avoidance and Minimization Measures During Construction: The following measures should be included within the worker education program and in any Project specification and contract. 1. Project-related vehicles should observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. No nighttime construction should occur, given the species is primarily nocturnal. 2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen					

fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below. 3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped. 4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or Project site. 5. No firearms shall be allowed on the Project site. 6. No pets, such as dogs or cats, should be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens. 7. The use of rodenticides and herbicides in Project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes					

and the depletion of prey populations on which they depend. All uses of such compounds should observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. 8. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program, and their name and telephone number shall be provided to the Service. 9. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, etc., should be re-contoured if necessary and revegetated, if possible, to promote restoration of the area to pre-Project conditions. 10. Any contractor or employee responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured, or entrapped kit fox. 11. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit					

fox during Project-related activities. Notification must include the date, time, and location of the incident or the finding of a dead or injured animal and any other pertinent information. 12. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map marked with the location of where the kit fox was observed should also be provided to the Service at the address below.					
Cultural Resources					
Mitigation Measure CUL-1: In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Project: a. Cultural Resources Alert on Project Plans. The Project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources. b. Stop Work Near any Discovered Cultural Resources. Should previously unidentified cultural resources be discovered during construction of the Project, the Project proponent shall cease work within 50 feet of the resources, and City of Kerman shall be notified immediately. The Project archaeologist meeting the Secretary of the Interior Professional Qualifications Standards for archeology shall immediately to evaluate the find pursuant to Public Resources Code Section 21083.2.	Project Applicant	Prior to issuance of a construction permit	City of Kerman Building Division		

c. Mitigation for Discovered Cultural Resources. If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the Project proponent and other appropriate parties of the evaluation and recommended mitigation measures to mitigate the impact to a less-than-significant level. If the archaeologist and, if applicable, a Native American monitor or other interested tribal representative determine it is appropriate, cultural materials collected from the site shall be processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the site(s) shall be evaluated according to the criteria of the California Register of Historical Resources (CRHR) and if applicable, National Register of Historic Places (NRHP). The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)." Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the City of Kerman. The archaeologist shall					

document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center (SSJVIC). The resources shall be photo documented and collected by the archaeologist for submittal to the City of Kerman. The archaeologist shall be required to submit to the City of Kerman for review and approval a report of the findings and method of curation or protection of the resources. This report shall be submitted to the SSJVIC after completion. Recommendations contained therein shall be implemented throughout the remainder of ground disturbance activities. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken. d. Data Recovery. Should the results of item c. yield resources that meet CRHR significance standards and if the resource cannot be avoided by Project construction, the Project applicant shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and approved by the City prior to construction. Any necessary data recovery excavation, conducted to exhaust the data potential of significant archaeological sites, shall be carried out by a qualified archaeologist meeting the SOI's PQS for archeology. Data recovery shall be conducted in accordance with a research design reviewed and approved by the City, prepared in advance of fieldwork, and using the appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5, Guidelines for Archaeological					

Research Design, or the latest edition thereof. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with the City and local California Native American tribe(s). As applicable, the final Data Recovery reports shall be submitted to the City prior to issuance of any grading or construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities. Recommendations may include, but would not be limited to, Cultural Resources Monitoring, and/or measures for unanticipated discoveries. The final report shall be submitted to the SSJVIC upon completion. e. Disposition of Cultural Resources. Upon coordination with the City of Kerman, any pre-historic archaeological artifacts recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines. f. Cultural Resources Monitoring. If mitigation measures are recommended by reports written under item c. or d., the Project applicant shall retain a qualified archaeologist to monitor Project-related, ground-disturbing activities which may include the following but not limited to: grubbing, vegetation removal, trenching, grading, and/or excavations. The archaeological monitor shall coordinate with any Native American monitor as required. Monitoring logs must be completed by the archaeologist daily. Cultural resources monitoring may be reduced for the Project if					

the qualified archaeologist finds it appropriate to reduce the monitoring efforts. Upon completion of ground disturbance for the Project, a final report must be submitted to the City for review and approval documenting the monitoring efforts, cultural resources find, and resource disposition. The final report shall be submitted to the SSJVIC.					
Geology and Soils					
Mitigation Measure GEO-1: If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources. If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations, and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects or such effects must be mitigated. Construction in that area shall not resume until the resource-appropriate measures are recommended or the materials are determined to be less than	Project Applicant	During ground disturbance activities	City of Kerman Building Division		

significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the City of Kerman, Community Development Department.					
Hazards and Hazardous Material					
Mitigation Measure HAZ-1: Asbestos Survey. Prior to the demolition or renovation of any existing structure on site, an Asbestos Survey shall be conducted to determine the quantity of asbestos-containing construction material to be removed in the Project. As regulated by National Emission Standards for Hazardous Air Pollutants (NESHAP), the inspection must be conducted by a Cal-OSHA Certified Asbestos Consultant (CAC). The Asbestos Survey report shall be submitted to the City of Kerman Community Development Department for review and approval. Alternatively, if the developer is opting to treat all of the material as RACM and will notify as such, the survey may be bypassed. A completed and signed Asbestos Notification Form must be submitted to the San Joaquin Valley Air Pollution Control District (SJVAPCD) 10 working days prior to the commencement of any regulated asbestos (RACM) abatement. If it is determined that there are asbestos-containing materials or soils on site, the developer shall utilize specialists/professionals for asbestos removal/abatement to reduce potential health risks to construction workers. Demolition activities that would expose construction workers and/or the public to asbestos-containing materials shall be conducted in accordance with the applicable regulations, including, but not limited to:	Project Applicant	Prior to demolition or renovation of structures on site	City of Kerman Building Division		

• San Joaquin Valley Air Pollution Control District • California Health and Safety Code (Section 39650 et seq.) • California Code of Regulations (Title 8, Section 1529) • California Occupational Safety and Health Administration regulations (California Code of Regulations, Title 8, Section 1529 [Asbestos] and Section 1532.1 [Lead]) • Code of Federal Regulations (Title 40, Part 61 [asbestos], Title 40, Part 763 [asbestos], and Title 29, Part 1926 [asbestos and lead])					
Mitigation Measure HAZ-2: Lead-Based Paint Inspection. Prior to the demolition of any existing structure on site, a lead-based paint inspection is required to determine whether the lead-based paint is present in or on the original building materials. The inspection shall be conducted on-site by a state-certified Lead Inspector or Assessor in accordance with the California Code of Regulations, Title 8, Section 1532.1. The investigation report shall be submitted to the City of Kerman Community Development Department for review and approval. If it is determined that lead-based paint exists on site, the developer shall utilize professionals for lead-based paint removal to reduce potential health risks to construction workers and/or the public. Pursuant Section 1532.1, construction workers must establish and implement a compliance program, and provide a written Pre-Job Notification to the nearest Division of Occupational Safety and Health Cal/OSHA office 24 hours before the start of a project.	Project Applicant	Prior to demolition of structures on site	City of Kerman Building Division		
Mitigation Measure HAZ-3: Test for Agricultural Pesticides. Prior to construction activities onsite, a limited Phase II investigation shall be conducted to assess the surface soil of	Project Applicant	Prior to ground	City of Kerman		

the project site for residual organochlorine and lead arsenate pesticides. The Phase II investigation shall be conducted in accordance with guidelines developed by the Department of Toxic Substances Control (DTSC) and Environmental Protection Agency (EPA) for site assessments. The Phase II investigation shall estimate the potential threat to public health and the environment if concentrations of pesticides are encountered using methods outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual and DTSC's Screening Level Human Health Risk Assessment guidance for implementing screening level risk analysis. The Phase II investigation shall be submitted to the City of Kerman Community Development Department for review and approval by an independent third-party reviewer. If the Phase II testing reveals concentrations of organochlorine pesticides and lead arsenic above health-based screening levels for residential exposure, remediation of the site shall be required to address residual organochlorine and lead arsenate pesticides above health-based level of concern. Remediation may include excavation and disposal of impacted soil or capping elevated areas beneath paved areas. The Construction Contractor shall implement the recommendations outlined in the Phase II.		disturbing activities	Building Division		
Noise					
Mitigation Measure NOI-1: A soundwall with a minimum height of seven (7) feet shall be constructed along the southern property line adjacent to the San Joaquin Valley Railroad rail line. The wall shall be constructed of concrete blocks, masonry, or stucco on both sides of a wood or steel stud wall. Compliance shall be verified during the Final Map review and approval process by the City of Kerman Public Works Department.	Project Applicant	Final Map review	City of Kerman Planning Division		

Mitigation Measure NOI-2: Noise sensitive land uses (e.g., residential uses, schools, churches) within 500 feet of the exterior boundaries of the Project site shall be notified about the estimated duration and hours of construction activity at least 30 days before the start of construction, with the exception of construction activities related to emergency work. The notice shall be an informational document containing the estimated duration and hours of construction activity, a primary contact for complaints, and reference to compliance with Kerman Municipal Code Chapter 9.26 Prohibition of Unreasonably Loud and Unnecessary Noise. The notice shall be mailed by first class mail to every owner whose name and address appears on the last equalized County Assessment Roll for any property within 500 feet of the exterior boundaries of the Project site. Proof of mailing shall be provided to the City of Kerman, Community Development Department. Separate notices and proof of mailings shall be sent and submitted for all phases of construction.	Project Applicant	At least 30-days before construction	City of Kerman Building Division		
Mitigation Measure NOI-3: Temporary sound barriers shall be erected between the construction area/site and existing residential structures. Sound barriers shall be of sufficient height and length to block the line of sight between the construction site and residential structures and shall be continuous with no gaps or holes between panels or the ground. Sound barriers shall be constructed of material with a weight of two (2) pounds per square foot and shall have a minimum Sound Transmission Class (STC) rating of 28. Sound blankets may be used in place of temporary sound barriers; however, it must be demonstrated the sound blankets meet a STC rating of 28 and shall be of sufficient length to overlap each other and the ground surface. Implementation of temporary sound barriers shall be indicated in the General	Project Applicant	Prior to issuance of building permit	City of Kerman Building Division		

Construction Notes for the project and verified by the City of Kerman Building Division during the building permit process.					
Tribal Cultural Resources					
See Cultural Resources					

ATTACHMENT 'H'

Rezone 2023-01 Ordinance

ORDINANCE NO. 24-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN CITY APPROVING REZONE 2023-01 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN TO PREZONE APPROXIMATELY 41.49 ACRES (APNS 020-160-36S, 020-160-18S, 020-041-45S, AND 020-041-47S) TO THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 2,500 SQUARE FEET (SD-R-2.5) ZONING DISTRICT AND APPROXIMATELY 20 ACRES (020-160-19S) TO THE SMART DEVELOPMENT COMBINING DISTRICT – RESIDENTIAL – MINIMUM 5,000 SQUARE FEET (SD-R-5) ZONING DISTRICT

WHEREAS, an application was filed by Whispering Falls, LLC., pertaining to six (6) parcels consisting of 64.76 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad identified as APNs 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U ("Project Area"); and

WHEREAS, because the Project Area is outside of City limits and currently has County agricultural zoning, a prezone/rezone is needed; and

WHEREAS, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 56.89 acres) and HDR – High Density Residential (approximately 5 acres);

WHEREAS, the 20-acre parcel within the Project Area identified as APN 020-160-36S located on the east side of South Modoc Avenue between West California Avenue and West California Avenue Alignment/San Joaquin Valley Railroad has two underlying land use designations, MDR (15 acres) and HDR (5 acres); and

WHEREAS, Whispering Falls, LLC. proposes a variety of housing types and sizes on the 20-acre parcel, including 118 single-family units and 54 multi-family units, plus a community center, on and off-site improvements including roadways, sidewalks, landscaping, parking, and 3.19 acres of common open space; and,

WHEREAS, because the project combines single-family and multi-family residential uses on a site that is designated MDR – Medium Density Residential and HDR – High Density Residential, the smart development (SD) combining district is the most appropriate and applicable zoning district for combining residential uses on one site; and

WHEREAS, the density range permitted in the SD-R-2.5 zone district is 8-20 units per acre, which is consistent with the density ranges of the MDR and HDR zoning districts; and

WHEREAS, approval of the project would require approval of Annexation 2023-01, General Plan Amendment 2023-01, Rezone 2023-01, Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01; and

WHEREAS, the requested Rezone 2023-01 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 Acres (AE-20) to SD-R-2.5 zoning district (APNS 020-160-36S, 020-160-18S, 020-041-45S, and 020-041-47S) and SD-R-5 zone district (020-160-19S) as shown in the attached **Exhibit '1'**, consistent with the MDR land use designation, upon approval of General Plan Amendment 2023-01; and

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

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the related entitlements for the project were distributed for public review and comment to various local agencies and groups, and 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 July 15, 2024, and adopted a resolution with a recommendation to the City Council to approve Rezone 2023-01; and

WHEREAS, the City of Kerman City Council held a public hearing on August 28, 2024, to consider the Whispering Falls Project including Rezone 2023-01 Ordinance during which the Council solicited public testimony, and considered the environmental assessment; and

WHEREAS, after the public hearing the Council introduced the Rezone 2023-01 Ordinance; and

WHEREAS, the City Council now desires to adopt the Rezone 2023-01 Ordinance to amend the City's official Zoning Map on real property described herein below as Exclusive Agriculture to the SD-R-2.5 and SD-R-5 zone districts.

NOW, THEREFORE, the City Council of the City of Kerman does ordain 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 City Council previously prepared and certified Mitigated Negative Declaration 2023-01 (MND) for the project. The MND identified rezoning of the project site. The rezoning

does not change the environmental assessment of the MND. Further, the MND was recently adopted at the public hearing regarding 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 previously adopted MND 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 MND 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 adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds REZ 2023-02 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 proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan.*

   b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community. *The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. Moreover, Rezone 2023-01 is supported by policy LU-2.1 Attractive Community, LU-2.4 Architectural Character, and LU-2.5 High-Quality Design, which cumulatively, enhance the design, character, and vibrancy of the City's health, safety, and welfare.*

   c. There will not be significant effects upon the quality of the environment and natural resources. *An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated.*

4. Approval of Rezone. Given that all the findings can be made, the City Council adopts this Rezone 2023-01 Ordinance approving the amendment to the official zoning map of the City of Kerman to prezone approximately 41.49 acres (APNs 020-160-36s, 020-160-18S, 020-041-45S, and 020-041-47S) to the Smart Development Combining District – Residential –

Minimum 2,500 Square Feet (SD-R-2.5) zoning district and approximately 20 acres (APN 020-160-19S) to the Smart Development Combining District – Residential – Minimum 5,000 Square Feet (SD-R-5) Zoning District as set forth in Exhibit '1' which is incorporated herein by reference.

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. Publication: 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 28th day of August, 2024, and passed and adopted at a regular meeting of the City Council on the 25th day of September, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing ordinance is hereby approved.

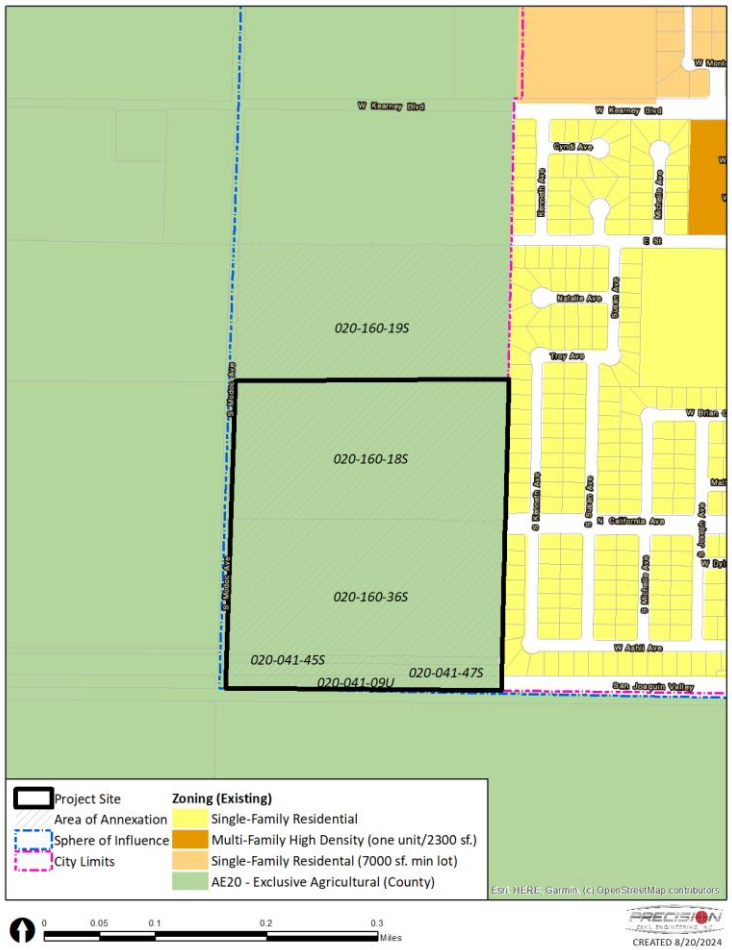
_____
Maria Pacheco
Mayor

_____
Josie Camacho
City Clerk

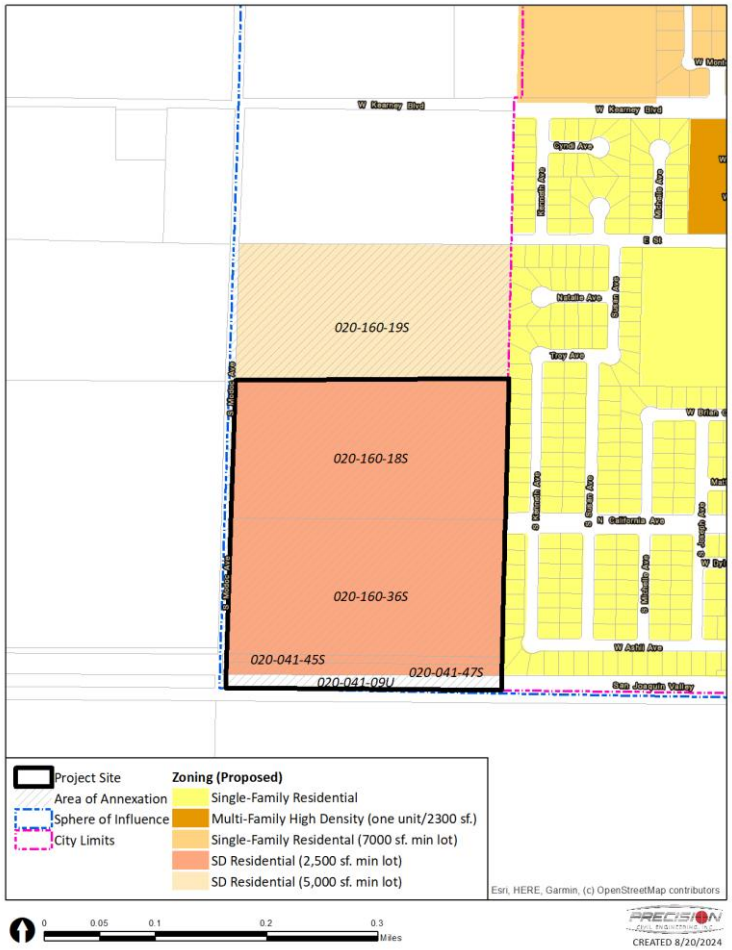
Exhibit '1'

Proposed Rezone/Prezone (Rezone 2023-01)

EXISTING ZONING DISTRICT



NEW ZONING DISTRICT



ATTACHMENT 'I'

Tentative Subdivision Map 2023-01 Resolution

RESOLUTION NO. 24-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING TENTATIVE SUBDIVISION MAP 2023-01 FOR A PROPERTY LOCATED ON THE EAST SIDE OF SOUTH MODOC AVENUE BETWEEN WEST CALIFORNIA AVENUE (PROPOSED) AND THE WEST CALIFORNIA AVENUE ALIGNMENT/SAN JOAQUIN VALLEY RAILROAD (APNS 020-160-36S, 020-041-45S, 020-041-47S)

WHEREAS, Whispering Falls, LLC, submitted Tentative Subdivision Map 2023-01 to subdivide approximately 21.89 acres identified as APN 020-160-36S, 020-041-45S, and 020-041-47S located on the east side of South Modoc Avenue between West California Avenue (proposed) and the West California Avenue Alignment/San Joaquin Valley Railroad ("project site"); and

WHEREAS, Tentative Subdivision Map 2023-01 will subdivide the 21.39 acres into 119 lots, 118 of which will be for single-family units and one (1) will be for multi-family residential development consisting of 54 units and community center; and

WHEREAS, Annexation 2023-01, Rezone 2023-01, and General Plan Amendment 2023-01, were considered concurrently by the City Council with Tentative Subdivision Map 2023-01; and

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

WHEREAS, the City of Kerman on August 14, 2024, published a legal notice in compliance with State law concerning City Council consideration of Tentative Subdivision Map 2023-01 in the Kerwest News, a local newspaper of general circulation, which included the date and time of the City Council consideration of approval of the Tentative Subdivision Map. In addition, a public hearing notice was mailed to each property owner within at least 500 feet of the project site, indicating the date and time of the public hearing regarding the proposed project in accordance with State law; and

WHEREAS, on August 28, 2024, the City Council conducted a duly noticed public hearing on the General Plan Amendment 2023-01, Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program (Environmental Assessment 2023-01), Rezone 2023-01, Annexation 2023-01, and Tentative Subdivision Map 2023-01; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred, and the City Council now desires to approve Tentative Subdivision Map 2023-01.

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.

2. CEQA. The City Council previously adopted MND for the project (Environmental Assessment 2023-01). The MND identified the tentative subdivision map. The tentative subdivision map does not change the environmental assessment of the MND. Further, the MND was recently adopted. 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 previously adopted MND 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 MND 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 adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds Tentative Subdivision Map 2023-01 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. 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, follows:

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

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

c. That the site is physically suited for the type of development. There is no evidence that the site is not physically suited for the type of development proposed by the tentative subdivision maps. To the contrary, Tentative Subdivision Map 2023-01 was thoroughly analyzed and compared to the General Plan. Additionally, all relevant CEQA environmental concerns were addressed in the Initial Study and Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program (SCH #2024040147) that was prepared for the tentative subdivision map, including flooding, drainage, traffic, biological resources, and other items dealing the with physical characteristics of the site and potential physical impacts of the proposed development. The proposed tentative subdivision map complies with the allowable land use and residential planned land use density and acreage allocations, and with the goals, objectives, and policies contained in the General Plan. The proposed development meets all adopted standards and requirements, thus is physically suited for the type of development being proposed.

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

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

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

g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision. The subdivision will be served by private streets that are connected to the proposed West California Avenue alignment dedicated to the City for public use and the parks and open spaces will be privately maintained by a Home Owners Association. The design of private streets and parks and open space within the project site have been thoroughly reviewed by City departments to ensure compliance with the General Plan and development standards of the Zoning Ordinance. Dedications for public right of way, etc., are required for public utilities, roadways, and other improvements. There is no evidence in the record that the subdivision map or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

4. Approval with Conditions. Based on the aforementioned findings, the City Council approves Tentative Subdivision Map 2023-01 (**Exhibit '1'**), subject to the conditions set forth in **Exhibit '2'** (Tentative Subdivision Map 2023-01 conditions of approval) attached hereto.

5. Effective Date of Resolution. This resolution shall become effective immediately after the City Council approves Rezone 2023-01 and said ordinance adopting the same then becomes effective.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

_____
Josie Camacho
City Clerk

Exhibit '1'

Tentative Subdivision Map 2023-01

ZONING/ LAND USE

OWNER/ SUBDIVIDER

NOTES

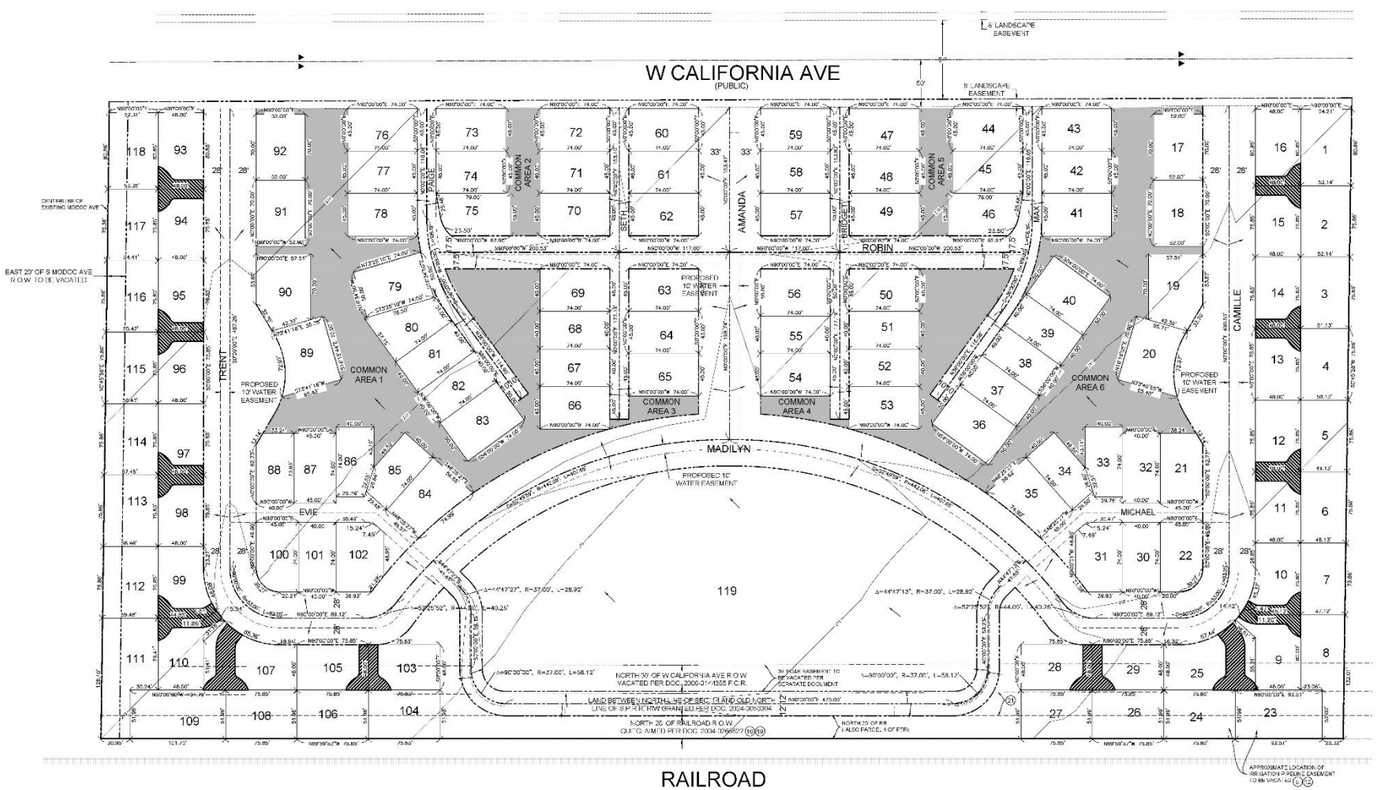
1. THE SOURCE OF WATER SUPPLY SHALL BE THE CITY OF KERMAN.

IN THE CITY OF KERMAN, COUNTY OF FRESNO, STATE OF CALIFORNIA

PLANNED UNIT DEVELOPMENT FOR WHISPERING FALLS & TENTATIVE SUBDIVISION MAP TSM 2023-01

HATCHING LEGEND

- COMMON AREA
- PROPOSED CROSS ACCESS
- ▲ RIGHT-OF-WAY DEDICATED FOR STREET PURPOSES PER THIS MAP



LEGAL DESCRIPTION

The land referred to herein is situated in the State of California, County of Fresno, unincorporated Area and described as follows:

PARCEL 1: APN 020-190-35 Portion

Lot 17 in Section 11, Township 14 South, Range 17 East, Mount Diablo Base and Meridian of Fresno Irrigation Farms Co. Tract, according to the Map thereof recorded in Book 8, Page 1, of Record of Surveys, Fresno County Records.

Excepting therefrom all oil, gas, other hydrocarbon substances and minerals of any kind and character, lying in, on or beneath, as reserved in Deeds of Record.

Together with that portion of West California Avenue, as abandoned by Resolution No. 04-76, recorded July 1, 2005, as Document No. 2005-0144355, of Official Records, which was a part by operation of law.

PARCEL 2: APN 020-190-36 Portion

Lot 18 in Section 11, Township 14 South, Range 17 East, Mount Diablo Base and Meridian of Fresno Irrigation Farms Co. Tract, according to the Map thereof recorded in Book 8, Page 1, of Record of Surveys, Fresno County Records.

Excepting therefrom the South 75 feet of the West 300 feet thereof.

Excepting therefrom all oil, gas, other hydrocarbon substances and minerals of any kind or character, lying in, on or beneath, as reserved in Deeds of Record.

PARCEL 3: APN 020-190-35 Portion

The South 25 feet of the West 300 feet of Lot 18 in Section 11, Township 14 South, Range 17 East, Mount Diablo Base and Meridian of Fresno Irrigation Farms Co. Tract, according to the Map thereof recorded in Book 8, Page 1, of Record of Surveys, Fresno County Records.

Excepting therefrom all oil, gas, other hydrocarbon substances and minerals of any kind or character, lying in, on or beneath, as reserved in Deeds of Record.

Parcel 4: APN: 020-041-47

The Northerly 25.00 feet of that Parcel of land granted to the Southern Pacific Railroad Company by deed recorded November 18, 1888 in Book 87 of Deeds, Page 157 of Official Records of Fresno County, lying in the East half of the West half of Section 13, Township 14 South, Range 17 East, Mount Diablo Base and Meridian and the Southerly extension of the West line of Lot 18 of the Fresno Irrigated Farms Company Tract recorded in Book 8 of Record of Surveys at Page 1, Fresno County Records.

Parcel 5: APN: 020-041-45

Being a portion of the Northwest quarter of Section 14, Township 14 South, Range 17 East, Mount Diablo Base and Meridian lying Northerly of the Northerly line of that certain parcel of land granted to the Southern Pacific Railroad Company by deed recorded November 18, 1888 in Book 87 of Page 157 of Official Records of Fresno County, and being more particularly described as follows:

Beginning at the North quarter corner of said Section 14;

Thence, along the North line of the Northwest quarter of said Section 14, North 89°49'22" East, 1320.42 feet to the Southerly extension of the West line of Lot 13 of the Fresno Irrigated Farms Company Tract recorded in Book 8 of Record of Surveys at Page 1, Fresno County Records;

Thence, along said Southerly extension, South 00°40'38" West, 29.70 feet to the North line of said Southern Pacific Railroad Company Right-of-Way, also being the North line of that certain Quitclaim Deed between the Union Pacific Railroad Company and Kenneth H. Boyd as recorded November 26, 2004 as Document No. 2004-0289622 of Official Records of Fresno County;

Thence, along the North line of said Southern Pacific Railroad Company Right-of-Way, North 89°49'22" East, 1313.62 feet to the West line of the Northeast quarter of said Section 14;

Thence, along said West line of the Northeast quarter of Section 14, North 00°38'39" West, 29.71 feet to the Point of Beginning.

Excepting therefrom all oil, gas and other hydrocarbon substances in and under said premises, together with the full right and privilege in the grantor, its successors and assigns, a vendor's and grantor's lien, as reserved in the Deed recorded January 15, 1915 in Book 2224, Page 105 as Document No. 2354 of Official Records of Fresno County.

APNs: 020-041-45, 020-041-47, 002-160-36

Schedule B - Exceptions:

6. Matters contained in document entitled Indenture (Deed of Easement) by and between Southern Pacific Transportation Company and Fresno Irrigation District, its successors or assigns recorded April 13, 1984 as Instrument No. 84036539 of Official Records.
12. Easement and rights incidental thereto for pipelines as reserved in Deed recorded April 13, 1984 as Instrument No. 84036539 of Official Records.
16. Matters contained in document entitled Quitclaim Deed recorded November 29, 2004 as Instrument No. 2004-0289622 of Official Records.
17. Matters contained in document entitled Quitclaim Deed by and between Union Pacific Railroad Company, a Delaware corporation and Kenneth H. Boyd and Susan G. Boyd, as Trustees of the Boyd Trust dated December 13, 1999 recorded November 29, 2004 as Instrument No. 2004-0289622 of Official Records.
20. Matters contained in document entitled Grant of Easement by and between Vernon A. May and Gloria L. May, as Co-Trustees under that certain Trust Agreement dated March 31, 1994 and Kenneth Robert Boyd and Susan May Boyd, as Trustees of the Boyd Trust dated December 13, 1999 recorded August 31, 2023 as Instrument No. 2023-0170879 of Official Records.

LARS ANDERSEN & ASSOCIATES, INC.
CIVIL ENGINEERS · LAND SURVEYORS · PLANNERS

SCALE: 1"=50'-0"
TRUE NORTH
0 25 50 100 150 200

WHISPERING FALLS
PLANNED DEVELOPMENT AND TENTATIVE TRACT MAP IN CITY OF KERMAN/FRESNO COUNTY

TENTATIVE MAP
C4.0

SM325.21 03.26.2024

Exhibit '2'

Conditions of Approval for Tentative Subdivision Map
Whispering Falls Residential Development

Engineering Conditions of Approval

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

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

A. General

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.

2. Comply with all conditions set forth in Title 16 of the Kerman Municipal Code (Subdivisions).

3. Pay all applicable development impact fees at the rate in effect at the time of payment, prior to the issuance of Building Permit. The applicant may be eligible for fee credits or fee reimbursements for over-sizing of facilities or construction of other eligible facilities included in the City of Kerman's Impact Fee Study. The City Engineer will determine the type and extent of improvements that are eligible for fee credits or reimbursements. For any improvements deemed eligible for fee credits or reimbursements, the applicant shall submit itemized quantity and unit costs for each item prior to acceptance of the improvements by the City.

4. Provide security in a sum to be determined by the City Engineer, prior to release of development permits, for the guarantee of improvements construction and against claims that may arise from contractors and material vendors.

5. Provide security in a sum to be determined by the City Engineer, prior to final acceptance of the off-site improvements by the City, for the guarantee and warranty of the improvements for a period of one (1) year following the completion and acceptance thereof by the City Council.

6. Provide a soils report or a waiver of soils report for approval by the City Engineer with the first submittal of the improvement plans.

7. Obtain and comply with encroachment permits from affected jurisdictions for all work performed within their rights-of-way and easements.

8. Comply with all the requirements of the local utility, gas, electric, telephone, cable, and other communication companies (Utilities). It shall be the responsibility of the applicant to notify Utilities to remove or relocate poles where necessary. The City will not accept first submittal of improvement plans without proof that the applicant has provided the improvement plans and documents showing all proposed work to the Utilities.

9. Underground all existing overhead and any new utility facilities located along the frontage of the development.

10. Contact the United States Postal Service and address all requirements for the location and type of mailboxes to be installed. The location of the facilities shall be approved by the City Engineer prior to approval of improvement plans or any construction. Applicant shall submit a copy of the Method of Delivery Agreement (MODA) to the City.

11. Install all improvements within public right-of-way and easements in accordance with affected jurisdictions standards, specifications, master plans, and record drawings.

12. Provide and pay for all compaction testing required by the City Engineer. Compaction test locations and depths shall be established by the City Engineer. Compaction test results shall be submitted in a format acceptable to the City Engineer, for review and approval.

13. Maintain the construction site, and any public streets fronting the site, clear of any construction or landscaping debris. The site shall not be used as a storage area for equipment, materials, or other items.

14. Remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.

15. Provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of $5,000.00 shall be submitted to the City to guarantee compliance. At any time, applicant is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.

16. Maintain pedestrian and vehicular access to all surrounding properties and buildings to the satisfaction of the City of Kerman Police Department, North Central Fire Protection District, and City Engineer. For developments occurring in phases, the applicant shall

submit a schedule showing the sequence of development within the area covered by the tentative map.

17. Assume responsibility for all contractor's actions during the course of any work occurring on the site. Designate, in writing before starting work, an authorized representative who shall have complete authority to represent and to act for the applicant. Said authorized representative shall be present while work is in progress. During periods when work is suspended, arrangements acceptable to the City Engineer shall be made for any emergency work which may be required. When the applicant or his authorized representative is not present for any part of the work where it may be necessary to give directions, orders may be given by the City Engineer which shall be received and obeyed by the person(s) in charge of the particular work in reference to which the orders are given. Whenever orders are given to the applicant's representative or superintendent or foreman to do work required for the convenience and safety of the general public, such work shall be done at the applicant's expense.

18. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

B. Maps and Plans

1. Contact the City Engineer to setup a Pre-Submittal meeting prior to the initial submittal of the improvement plans. The applicant's engineer is required to attend.

2. Submit a 18" x 26" final tract map, prepared by a registered civil engineer or licensed land surveyor, and adhering to Subdivision Map Act requirements and City of Kerman Municipal Code. The final tract map shall be drawn at a scale of 1"=100' and include the current filing fee, closure calculations, preliminary title report dated within 90 days of submittal, legal descriptions and drawings of required dedications. Upon approval of the final tract map, applicant shall submit a reproducible/electronic copy (PDF) to the City Engineer.

3. Submit a set of 24" x 36" construction plans prepared by a licensed Civil Engineer for review and approval of all required improvements prior to the release of any development permits. The plans shall include a site grading and drainage plan, landscaping and irrigation plans, and on-site and off-site utilities plan, if applicable,

showing locations and sizes of storm drain, sewer and water mains, laterals, manholes, meters, valves, hydrants, etc.

4. Submit a reproducible/electronic copy (PDF) and two (2) black line copies of the approved set of construction plans, and two (2) bound sets of the approved construction specifications, if any, prior to beginning any construction, or within ten (10) calendar days of approval.

5. Submit Pad Certification(s) prior to issuance of building permits.

6. Submit a PDF file of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" prior to City acceptance of the improvements.

C. Dedications and Street Improvements

1. Provide right-of-way acquisition or dedicate free and clear of all encumbrances and improve the following streets to City standards:

   a) California Avenue
      i) Dedicate 42’ north and south of center/section line (84’ total) for public street and utility purposes along development frontage.
      ii) Dedicate 2’ pedestrian easement and 8’ landscape easement north and south of proposed right-of-way lines.
      iii) Relinquish all direct vehicular access to California Avenue for lots backing or siding onto this street.
      iv) Construct improvements north and south of center/section line in accordance with City Standard P-1 for a Collector Street and approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaping, irrigation, and permanent paving.
      v) Construct transitional paving as required.

   b) Whitesbridge (SR 180) and Lassen Avenues Intersection
      Adhere to Caltrans requirements including those stated in the VRPA prepared Traffic Impact Study dated March 8, 2024 with approval date of March 15, 2024, including but not limited to:
      i) Restripe of intersection approaches to include a left turn lane and shared through/right lane prior to exceeding 50% issuance of occupancy permits.
      ii) Install a traffic signal as may be warranted or pay equitable fair share.

   c) Madera (SR 145) and California (A Street) Avenues Intersection
      Adhere to Caltrans requirements including those stated in the VRPA prepared Traffic Impact Study dated March 8, 2024 with approval date of March 15, 2024, including but not limited to:

i) Restripe of intersection east, west and southbound approaches to include a left turn lane and shared through/right lane prior to exceeding 50% issuance of occupancy permits.
ii) Install a traffic signal as may be warranted or pay equitable fair share.

2. Dedicate a 10’ public utility easement along all streets and all other locations requested by utility companies. Alternate widths must be approved in writing by all utility companies and a copy of said written approval shall be submitted to the City Engineer.

3. Obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests. These designs shall be compared to the minimum section given below and approved by the City Engineer.

Street Designation	Minimum Section
Collector Street(s)	3” HMA/6” CLII AB/6” CNS

4. Install standard barricades with reflectors at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

5. Install 2”x6” redwood header boards prior to street paving, at the end of any permanent pavement abutting undeveloped property.

6. Install temporary paved cul-de-sacs at the end of any dead-end streets, planned for future extension, longer than 150’. A 40’ radius shall be provided to allow turnaround of emergency equipment.

7. Provide for all striping, stenciling, pavement markers, delineators and signage required of all street improvements within the development. All traffic signs and street name signs shall be installed in accordance with City Standards and the CA MUTCD (latest edition). A striping and signage plan shall be included with the construction plans and submitted for review and approval by the City Engineer.

8. Provide corner cut-offs at all street intersections. Corner cut-offs shall be sufficient to provide for sight distances and accommodate curb ramps.

9. Repair/replace any broken or buckled curb, gutter, and/or sidewalk along the site frontage in kind to the satisfaction of the Public Works Department.

10. Provide street names complying with the recommendations of the Planning Commission upon approval of the Final Map as listed below. Names matching existing county roads or city streets must maintain the current suffix. When deemed practical, entry streets, cul-de-sacs, and courts should utilize the name of the nearest subdivision street. Recommended names:

A.

- Amanda
- Evie
- Michael
- Seth
- Bridget
- Madilyn
- Paige
- Trent
- Camille
- Max
- Robin

D. Sanitary Sewer

1. Identify and abandon all existing septic systems per City Standards and any other governing regulations.

2. Construct a permanent lift station near the eastern property line of the development for serving it and upstream master plan boundary area.

3. Install sanitary sewer mains of the size and in the locations indicated below. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

   a) California Avenue: 15" sewer main along the development frontage.
   b) Interior Streets: 8" sewer mains throughout development.

   Install one (1) 4" sewer service house branch to each lot within the development in accordance with City Standards. Additionally, install sanitary sewer main services to existing parcels' property lines, not currently served, and fronting the proposed sanitary sewer main improvements.

4. Connect to the nearest 15" sanitary sewer main available to serve the development, located in California Avenue to the east of the development. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements. Any alternative routing of sewer service must be approved by the City Engineer and supported by appropriate calculations.

E. Water

1. Identify and abandon all existing water wells per City Standards and any other governing regulations.

2. Dedicate a 10' wide easement for all onsite water mains, hydrants, blow-offs, and water meters not located in dedicated rights-of-way.

3. Install water mains of the sizes and in the locations indicated below and provide an adequately looped water system, consisting of at minimum two connection points. The applicant's engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

a) California Avenue: 8” water main along the development frontage.
b) Interior Streets: 8” water mains throughout development.

4. Install water services, size as necessary, to each lot within the development in accordance with City Standards. Water services shall be grouped at property lines. Additionally, install water services to existing parcels’ property lines, not currently served and fronting the proposed water main improvements.

5. Install landscape water service(s), size as necessary, to each public landscape area within the development in accordance with City Standards.

6. Install one (1) water sampling station in accordance with City Standards. The location shall be determined by the City Engineer.

7. Install fire services in accordance with North Central Fire Protection District requirements and City Standards. Fire services shall include a detector check.

8. Install fire hydrants at locations approved by the North Central Fire Protection District. Fire hydrants and curbs shall be painted as directed by the North Central Fire Protection District.

9. Do not perform water service connection to the City of Kerman water system until a bacteriological report has been accepted by the City Engineer.

F. Grading and Drainage

1. Provide a temporary on-site retention basin for storm water disposal. The size and design shall be in accordance with the requirements of the City Engineer and may change based on design calculations and access requirements for maintenance. Sizing calculations shall be provided on the grading plan. The owner of the property on which the temporary basin is to be constructed shall be responsible for maintenance. The temporary basin is solely for the convenience of the development.

2. Backfill the temporary basin within ninety (90) days after notice by the City that the permanent facility is available, and the temporary basing is no longer needed. In the event the owner fails to backfill said basin, the City may cause the basin to be backfilled. A lien to cover the cost of work will be placed on the property on which the basin is located. A covenant stating these requirements shall be prepared and recorded on the lot on which the basin is to be located.

3. Install storm drain mains of the sizes and in the locations indicated below where surface drainage is not possible. The applicant’s engineer shall be responsible for verifying the size, location, and elevations of existing improvements.

a) California Avenue: 15” storm main along the development frontage.
b) Interior Streets: 8” water mains throughout development.

4. Design the site to drain to the proposed master planned storm drain facilities within the streets listed above. Any proposed storm drain system within the development shall connect to said facilities. Minimum storm drain pipe size within public right-of-way shall be 15".

5. Submit hydrologic and hydraulic calculations (H&H) for any proposed storm drain system and submit with the grading plan for review and approval by the City Engineer. Form of H&H calculations shall be approved by the City Engineer prior to submittal.

6. Install concrete masonry block walls in accordance with City Standards, with a minimum height of 6 feet, and of a design and color approved by the City of Kerman Planning Department at the following locations:

   a) California Avenue: along the development frontage.

   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. <u>Landscaping and Irrigation</u>

1. Provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and all other areas reserved for landscaping. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately qualified professional and conform to the City of Kerman Standard Drawings and

Specifications and the California Model Water Efficiency Ordinance. Public landscaping and irrigation shall be installed in the following locations:

a) California Avenue: Along the frontage development from back of curb to block wall and within the median island.

2. Install all landscape improvements prior to issuance of 50% of the development's building permits.

3. Request annexation to the City's Landscaping and Lighting Maintenance District (LLMD). The property owner acknowledges and agrees that such request serves as a petition pursuant to California State Proposition 218 and no further election will be required for the establishment of the initial assessment. The assessment for each lot must be obtained from the City for the tax year following the recordation of the final map. The property owner shall consent to the first-year assessment and annual increases per the provisions of the LLMD. The property owner/applicant shall notify all potential lot buyers before they actually purchase a lot that this tract is a part of a LLMD. Said notification shall be in a manner approved by the City. The property owner/applicant shall supply all necessary assessment diagrams and other pertinent materials for the LLMD.

4. Contact and comply with all requirements of the Fresno Irrigation District (FID). This may include, but not be limited to, dedicating easements, piping or relocating any existing FID canals or ditches, replacing any existing irrigation piping, concrete lining or improving any existing canals, construction or reconstruction of any canals, culverts, and bridge crossings. Plans for these requirements and improvements shall be included in the previously required set of construction plans and submitted to and approved by FID prior to the release of any development permits or recording of the final map. If an FID or private irrigation line is to be abandoned, the applicant shall provide waivers from all downstream users.

5. Identify all existing onsite agricultural irrigation systems either onsite or within public rights-of-way, whether FID or privately owned prior to any construction activity on the site. Service to all downstream users of irrigation water shall be maintained at all times through preservation of existing facilities or, if the existing facilities are required to be relocated, the relocation and replacement of the existing facilities. It is the intent that downstream users not bear any burden as a result of the development. Therefore, the applicant shall bear all costs related to modification, relocation, or repair of any existing irrigation facilities resulting from or necessitated by the development. The applicant shall identify on the construction plans all existing irrigations systems and their disposition (abandonment, repair, relocation, and or piping) for approval by the City Engineer. The applicant shall consult with the FID for any additional requirements for lines to be abandoned, relocated, or piped. The applicant shall provide waivers from all users in order to abandon or modify any irrigation systems or for any service interruptions resulting from development activities.

6. Indicate on construction drawings the depth, location and type of material of any existing FID irrigation line along the proposed or existing street rights-of-way or onsite. Any existing canals or ditches shall be piped. The material of the existing pipe shall be upgraded to the proper class of rubber gasket pipe at all locations unless otherwise approved by the City Engineer.

H. Miscellaneous

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.

2. Remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.

3. Install fence or walls in accordance with City Standards, with a minimum height of 6 feet, and of a design and color approved by the City of Kerman Planning Division at the following locations:

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

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

4. Provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of $5,000.00 shall be submitted to the City to guarantee compliance. At any time, applicant is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.

5. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

6. Install other private and public improvements as may be required under Development Plan Permit 2023-01 and 02.

7. Provide Cross Access Easement agreements for shared driveways, where applicable, in a form approved by the City.

8. Comply with General Plan Policy LU-4.5 Right-to-Farm Disclosure.

9. Install subdivision signage complying with applicable Building & Fire Code and Section 17.30.070 of the Kerman Municipal Code.

10. The project shall comply with all applicable mitigation measures required by the Mitigated Monitoring and Reporting Program prepared for Mitigated Negative Declaration 2023-01, dated June 2024 (SCH #2024040147).

11. Any phasing of TSM 2023-01 shall be consistent with Title 16 of the Kerman Municipal Code and the Subdivision Map Act.

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

ATTACHMENT 'J'

Annexation 2023-01 Resolution

RESOLUTION NO. 24-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN INITIATING ANNEXATION FOR THE WHISPERING FALLS RESIDENTIAL PROJECT CONSISTING OF SIX (6) PARCELS IDENTIFIED AS APNS 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, AND 020-041-09U CONTAINING APPROXIMATELY 64.76 ACRES LOCATED ON THE EAST SIDE OF SOUTH MODOC AVENUE BETWEEN WEST KEARNEY BOULEVARD AND THE WEST CALIFORNIA AVENUE ALIGNMENT/SAN JOAQUIN VALLEY RAILROAD (ANNEXATION 2023-01).

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 020-160-36S, 020-160-18S, 020-160-19S, 020-041-45S, 020-041-47S, and 020-041-09U and the adjacent right-of-way on South Modoc Avenue and the West California Avenue Alignment ("Project Area"); and

WHEREAS, the Project Area includes one (1) active Williamson Act contract (APN 020-160-19S) at the northernmost parcel (which is not currently proposed for development); and

WHEREAS, the City will not succeed to the rights, duties, and powers of the County under the Williamson Act contract for APN 020-160-19S, 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 uninhabited, and on this day contains 3 registered voters, according to information received from the County Elections Office; and

WHEREAS, the proposed annexation area is inside the Sphere of Influence (SOI) 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 allow for the implementation of the City of Kerman 2040 General Plan adopted in July 2020 through the development of a residential project proposed by Whispering Falls, LLC. ("Developer"); and

WHEREAS, the Project Area contains six (6) existing parcels containing approximately 64.76 acres within the City's existing Sphere of Influence, and is located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad (**Exhibit '1'**); and

WHEREAS, approval of the project requires approval of Annexation 2023-01, Rezone 2023-01, General Plan Amendment 2023-01, Tentative Subdivision Map 2023-01, Development Plans 2023-01 and 2023-02, Conditional Use Permit 2023-02, and Variance 2023-01; and

WHEREAS, the City prepared an Initial Study, Mitigated Negative Declaration 2023-01 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #2024040147) for the project, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on July 15, 2024, to consider a recommendation to the City Council regarding annexation of the Project Area shown in **Exhibit 'A-1'**; and

WHEREAS, in conjunction with the public hearing on July 15, 2024, the Planning Commission considered a recommendation of annexation for the Project Area, consistent with the General Plan, as amended; and

WHEREAS, after due consideration of all the items before it, the Planning Commission recommended the City Council initiate the annexation of the Project Area; 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, the City Council held a duly noticed public hearing on the project; and

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

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.

2. CEQA. The City Council previously adopted Mitigated Negative Declaration 2023-01 (MND) for the project. The MND identified the annexation. The annexation does not change the environmental assessment of the MND. Further, the MND was recently adopted by the City Council. 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 previously adopted MND 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 MND 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 adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds Annexation 2023-01 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 Kerman General Plan, as amended by General Plan Amendment 2023-01. In this regard, the City Council finds that public necessity, convenience, general welfare, or good zoning practices justify annexation of the Project Area. 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-5.4 New Incompatible Land Uses as described below and implements the planned residential land uses in the Project Area.

   (a) General Plan Policy LU-3.2. Urban Form: To maintain the City's compact form, this policy requires the City to 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 are managed by two growth lines, "Area 1" and "Area 2." The Project Area is in Area 1. In particular, the Project Area is within "Area 1" of the City's Sphere of Influence. LU 3.2 Urban Form allows the City to consider requests to amend the current Sphere of influence and City limits into Area 1 based on the ability of the City to provide services to the area. Further, for any change in Sphere of Influence or City Limits, the City is to consider 1) 80% of The change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed residential uses consistent with the General Plan.

   (b) General Plan Policy LU-3.3. Prevent Spawl Development. The City shall direct new development to areas that are continuous to existing or approved development and

prevent sprawl development. The Project Area is contiguous to existing and approved development within City limits. Therefore, the Project is consistent.

(c) General Plan Policy LU-5.4. New Incompatible Uses. This policy prohibits the City from introducing new incompatible land uses and environmental hazards into existing residential areas. The Project Area is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the Project is consistent.

5. Findings for Annexation. The City Council finds, as follows:

(a) The proposed annexation is within the City's adopted Sphere of Influence. This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan including but not limited to LU-3.2, LU-3.3, LU-5.4.

(b) The proposal must be consistent with city general and specific plans, including adopted goals and policies. The proposed annexation area will be consistent with the City's General Plan goals and policies contingent upon approval of the entitlements, including the General Plan Amendment, Prezone/Rezone, Tentative Subdivision Map, Development Plans, Conditional Use Permit, and Variance, including but not limited to LU-2.1, LU-2.4, LU-2.5, LU-3.2, LU-3.3, LU-5.4, CIRC-1.10, and CIRC-2.1.

(c) Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan. The City has prepared an Initial Study / Mitigated Negative Declaration (MND) for the project. The MND has concluded that no significant environmental impacts will occur as a result of the project.

(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 and approved development plan for multi-family residential.

(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 proposed annexation would meet this condition whereby the City has contemplated this annexation area as a housing program necessary to fulfill RHNA obligations 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.

4. Approval of Initiation of Reorganization. Based on the information provided above, the City Council of the City of Kerman approves initiation of annexation and reorganization for the entire Project Area 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.

5. Effective Date of Resolution. This resolution shall become effective immediately after the City Council approves Rezone 2023-01 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 2023-01 shall be returned to the City Council for further consideration and a final decision.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

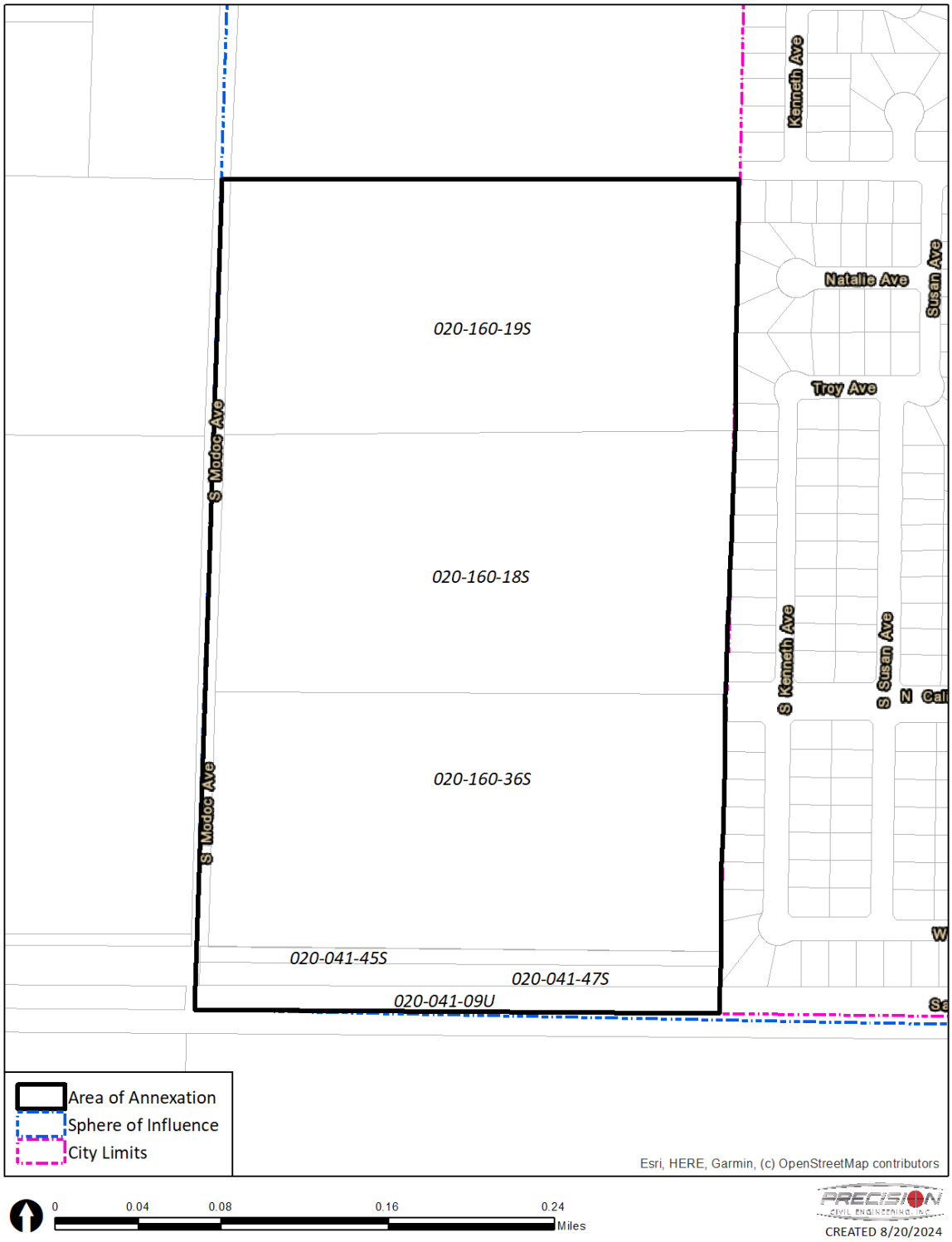
The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

_____
Josie Camacho
City Clerk

Exhibit '1'

Proposed Area of Annexation (Annexation 2023-01)



CREATED 8/20/2024

STAFF REPORT

MEETING DATE: September 25, 2024

PRESENTER: Jenna Chilingerian, Contract Planner

SUBJECT: Crown-Schaad Residential Project: Rezone 2023-02, Mitigated Negative Declaration 2023-03, Annexation 2023-02, and Tentative Subdivision Map 2023-02, pertaining to the Crown-Schaad residential development, located on the North side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S) (JC)

RECOMMENDATION: That the Council consider the second reading of ordinance; adoption of the Annexation Initiation resolution and Tenative Subdivision Map resolution; deliberate; and by motion:

1. Adopt an ordinance of the City Council of the City of Kerman amending the official City of Kerman zoning map to pre-zone approximately 9.69 aces (APN 020-140-22S) to the SD-R-4.5 (Smart Development Combining District – Residential – minimum 4,500 square feet) Zone District and rezone approximately 19.65 acres (APN 020-140-23S) from the R-1-7 (Single-Family Residential) Zone District to the SD-R-4.5 Zone District located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (Rezone 2023-02); and adopt Mitigated Negative Declaration (ENV 2023-03) and Mitigated Monitoring and Reporting Program; and

2. Adopt a resolution of the City Council of the City of Kerman initiating annexation for the Crown-Schaad residential project consisting of one (1) parcel identified as APN 020-140-22S containing approximately 9.69 acres located on the north side of West Kearney Boulevard between South Modoc and south Siskiyou Avenues (Annexation 2023-02); and

3. Adopt a resolution of the City Council of the City of Kerman approving Tentative Subdivision Map 2023-02 located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S and 020-140-23S).

EXECUTIVE SUMMARY:

The Council conducted a duly noticed public hearing on August 28, 2024, on the Crown-Schaad Residential Project which is described in the subject line above. At the conclusion of the public hearing and after deliberations, the Council introduced the ordinance that amends the Zoning Map. The related annexation initiation and tentative subdivision map were also presented at the hearing; however, Council did not take action on those matters. Staff has reviewed and addressed the issues (see below) raised at the meeting and continues to recommend approval. At this meeting, the Council is asked to (i) conduct the second reading and adopt the ordinance, (ii) adopt the resolution approving the tentative subdivision map, and (iii) adopt the resolution initiating annexation as noted in the Recommendations above.

BACKGROUND:

Joseph Crown Construction and Development (Applicant) proposes Annexation (ANX) 2023-02, Rezone (REZ) 2023-02, Tentative Subdivision Map (TSM) 2023-02, and Development Plan Permit (DPL) 2023-03 pertaining to two (2) parcels (APNs 020-140-22S and 020-140-23S) that total approximately 29 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues.

The project would result in the annexation of approximately 9.69 acres from the County of Fresno to the City of Kerman, in addition to the adjacent right-of-way on West Kearney Boulevard, and detach the subject are from the Kings River Conservation District into the Fresno Irrigation District. The project would also result in the prezoning of approximately 9.69 acres and a rezone of approximately 19.65 acres to the smart development zone district, specifically the Smart Devleopment Combining District – Residential – Minimum 4,500 square feet (SD-R-4.5) zone district.

The project would also subdivide two (2) parcels totaling approximately 29 acres (APNs 020-140-22S and 020-140-23S) into 163 single-family lots. The proposed development plan would facilitate the 163-unit single-family residential development in accordance with the smart development zone district standards.

Although not before the City Council, note that Development Plan Permit (DPL) 2023-03 was contingently approved by the Planning Commission at a special meeting on July 15, 2024. The approval was contingent based upon Council initiation of ANX 2023-02 and approval of REZ 2023-02 and TSM 2023-02. DPL 2023-03 would facilitate the development of a 163-unit single-family residential development and related on/off-site improvements (e.g., roadways, sidewalks, landscaping) in accordance with development standards contained within KMC Chapter 17.18.030. Smart Development (SD) Combining District, together with standards specified in Chapter 17.28. Parking, Loading, and Access and Chapter 17.20. General Site Planning and Development Standards.

Furthermore, at its regular meeting on August 28, 2024, the Council was asked to introduce the ordinance that both amends the Zoning Map and approves Mitigated Negative Declaration (CEQA). The related annexation initiation and tentative subdivision map were also presented at the meeting on August 28, 2024. At this meeting on September 25, 2024, the Council is asked to adopt the ordinance and adopt the resolutions initiating annexation and approving the tentative subdivision map as noted in the Recommendations above.

Applicable Codes and Procedures:

KMC 16.28 – Subdivision Maps
KMC 16.32 – Tentative Maps
KMC 17.116 – Public Notices and Hearings
KMC 17.112 –Amendments
KMC 17.18.030 – Smart Development (SD) Combining District
KMC 17.20 – General Site Planning and Development Standards
Public Resource Code – 21000 et seq.

Site Location

The Project site is currently in the jurisdiction of both the County of Fresno, California and the City of Kerman, California. The site is located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues, consisting of two (2) parcels that total approximately 29 acres. The site is identified by the Fresno County Assessor as Assessor's Parcel Number (APNs) 020-140-22S (9.69 acres) and 020-140-23S (19.65 acres). The 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, west, and south, and residential uses to the north, east, and south. The properties to the north, east and south are planned for residential uses within the City of Kerman Sphere of Influence. The properties to the north, west, and south are planned for agricultural uses within the County of Fresno. 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	Vacant/Single-Family	Parks/Medium Density Residential	Park/R-1-7
East	Single-Family	Medium Density Residential	R-1-7
South	Agriculture/Single-Family	Agriculture (County)/Medium Density Residential	AE-20 (County)/R-1 (City)
West	Agriculture	Agriculture (County)	AE-20 (County)

General Plan Land Use Designation

The Project site has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (29 acres). The General Plan Land Use Map for the Project site is shown in **Attachment 'C**.' The MDR land use designation "allows for residential development at a density of up 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).

Zone District

A portion of the Project site is outside City limits (APN 020-140-22S) and located within the County of Fresno Agricultural Exclusive – 20 Acres (AE-20) zone district. The other portion of the Project site is located within the City of Kerman Single-Family Residential (7000 SF Min. Lot) (R-1-7) zone district. The Zoning Map (Existing) for the Project site is shown in **Attachment 'D'**. Because a portion of the site is outside City limits, proposed development would require annexation and a pre-zone/rezone of the site to a zoning district consistent with the City of Kerman 2040 General Plan planned land use designation for the site. Consistent zoning districts for the MDR land use designation are 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.

ANALYSIS:

Annexation 2023-02

Annexation (ANX) 2023-02 would annex approximately 9.69 acres (APN 020-140-22S) from the County of Fresno to the City of Kerman, in addition to adjacent right-of-way on West Kearney Boulevard and detach the subject area from the Kings River Conservation District and into the Fresno Irrigation District.

The annexation boundary is shown in **Attachment 'H'**. There is one (1) parcel within the boundary, which is related to Tentative Subdivision Map 2023-02 and Development Plan Permit 2023-03. This parcel would be pre-zoned to the Smart Development Combining District – Residential – minimum 4,500 square feet (SD-R-4.5) zoning district, consistent with the underlying General Plan land use designation, Medium Density Residential.

The annexation application has been considered by the Fresno Area Local Formation Commission (LAFCO) for review and comments. Per LAFCO, the annexation would comply with LAFCO policies and objectives. Additionally, City staff has issued notice of intent to annex and requested a finding of consistency pursuant to the Second Amendment and Restated Memorandum of Understanding (MOU) between the County of Fresno and City of Kerman. The County of Fresno has responded that they will hold the City's request for finding of consistency with the City/County MOU until after City Council approves the land use and subdivision entitlements. According to the County, this is necessary for the County to find that entitlements have been approved on the lands proposed for annexation.

Rezone 2023-02

Rezone (REZ) 2023-02 would pre-zone approximately 9.69 acres (APN 020-140-22S) and rezone approximately 19.65 acres (APN 020-140-23S) to the Smart Development Combining District – Residential – minimum 4,500 square feet (SD-R-4.5) zoning district, pending approval of Annexation 2023-02. The proposed zoning is shown in **Attachment 'G'**. The zoning district would be consistent with the underlying planned land use, Medium Density Residential.

According to the Kerman Municipal Code (KMC), the purpose of the Smart Development (SD) Combining District 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 district.

The SD district 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 district shall be achieved through a mix of residential housing types and sizes. As described in the Development Standards section below, the proposed development as conditioned will comply with the purpose and intent of the zone district.

Vesting Tentative Subdivision Map 2023-02

Vesting Tentative Subdivision Map (TSM) 2023-02 would subdivide APNs 020-140-22S and 020-140-23S into 163 single-family lots. The lot areas conform to the standards of development as defined by the Zoning Ordinance for the smart development zone districts.

Ten (10) foot public utilities easements are proposed throughout the development in the rights-of-way. An eight (8) foot landscape easement is proposed in West Kearney Boulevard along the site's southern boundary.

Construction phasing is proposed as shown in **Attachment 'I'**. Construction would occur in two phases, with phase 1 accounting for construction of the main access point and entry street, approximately 109 single-family units and portions of the residential streets throughout this portion of development. Phase 2 construction would include the remaining 55 single-family units and residential streets.

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 and an analysis of how the project is consistent:

LU-3.4 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 Figure 3-2.)

The portion of the project site that is outside City limits is within the "Area 1" growth line of the Sphere of Influence as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City can provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the project maintains growth management controls consistent with the General Plan and is consistent with General Plan Policy LU-3.2.

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 proposed project is contiguous to existing and approved development within city Limits and does not encourage urban sprawl. Therefore, the project is consistent with General Plan Policy LU-3.3.

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 adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

Access, Circulation, and Off-Site Improvements

Vehicular access to the site would be provided by two (2) points of ingress/egress from West Kearney Boulevard and South Kenneth Avenue. West Kearney Boulevard and South Modoc 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 Kearney Boulevard including concrete curb, gutter, sidewalk, paving, and an eight-foot landscape easement per City of Kerman Public Works Standards. The City will also require an extension of the Class II Bikeway along West Kearney Boulevard that would connect to the existing Class II facility to the east 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 JLB Traffic Engineering, Inc. dated December 14, 2023. 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 using trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition) for daily, weekday AM (7:00-9:00am), and PM (4:00-6:00pm) peak hours. The single-family units are anticipated to generate approximately 1,537 average daily trips. The weekday AM peak hour trips generated for the units is estimated to be 114 trips. The weekday PM peak hour trips generated for the units is estimated to be 153 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 2040 scenarios. Signal warrant was met on Stanislaus Avenue/B Avenue, David Avenue/Kenneth Avenue and State Route 180/Siskiyou Avenue. The recommended improvements to achieve acceptable levels of service are listed below. The proposed Project will be required to implement these improvements to City Standards.

- Stanislaus and B Avenue/David and Kenneth Avenue:
    - Add a traffic calming feature, such as a mini circle, at the internal street intersections
- Kearney Boulevard and Kenneth Avenue:
    - Modify the raised median island on the west left of the intersection to accommodate an eastbound left turn pocket with a storage capacity of 100 feet plus a bay taper to City of Kerman standards.
- State Route 180 and Siskiyou Avenue:
    - Near term operating year 2025: stripe a second eastbound through lane, add a northbound right-turn lane, modify the northbound through-right lane to a through lane, and modify the traffic signal to accommodate the additional lanes.

- Horizon Year 2040 without project conditions/with project conditions: stripe a second eastbound through lane, add a northbound right-turn lane, modify the northbound through-right lane to a through lane, and modify the traffic signal to accommodate the change in lanes.

Public Utilities and Service Systems

The project will tie into existing municipal water, sewer, and storm drain systems through the extension of existing systems. Sanitary sewer service would be provided through connections to existing services in West Kearney Boulevard and South Kenneth Avenue. Domestic water service will be provided through a potable water well on the proposed lot on the northeast corner of West Kearney Boulevard and South Kenneth Avenue. Sewer and water lines will connect to each unit throughout the site. Associated electric, water, 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

As proposed, the 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:

The environmental impacts of the project have been analyzed in accordance with the California Environmental Quality Act (CEQA). An Initial Study was prepared to evaluate the potential impacts associated with the project. Based upon review of the Initial Study, the proposed project will not have a significant effect on the environment because the mitigation measures outlined in the proposed Mitigation Monitoring and Reporting Program have been included in the project (**Attachment 'G'**). The Initial Study and Mitigated Negative Declaration was posted at the County Clerk's Office on April 3, 2024; the deadline for comments was April 23, 2024. The State Clearinghouse received the document on April 3, 2024; the deadline for Clearinghouse comments was April 23, 2024 (SCH Number 2024040148).

A consultation list of tribes with traditional lands or cultural places located within Fresno County was requested and received from the California Native American Heritage Commission (NAHC) on August 10, 2023. The listed tribes include Big Sandy Rancheria of Western Mono Indians, Cold Springs Rancheria of Mono Indians, Dumna Wo-Wah Tribal Government, Kings River Choinumni Farm Tribe, North Valley Yokuts Tribe, Table Mountain Rancheria, Tule River Indian Tribe, and Wuksache Indian Tribe/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SFL) search which was negative.

The City of Kerman conducted formal tribal consultation for the proposed Project pursuant to AB 52 (Chapter 532, Statutes 2014) on June 26, 2023, utilizing the consultation list of tribes received from the NAHC. The same tribes listed above were included in the formal consultation. Consultation for AB 52 ended on July 25, 2023. No response was received.

The Planning Commission has recommended approval of the Mitigated Negative Declaration.

PLANNING COMMISSION REVIEW:

The Planning Commission held a public hearing to consider the project at a special meeting on July 15, 2024. No members of the public other than applicant and owner representatives addressed the Commission on this item. On a 5-0 vote, the Planning Commission adopted Resolution No. 2024-19 (ANX 2023-02 and ENV 2023-03); Resolution No. 2024-20 (REZ 2023-02); Resolution No. 2024-21 (TSM 2023-02); and Resolution No. 2024-22 (DPL 2023-03), contingently approving DPL 2023-03 and recommending that the City Council initiate ANX 2023-02, adopt ENV 2023-03, and approve REZ 2023-02 and TSM 2023-02. The Planning Commission resolutions are provided in **Attachment 'F'**.

PUBLIC NOTICE AND PUBLIC INPUT:

Notice of City Council Meeting

Public notification regarding this Project was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the hearing. The City also published notice of the ordinance 5 days prior to the meeting in the Fresno Bee and at City Hall in accordance with State Law, Government Code Section 36933.

Public Input Received

Letter Received on July 15, 2024

The City was in receipt of an email from a community member on Monday, July 15, 2024, after the Planning Commission meeting. A copy of the email is provided in **Attachment 'J'**. The City Manager responded via email to confirm receipt of the email and the City's incorporation of the email as part of the packet of materials at the City Council hearing, and to inform the community members of the scheduled date for the City Council hearing and the website of where the community member can view posted agendas.

Public Input Received at Hearing on August 28, 2024

During the public hearing on August 28, 2024, input was received from three (3) members of the public. An aerial overlay map is provided in **Attachment 'J'**, showing the proposed subdivision. The concerns and responses are summarized as follows.

- Susan Kilsdonk: Susan Kilsdonk, Bella Palma resident, spoke of concerns about three (3) homes proposed on the other side of their rear property line block wall, the density of the development, the square footage of the homes, square footage of the lots, and the likelihood of development decreasing their property values. During the meeting, City staff and the Engineer/Designer provided clarifications that the proposed development was consistent with the underlying land use designation and zoning regulations; and therefore, consistent

with the permitted density..

- Gsukhjeet ("Jasmine") Thandi: Jasmine Thandi, relative of Bella Palma resident, asked whether there would be an alley separating the proposed subdivision from the Bella Palma community. They also spoke of concerns related to another Crown subdivision off 180/Siskiyou, such as parking congestion. During the meeting, City staff and the Engineer/Designer provided clarifications that an alley between the neighborhoods is not proposed.
- Ken Samarin: Ken Samarin, neighboring property owner and farmer, spoke of concerns about a proposed wooden fence on the western boundary of the proposed subdivision and not receiving a public hearing notice for the project. They expressed preference for an alternative fence, such as a block wall or other non-wood material. During the meeting, City staff and the Engineer/Designer provided clarifications that a right-to-farm covenant would be recorded with the subdivision. City staff was also able to confirm that Ken Samarin correctly received the public hearing notice for the project.

Follow Up Correspondence since August 28, 2024 and Staff Responses to Issues Raised.

Since the August 28, 2024, meeting, Joseph Crown (Applicant) and Jose Lemus (Engineer/Designer) have reached out to each individual to discuss their concerns and find resolution. Summaries of the concerns and responses are provided below.

Susan Kilsdonk contacted the Community Development Department on September 6, 2024, and sent a letter, received by the City on September 11, 2024, reiterating her concerns about the proposed subdivision. A copy of the letter is provided in **Attachment 'J'**. Responses to the concerns in the letter are provided as follows.

Staff's Further Clarification and Response on Issues Raised.

- Lot Size Discrepancy: The Project site has a General Plan land use designation of MDR – Medium Density Residential which allows a density range of 5.0 to 12.0 units per acre. Development in this category could include a mix of single-family and multi-family residences, as permitted in the compatible zoning districts which include 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. The Project proposes to pre-zone/rezone the site to the SD-R-4.5 zone district, which allows a minimum of 4,500 square foot lots, and to develop the site with 163 single-family lots, which would equate to a density of 5.62 units per acre. The proposed zone district and the proposed density are both consistent with the underlying land use designation. Therefore, there is no discrepancy with zoning or land use.

- Negative Impact on Property Values: These concerns were addressed at the August 28, 2024, meeting. As the Engineer/Designer described, there should not be a comparison used in an appraisal between a 1,600 square foot home and a 5,000 square foot home, as exists in the Bella Palma neighborhood. The impact on property values appears speculative. Any time something different is proposed there may be concerns regarding the impact on property values. The city has followed all appropriate development standards, and the project meets the standards. It is important to note that over the last ten years, there has been a major shift in land use with the State of California mandating that cities to allow for smaller home and lot sizes, higher residential density, and create more affordable housing in general. The state

can impose penalties for cities' failure to comply with housing laws.

- Privacy Concerns: These concerns were addressed at the August 28, 2024, meeting. The proposed subdivision will have single-story homes with 10-foot rear yard setbacks, and the six (6)-foot block wall. The Bella Palma community has two (2)-story homes with 13-foot rear yard setbacks, and the six (6)-foot block wall. As to the issue of adding alleys, Ms. Thandi and Jose Lemus have been in contact since the August 28, 2024, meeting. The conversation has been around the potential for an alley or trail buffer between the proposed subdivision and the Bella Palma community. The Engineer/Design team has indicated that creating a buffer as an alley or trail between the neighborhoods is a potential safety issue and will not occur. We must note that Kerman, like most cities in California no longer utilizes alleys as part of its development standards. Alleys create nuisances, unlawful dumping, and noise.

- Setback Reductions: The Project meets minimum setback requirements as proposed and verified in DPL 2023-03, which was contingently approved by Planning Commission on July 15, 2024. By meeting the density, lot size, and setback requirements, the proposed lots are within the development allowances of the General Plan and Kerman Municipal Code.

- Incorrect Lot Lines and Block Wall Placement: The survey conducted for purposes of the tentative subdivision map did indicate that the lot lines of the Bella Palma community are encroaching into the proposed subdivision. However, these types of inconsistencies are generally corrected during the final map process when all legal descriptions are verified.

- The Fence: Joseph Crown reached out to Mr. Samarin after the August 28, 2024, meeting and offered to pay for a permanent 12" grass curb which would alleviate the bottom grass board and first 12" above grade would be solid concrete. Additionally, all fence poles on the western border to Ken Samarin's property will be metal poles with all metal connecting hardware with the fences, built with the slats exterior facing. The metal galvanized poles and metal galvanized hardware have life spans of over 70 years. The wood slats untreated and unsealed will last 10-15 years. Joseph Crown proposes sealing the fences to extend their life expectancy 20-30 years with little to no maintenance. There will also be a right-to-farm covenant recorded with the subdivision map.

CITY COUNCIL FINDINGS:

Rezone 2023-02

To approve REZ 2023-02, the City Council must make the following findings pursuant to KMC 17.112. Amendments.

1. The change is consistent with the General Plan.

   The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone/rezone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Further, the pre-zoning and zoning change

is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.

The portion of the project site that is outside City limits is within the "Area 1" growth line of the Sphere of Influence as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the project is consistent with General Plan Policy LU-3.2.

The portion of the project site that is outside City limits is contiguous to existing and approved development within City limits. Therefore, the project is consistent with General Plan Policy LU-3.3.

The project site is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

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

   The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. As a result, this project will not adversely affect the public health, safety, and welfare of the community.

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

   An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated.

<u>Annexation 2023-02</u>

To approve initiation of ANX 2023-02, 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.

   This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan. In particular,

the based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 Urban Form including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties.

2. The proposal must be consistent with city general and specific plans, including adopted goals and policies.

   The proposed annexation area will be consistent with the City's General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Uses, contingent upon approval of the entitlements, including the Prezone/Rezone, Tentative Subdivision Map, and Development Plan. In particular, the Project site is in Area 1 of the proposed Sphere of Influence outlined in the General Plan, which allows the City to consider amendment and annexation requests into Area 1 based on the ability of the City to provide services to the area. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of the General Plan including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. The Project site is also contiguous to existing and approved residential development within City limits and would result in new residential uses within a residential area and thereby would not introduce incompatible land uses or environmental hazards.

3. Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan.

   The City has prepared an Initial Study / Mitigated Negative Declaration (MND) for the project. The MND has concluded that no significant environmental impacts will occur as a result of the project.

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).

   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.

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.

   The proposed annexation would meet this condition whereby the City has contemplated this annexation area as a housing program necessary to fulfill RHNA obligations within the City's 6th Cycle Housing Element Update.

6. 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.

Tentative Subdivision Map 2023-02

To approve the proposed Tentative Subdivision Map 2023-02, 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.

   The proposed map is consistent with the procedural requirements of the Subdivision Map Act and complies with the 2040 Kerman General Plan, Subdivision Ordinance, and Subdivision Map Act. There is no specific plan applicable to the site.
   The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone/rezone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Further, the pre-zoning and zoning change is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.

   The portion of the project site that is outside City limits is within the "Area 1" growth line of the Sphere of Influence as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the project is consistent with General Plan Policy LU-3.2.

   The portion of the project site that is outside City limits is contiguous to existing and approved development within City limits. Therefore, the project is consistent with General Plan Policy LU-3.3.

   The project site is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

2. The design or improvement of the proposed land division is consistent with applicable general plan and specific plans.

The proposed land division is consistent with the General Plan, including all applicable goals, policies and implementation measures. The land division is consistent with the planned 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. Additionally, the proposed parcels will comply with minimum lot size standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no specific plan applicable to the site.

3. That the site is physically suitable for the proposed type of development.

   The subdivision map will create 163 parcels to support single-family residential uses. The site is physically suitable for such proposed type of residential use. Development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.

4. That the site is physically suitable for the proposed density of development.

   The subdivision map will create 163 parcels to support single-family residential uses with ample open space. The site is physically suitable for such proposed density of development. All development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable 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.

   An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

6. The design of the subdivision and type of improvements being required are not likely to cause serious public health problems.

   The lots created will comply with all applicable sanitary sewer, water service, and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is 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.

There are no public easements encumbering the property. Upon development, all modifications made to the existing public improvements fronting the parcels will be required to meet current City standards.

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.

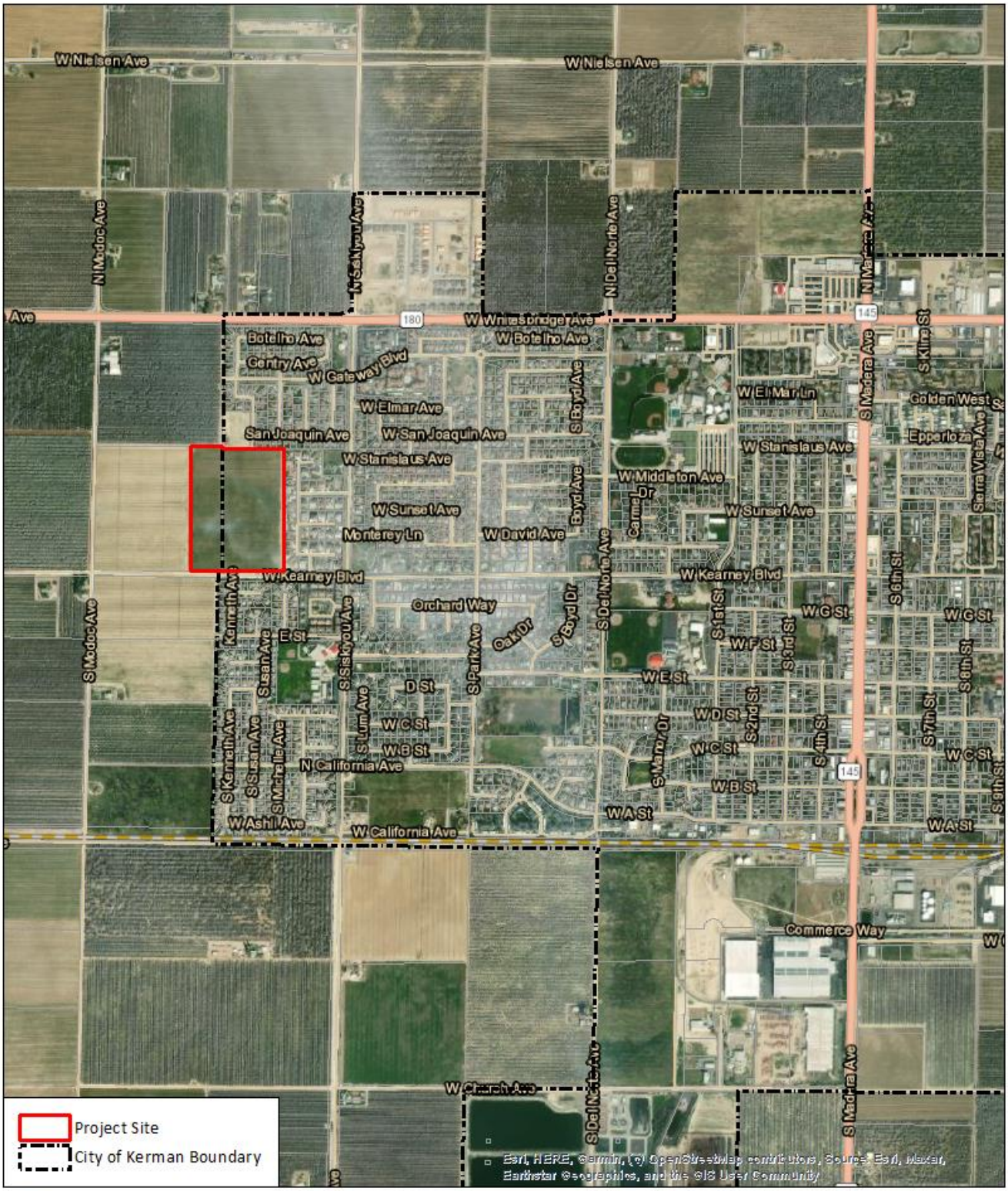
   As feasible, the project has attempted to take advantage of passive or natural cooling opportunities in subdivision design. Appropriate consideration was given to the local climate, while ensuring that heating and cooling opportunities did not result in the reduction of allowable densities or the percentage of a lot that may be occupied as contemplated by Government Code section 66473.1.

ATTACHMENTS:

A. Attachment A – Project Vicinity Map
B. Attachment B – Aerial Map of Project Site
C. Attachment C – General Plan Land Use Designation Map 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 – Ordinance Rezone 2023-02 and Environmental Assessment 2023-03
    1. Exhibit 1 – Rezone 2023-02
    2. Exhibit 2 – Environmental Assessment 2023-03
    3. Exhibit 3 – Mitigation Monitoring and Reporting Program
H. Attachment H – Resolution Annexation 2023-02
    1. Exhibit 1 – Annexation 2023-02
I. Attachment I – Resolution Tentative Subdivision Map
    1. Exhibit 1 – Tentative Subdivision Map 2023-02
    2. Exhibit 2 – Conditions of Approval for Tentative Subdivision Map 2023-02
J. Attachment J – Public Input

Attachment 'A'

PROJECT VICINITY MAP

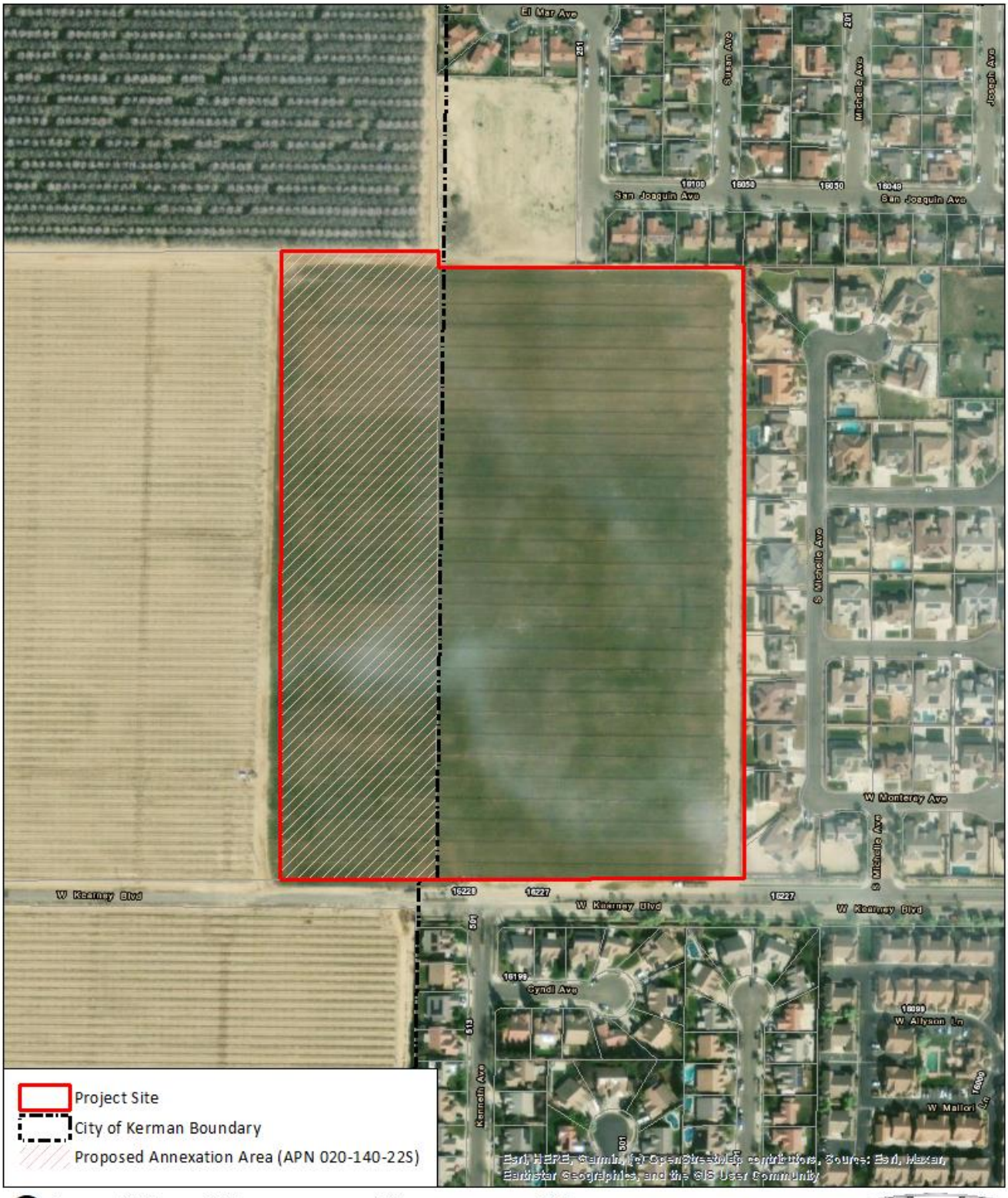


INITIAL STUDY - CITY OF KERMAN CROWN-SHAAD SUBDIVISION AT KEARNEY BOULEVARD

CREATED 6/20/2023

Attachment 'B'

AERIAL MAP OF PROJECT SITE



INITIAL STUDY - CITY OF KERMAN CROWN-SHAAD SUBDIVISION AT KEARNEY BOULEVARD

CREATED 10/20/2023

Attachment 'C'

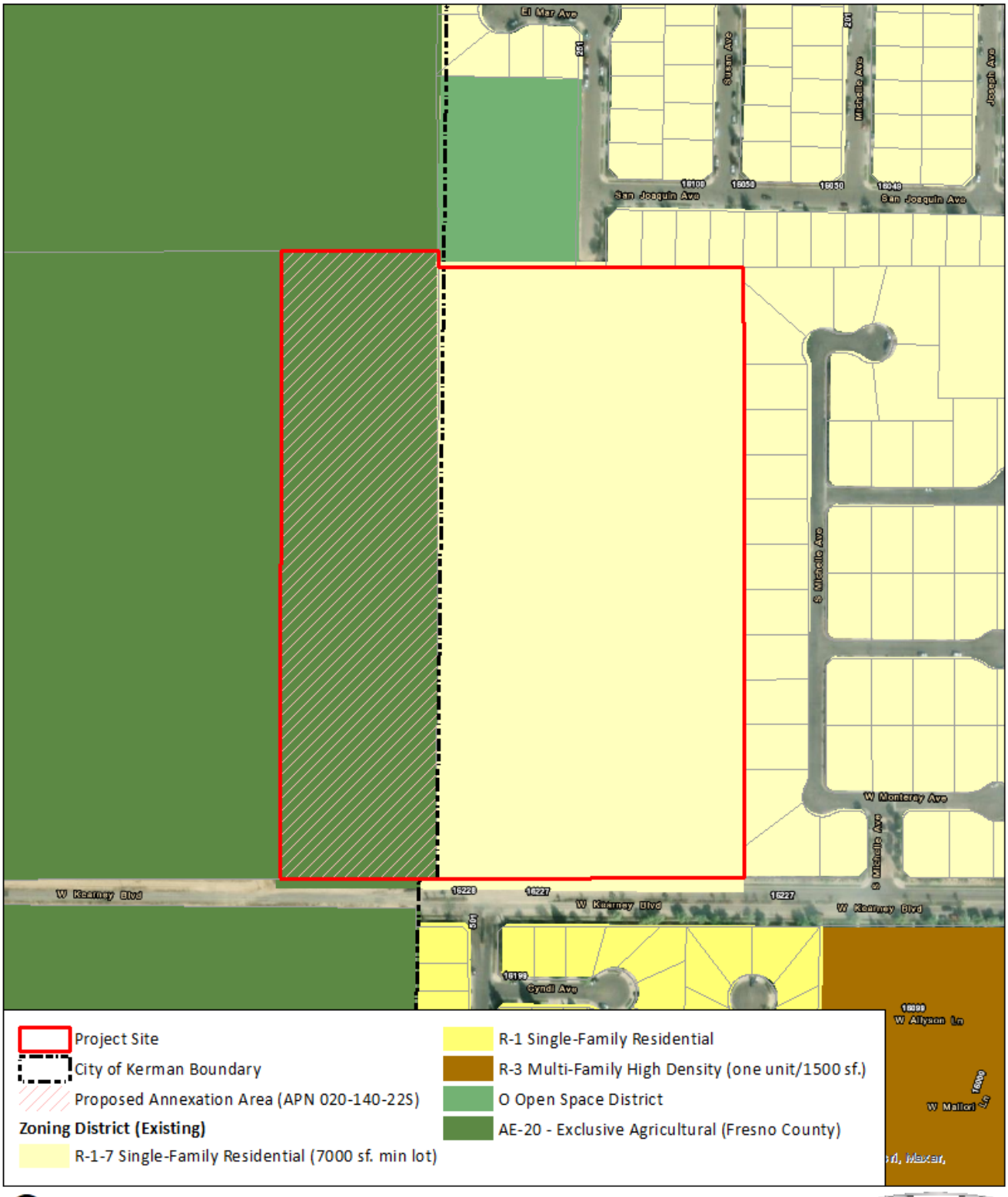
GENERAL PLAN LAND USE DESIGNATION MAP FOR PROJECT SITE

INITIAL STUDY - CITY OF KERMAN CROWN-SHAAD SUBDIVISION AT KEARNEY BOULEVARD

CREATED 10/20/2023

Attachment 'D'

ZONING DISTRICT MAP (EXISTING) FOR PROJECT SITE



INITIAL STUDY - CITY OF KERMAN CROWN-SHAAD SUBDIVISION AT KEARNEY BOULEVARD

CREATED 10/20/2023

Jenna Chilingerian

From: Jesus Orozco <jorozco@cityofkerman.org>
Sent: Tuesday, July 11, 2023 10:37 AM
To: Jenna Chilingerian
Subject: [EXTERNAL] FW: City of Kerman Project Distribution Crown|Schaad at Kearney A Tentative Subdivision Map #2023-02

FYI

Jesus R. Orozco | **Community Development Director**
City of Kerman | Community Development Department
p. (559) 846.9386 | f. (559) 846.6199
850 S. Madera Ave. Kerman, CA 93630
jorozco@cityofkerman.org
cityofkerman.net

From: Jones, Keyomi L@DOT [mailto:Keyomi.Jones@dot.ca.gov]
Sent: Tuesday, July 11, 2023 9:05 AM
To: Jesus Orozco <jorozco@cityofkerman.org>
Cc: Padilla, Dave@DOT <dave.padilla@dot.ca.gov>
Subject: City of Kerman Project Distribution Crown|Schaad at Kearney A Tentative Subdivision Map #2023-02

Good morning Jesus,

Our office has reviewed City of Kerman Project Distribution Crown|Schaad at Kearney A Tentative Subdivision Map #2023-02project and has no comment.

Thank you,

Keyomi Jones, Tranportation Planner
Caltrans District 6|Transportation Planning
Local Development Review and Regional Planning
Mobile 559-981-7284
Web www.dot.ca.gov | **Email** keyomi.jones@dot.ca.gov
1352 W. Olive Avenue|Fresno, CA 93728

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County of Fresno

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

July 21, 2023

Jesus R. Orozco
Community Development Director
City of Kerman Community Development Department
850 S. Madera Ave.
Kerman, CA 93630
jorozco@cityofkerman.org
cityofkerman.net

SUBJECT: City of Kerman, Crown Schaad at Kearney Project

Dear Mr. Orozco,

The County of Fresno appreciates the opportunity to review and comment on the subject project, Crown Schaad at Kearney Project, proposing the development of approximately 29.34-acres on two parcels located on the north side of Kearney Blvd, approximately 1,000 feet west of the intersection of Siskiyou Ave and Kearney Blvd. The documents received for this review were circulated to our various Fresno County Public Works and Planning divisions. Based on the County's initial review, we offer the following comments from our various divisions:

The Environmental Health Specialist offers the following comments:

Recommended Conditions of Approval:

- Construction permits for the proposed development should be subject to assurance that the City of Kerman community water system has the capacity and quality to serve this project. Concurrence should be obtained from the State Water Resources Control Board, Division of Drinking Water-Southern Branch. For more information call (559) 447-3300.

- Construction permits for the proposed development should be subject to assurance of sewer capacity of the Regional Wastewater Treatment Facility. Concurrence should be obtained from the California Regional Water Quality Control Board (RWQCB). For more information, contact staff at (559) 445-5116.

- Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR),

Title 22, Division 4.5. Your proposed business will handle hazardous materials and/or hazardous waste and will be required to submit a Hazardous Materials Business Plan pursuant to the HSC, Division 20, Chapter 6.95 (http://cers.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

- Future construction projects have the potential to expose nearby residents to elevated noise levels. Consideration should be given to the City of Kerman Municipal Code and the Fresno County Noise Ordinance Code.

- As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.

- Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.

If you have any questions, please contact Kevin Tsuda, ktsuda@fresnocountyca.gov, (559) 600-3271.

If you have any questions regarding the information described in this letter, please contact me at rmartin@fresnocountyca.gov or (559) 600-4305.

Sincerely,

Raymond Martin

Raymond Martin, Staff Analyst
Development Services and Capital Projects Division
G:\4360Devs&Pln\PROJSEC\PROJDOCS\Environmental\OAR\City of Kerman\Crown Schaad at Kearney\Crown Schaad at Kearney OAR Comment Response Letter.docx

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

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

August 1, 2023

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/E Kearney Boulevard and Modoc Avenue
FID's Siskiyou No. 146

Dear Mr. Orozco:

The Fresno Irrigation District (FID) has reviewed the proposed Development Application for Crown/Schaad Development Application northeast of Kearney Boulevard and Modoc Avenue in the City of Kerman proposing to develop a 29-acre parcel into 163 single-family residential units, APNs: 020-160-22S and 23S. This is being reviewed concurrently with Annexation Application No. ANX 2023-02, Pre-zone Application No. REZ 2023-02, Ordinance Text Amendment Application No. OTA 023-05, Development Plan Application No. DPL 2023-03, and CEQA Application No. ENV 2023-02. FID has the following comments:

1. FID has a canal within the Project Area as shown on the attached FID exhibit map. The facility includes FID's Siskiyou No. 146. FID will impose the same conditions on future projects as it would with any other project located within the common boundary of the City of Kerman and FID. FID will require that it review and approve all maps and plans which impact FID canals and easements.

2. The City of Kerman has a Surface Water supply agreement with FID, entered into on June 7, 2022. A portion of the proposed area is outside the sphere of influence at the time of execution of the agreement and will therefore not be eligible for any additional surface water supplies.

Summary of Requirements:

- Existing Encroachments removed and/or relocated.
- Review and Approval of all Plans.
- Grant an additional 20 feet easement.
- Execute Agreement(s), as necessary.
- Project Fees.
- No Encroachments (i.e. trees, monuments, fences, PUE, etc.).

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

Area of Concern

1. FID's Siskiyou Lateral No.146 runs southwesterly, traversing the southerly portion of the subject property, and crossing Kearney Boulevard approximately 15 feet south of the subject property, as shown on the attached FID exhibit map, and will be impacted by future development. FID records indicate a 20 feet easement recorded on November 4, 2005, as Document. No. 2005-0262346 Official Records of Fresno County.

2. FID's records indicate this section of the Siskiyou Lateral pipeline was installed in 2007 (16 years old) as a 42-inch inside diameter Reinforced Concrete Pip w/Rubber Gasket Joint which meets FID's minimum standards for developed (residential, industrial, commercial) parcels or urban areas.

3. FID requests the applicant grant a 20 feet wide exclusive easement, where FID only has an existing 20 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 contractors 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. 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.

12. 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.

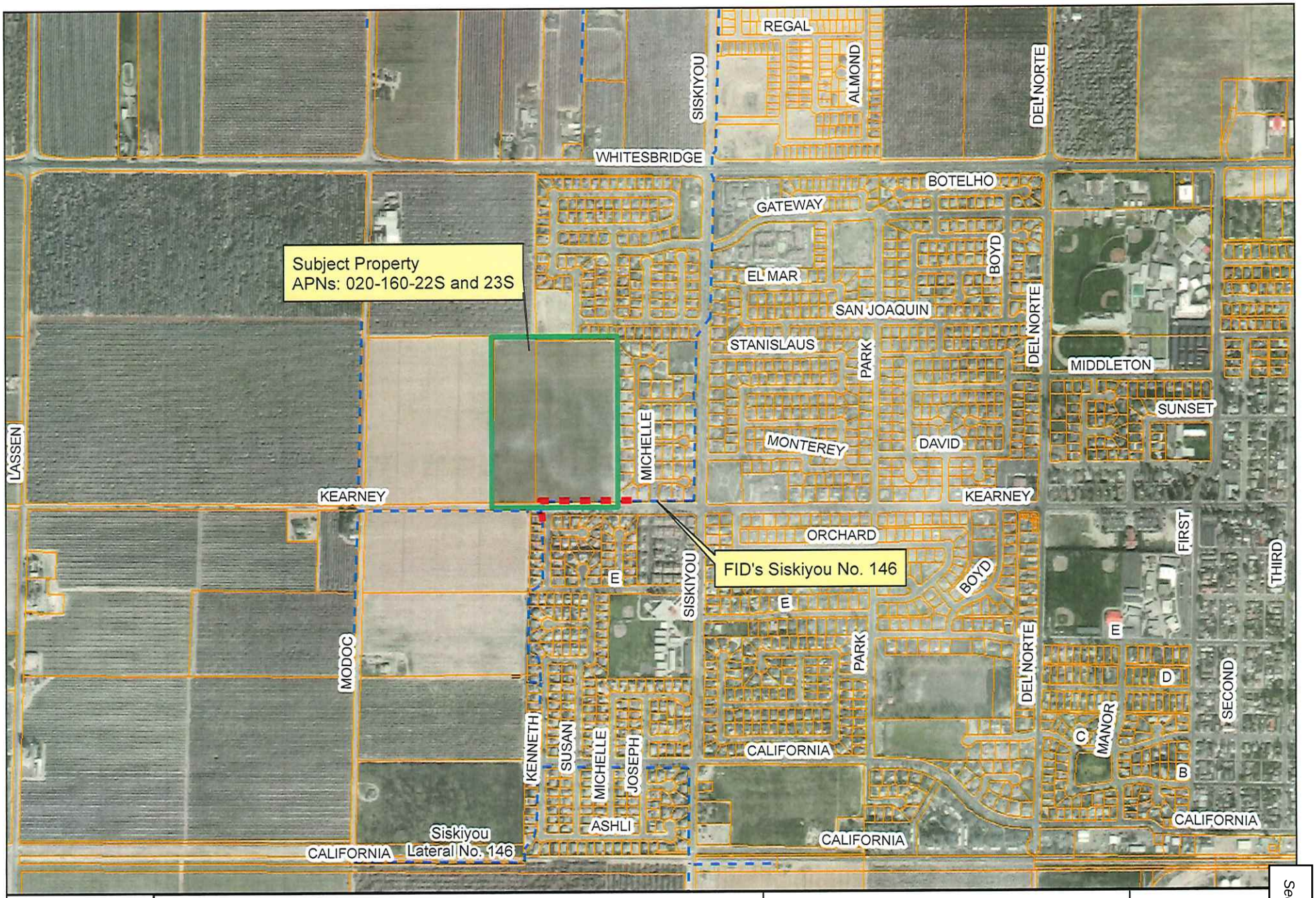
13. As with most developer projects, there will be considerable time and effort required of FID's staff to plan, coordinate, engineer, review plans, prepare agreements, and inspect the project. FID's cost for associated plan review will vary and will be determined at the time of the plan review.

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\20230727 FID Master.mxd
Spatial Reference
Name: NAD 1983 StatePlane California IV FIPS 0404

0 490
Feet
1 inch = 966.1 feet

Jeremy Landrith

From: Jesus Orozco <jorozco@cityofkerman.org>
Sent: Friday, June 23, 2023 4:51 PM
Subject: City of Kerman Project Distribution Crown|Schaad at Kearney ANX 2023-02 & TSM 2023-02
Attachments: TSM 2023-02 - Crown Schaad at Kearney Distribution.pdf; Attachment A_TSM_ 2023-06-13.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Stakeholder,

Please find attached a summary of a Development Application for a project referred to as Crown | Schad at Kearney located approximately 1,000 feet west of the northwest intersection of S Siskiyou Ave. and W Kearney Ave., in Kerman, CA 93630

Please provide comments or questions on or before **July 31, 2023.**

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,

Jesus R. Orozco | Community Development Director
City of Kerman | Community Development Department
p. (559) 846.9386 | f. (559) 846.6199
850 S. Madera Ave. Kerman, CA 93630
jorozco@cityofkerman.org
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
cityofkerman.net

June 23, 2023

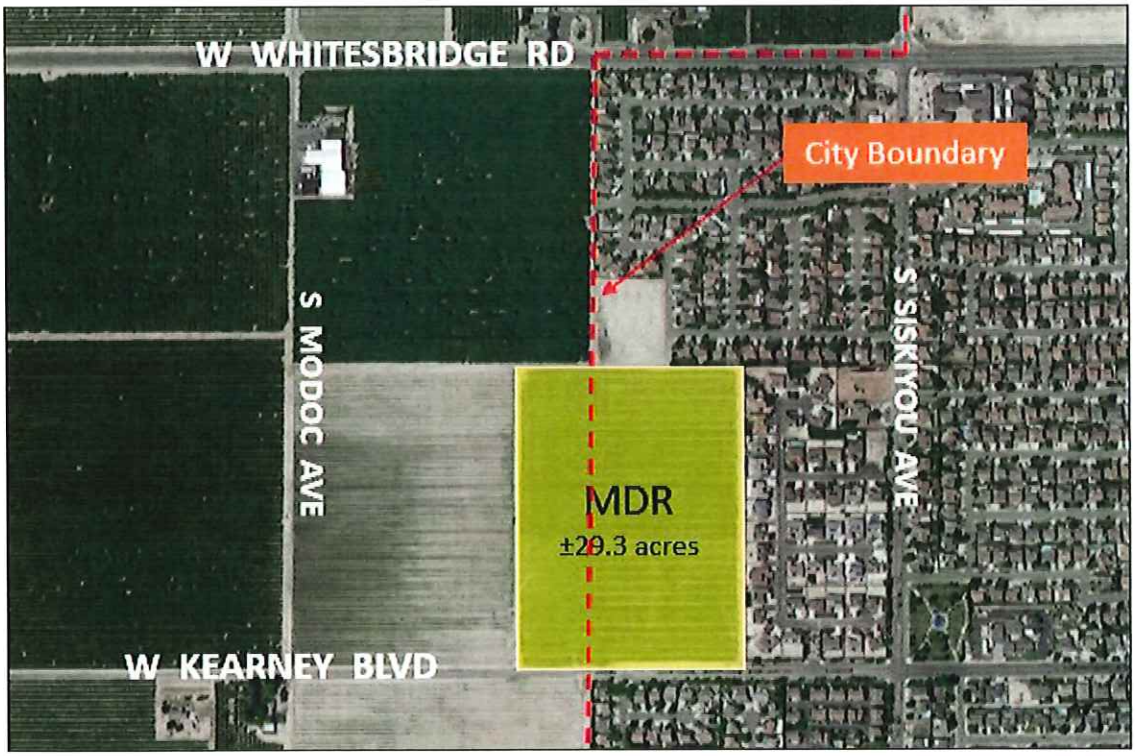
RE: Project Distribution and Request for Comments for a Development Application related to the development of a project referred to as the Crown | Schaad at Kearney Project

Dear Stakeholder:

Please accept this project distribution as a formal invitation to provide comments related to a project proposal referred to as Crown | Schad at Kearney located approximately 1,000 feet west of the northwest intersection of S Siskiyou Ave. and W Kearney Ave., in Kerman, CA 93630. Below are details of the project proposal.

A. **Site Information**

Site Address	N/A, Kerman CA 93630
APN	020-140-22S and 020-140-23S
Size	29.34 acres (gross)
General Plan Land Use Designation	MDR – Medium Density Residential (City)
Zone District	AE-20 – Exclusive Agricultural (Fresno County)



B. Annexation (ANX 2023-02)

The project proposal entails the development of an approximate gross total of 29.34 acres. One of the proposed project parcels is not within City limits. Annexation of APN:020-140-022S encompassing approximately 9.69 acres is being considered. 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 G below.

C. Pre-zone (REZ 2023-02)

The proposed pre-zoning is consistent with the underlying General Plan land use designations. Currently, both parcels have an AE-20 – Exclusive Agricultural County zoning. The project will be pre-zoned to an SD-R-5 (Single-Fam) City zone consistent with the Medium Density Residential (MDR).

D. Tentative Subdivision Map (TSM 2023-02)

A tentative subdivision map encompassing 163 single-family residential units will be considered. Access to the site will be via S Kenneth Ave and W Kearney Blvd. Interior streets will be developed to current City standards to be publically maintained. *See Attachment 'A'*

E. Ordinance Text Amendment (OTA 2023-05)

A zoning Ordinance Text Amendment amending the City's official zoning map will be processed concurrently with the Pre-zone and Annexation process.

F. Development Plan (DPL 2023-03)

Physical elements associated with the development (e.g. architecture, floor plans, landscaping, parking, setbacks etc.) of TSM 2023-02 will be considered. Development Plan for the project will be considered separately. Physical construction will be subject to the California Building Code and zoning Development Standards in effect at the time of approval and/or construction.

G. CEQA (ENV 2023-02)

An initial study for the project will be prepared consistent with CEQA guidelines to be distributed for public comment at a later date. Tentatively the following technical studies will be conducted:

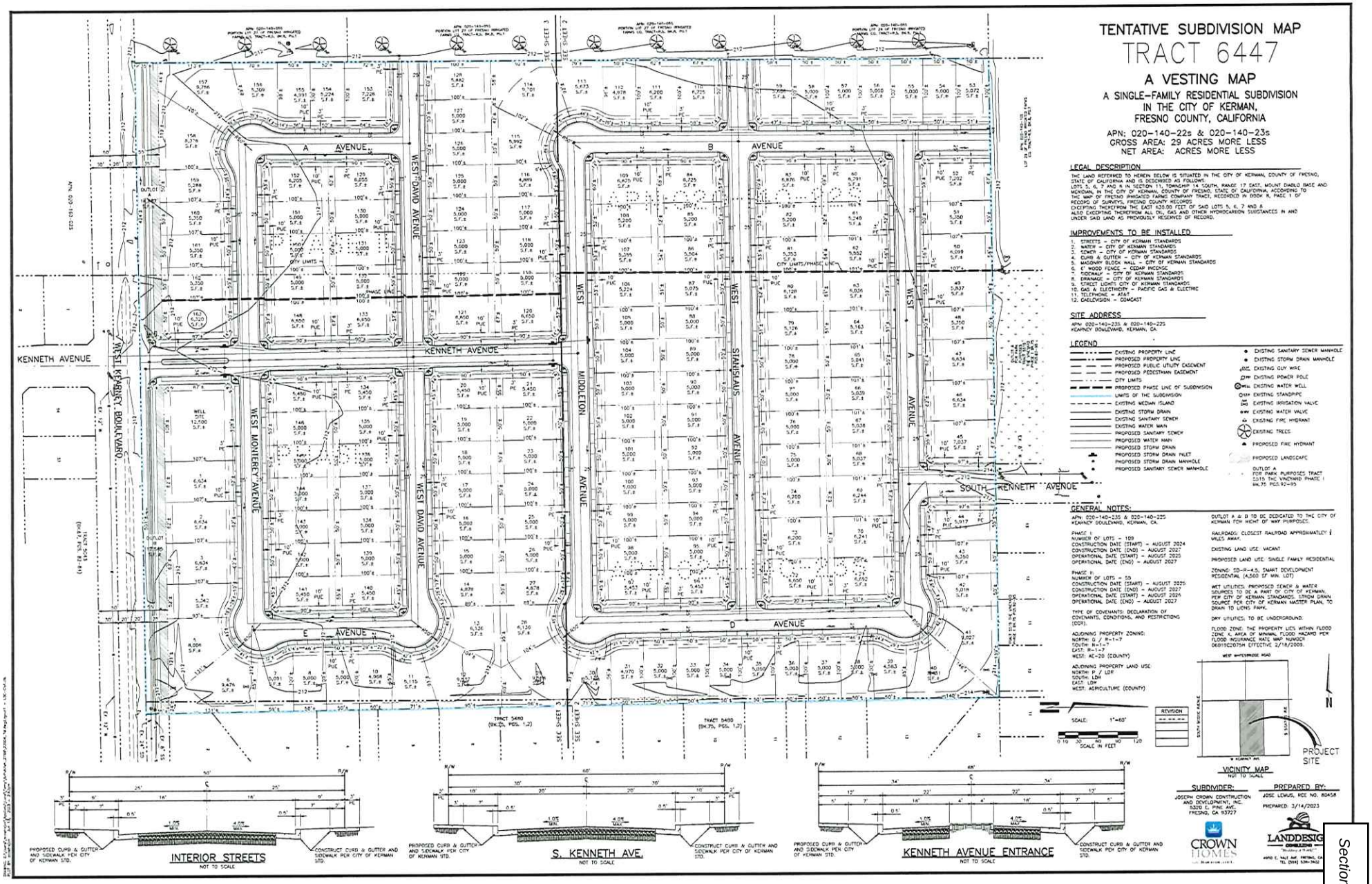
- Air Quality/GHG/HRA Analysis to quantify emissions and evaluate compared to the SJVAPCD GAMAQI significance thresholds.
- Biological Resources Assessment because the project would be located on land where no urban development has occurred.
- Cultural Resources Assessment (may not be required – will utilize CHRIS record search, SLF results, and tribal consultation).
- Phase I ESA because the project would be located on a site that is currently or previously developed with agricultural uses.

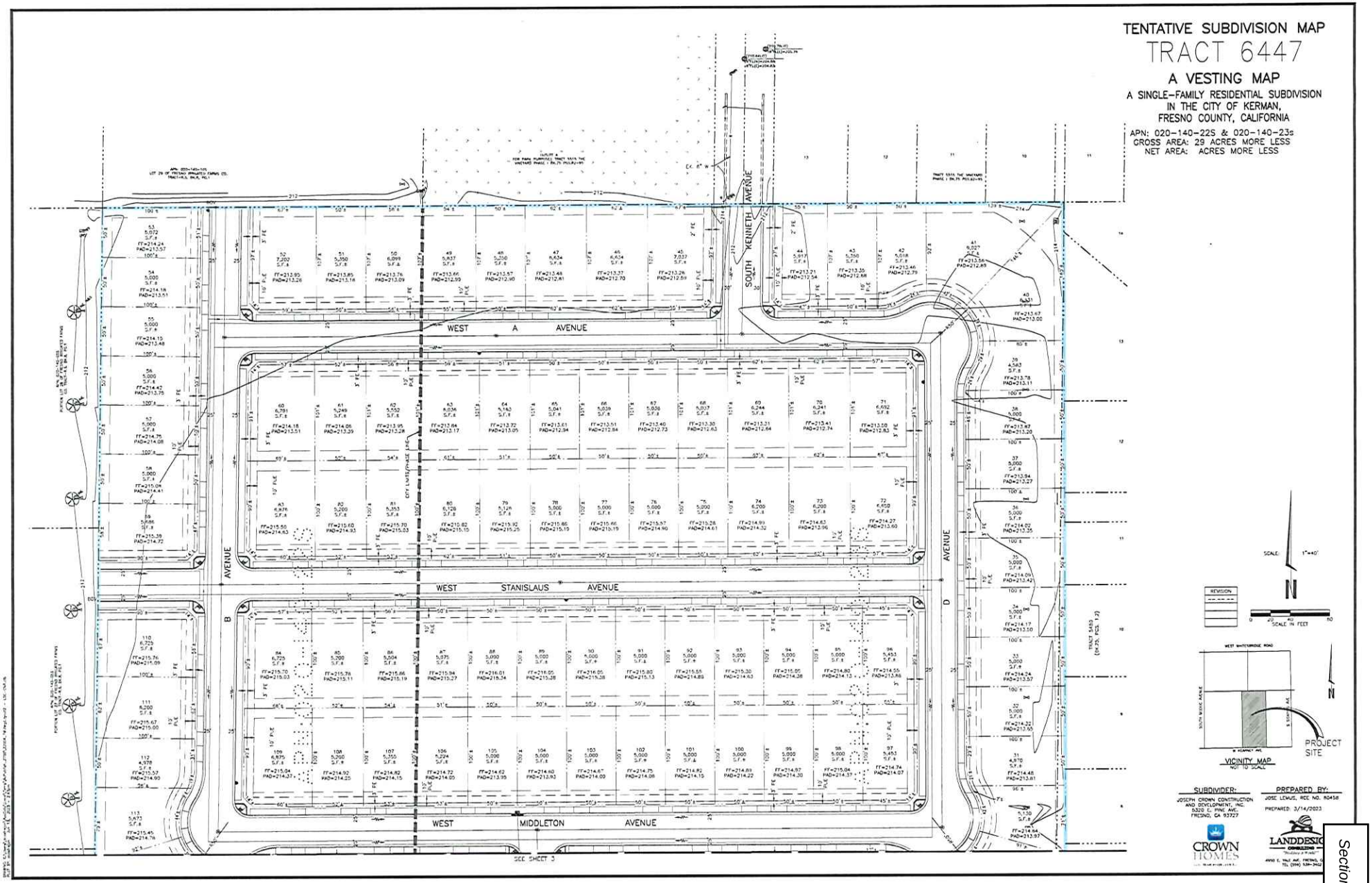
- Noise Study to measure and quantify noise sources compared to established Noise Compatibility Standards identified in the General Plan.
- Traffic Study to estimate trip generation, identify roadway improvements, and ensure maintenance of LOS standards in compliance with the General Plan.
- VMT It is assumed that the Project will screen out from further VMT analysis based on Fresno COG VMT Guidelines, map, and calculator.

Your cooperation in this matter is greatly appreciated. Should you have any questions, please feel free to contact me at (559) 846-9386 or email at jorozco@cityofkerman.org.

Sincerely,

Jesus R. Orozco
Community Development Director


TENTATIVE SUBDIVISION MAP
TRACT 6447
A VESTING MAP
A SINGLE-FAMILY RESIDENTIAL SUBDIVISION
IN THE CITY OF KERMAN,
FRESNO COUNTY, CALIFORNIA
APN: 020-140-22s & 020-140-23s
GROSS AREA: 29 ACRES MORE LESS
NET AREA: ACRES MORE LESS
LEGAL DESCRIPTION
IMPROVEMENTS TO BE INSTALLED
1. STREETS - CITY OF KERMAN STANDARDS
2. WATER - CITY OF KERMAN STANDARDS
3. SEWER - CITY OF KERMAN STANDARDS
4. CURB & GUTTER - CITY OF KERMAN STANDARDS
5. MASONRY BLOCK WALL - CITY OF KERMAN STANDARDS
6. 6' WOOD FENCE - CEDAR INCENSE
7. SIDEWALK - CITY OF KERMAN STANDARDS
8. DRAINAGE - CITY OF KERMAN STANDARDS
9. STREET LIGHTS CITY OF KERMAN STANDARDS
10. GAS & ELECTRICITY - PACIFIC GAS & ELECTRIC
11. TELEPHONE - AT&T
12. CABLE/VOICE - COMCAST
SITE ADDRESS
APN: 020-140-23S & 020-140-22S
KEARNEY BOULEVARD, KERMAN, CA
LEGEND
EXISTING PROPERTY LINE
PROPOSED PROPERTY LINE
PROPOSED PUBLIC UTILITY EASEMENT
PROPOSED PEDESTRIAN EASEMENT
CITY LIMITS
PROPOSED PHASE LINE OF SUBDIVISION
LIMITS OF THE SUBDIVISION
EXISTING MEDIAN ISLAND
EXISTING STORM DRAIN
EXISTING SANITARY SEWER
EXISTING WATER MAIN
PROPOSED SANITARY SEWER
PROPOSED WATER MAIN
PROPOSED STORM DRAIN
PROPOSED STORM DRAIN INLET
PROPOSED STORM DRAIN MANHOLE
PROPOSED SANITARY SEWER MANHOLE
EXISTING SANITARY SEWER MANHOLE
EXISTING STORM DRAIN MANHOLE
EXISTING GUY WIRE
EXISTING POWER POLE
EXISTING WATER WELL
EXISTING STANDPIPE
EXISTING IRRIGATION VALVE
EXISTING WATER VALVE
EXISTING FIRE HYDRANT
EXISTING TREES
PROPOSED FIRE HYDRANT
PROPOSED LANDSCAPE
OUTLOT A FOR PARK PURPOSES TRACT 5515 THE VINEYARD PHASE I BK.75 PGS.92-95
GENERAL NOTES:
APN: 020-140-23S & 020-140-22S
KEARNEY BOULEVARD, KERMAN, CA
PHASE I:
NUMBER OF LOTS - 109
CONSTRUCTION DATE (START) - AUGUST 2024
CONSTRUCTION DATE (END) - AUGUST 2027
OPERATIONAL DATE (START) - AUGUST 2025
OPERATIONAL DATE (END) - AUGUST 2027
PHASE II:
NUMBER OF LOTS - 55
CONSTRUCTION DATE (START) - AUGUST 2025
CONSTRUCTION DATE (END) - AUGUST 2027
OPERATIONAL DATE (START) - AUGUST 2026
OPERATIONAL DATE (END) - AUGUST 2027
TYPE OF COVENANTS: DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (CCR).
ADJOINING PROPERTY ZONING:
NORTH: O / R-1-7
SOUTH: R-1-7
EAST: R-1-7
WEST: AE-20 (COUNTY)
ADJOINING PROPERTY LAND USE:
NORTH: P / LDR
SOUTH: LDR
EAST: LDR
WEST: AGRICULTURE (COUNTY)
OUTLOT A & B TO BE DEDICATED TO THE CITY OF KERMAN FOR RIGHT OF WAY PURPOSES.
RAILROADS: CLOSEST RAILROAD APPROXIMATELY 2 MILES AWAY.
EXISTING LAND USE: VACANT
PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: SD-R-4.5, SMART DEVELOPMENT RESIDENTIAL (4,560 SF MIN. LOT)
WET UTILITIES: PROPOSED SEWER & WATER SERVICES TO BE A PART OF CITY OF KERMAN, PER CITY OF KERMAN STANDARDS. STROM DRAIN SOURCE PER CITY OF KERMAN MASTER PLAN, TO DRAIN TO LIONS PARK.
DRY UTILITIES: TO BE UNDERGROUND.
FLOOD ZONE: THE PROPERTY LIES WITHIN FLOOD ZONE X, AREA OF MINIMAL FLOOD HAZARD PER FLOOD INSURANCE RATE MAP NUMBER 06019C2075H EFFECTIVE 2/18/2009.
REVISION
SCALE: 1"=60'
SCALE IN FEET
VICINITY MAP
NOT TO SCALE
PROJECT SITE
INTERIOR STREETS
NOT TO SCALE
S. KENNETH AVE.
NOT TO SCALE
KENNETH AVENUE ENTRANCE
NOT TO SCALE
SUBDIVIDER:
JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT, INC.
5320 E. PINE AVE.
FRESNO, CA 93727
PREPARED BY:
JOSE LEMUS, RCE NO. 80458
PREPARED: 3/14/2023
CROWN HOMES
LANDDESIGN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GROSS AREA: 29 ACRES MORE LESS
NET AREA: ACRES MORE LESS
WEST A AVENUE
WEST STANISLAUS AVENUE
WEST MIDDLETON AVENUE
SOUTH KENNETH AVENUE
B AVENUE
D AVENUE
SEE SHEET 3
SCALE: 1"=40'
REVISION
SCALE IN FEET
VICINITY MAP
NOT TO SCALE
PROJECT SITE
SUBDIVIDER:
JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT, INC.
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TENTATIVE SUBDIVISION MAP

TRACT 6447

A VESTING MAP

A SINGLE-FAMILY RESIDENTIAL SUBDIVISION
IN THE CITY OF KERMAN,
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APN: 020-140-22S & 020-140-23s
GROSS AREA: 29 ACRES MORE LESS
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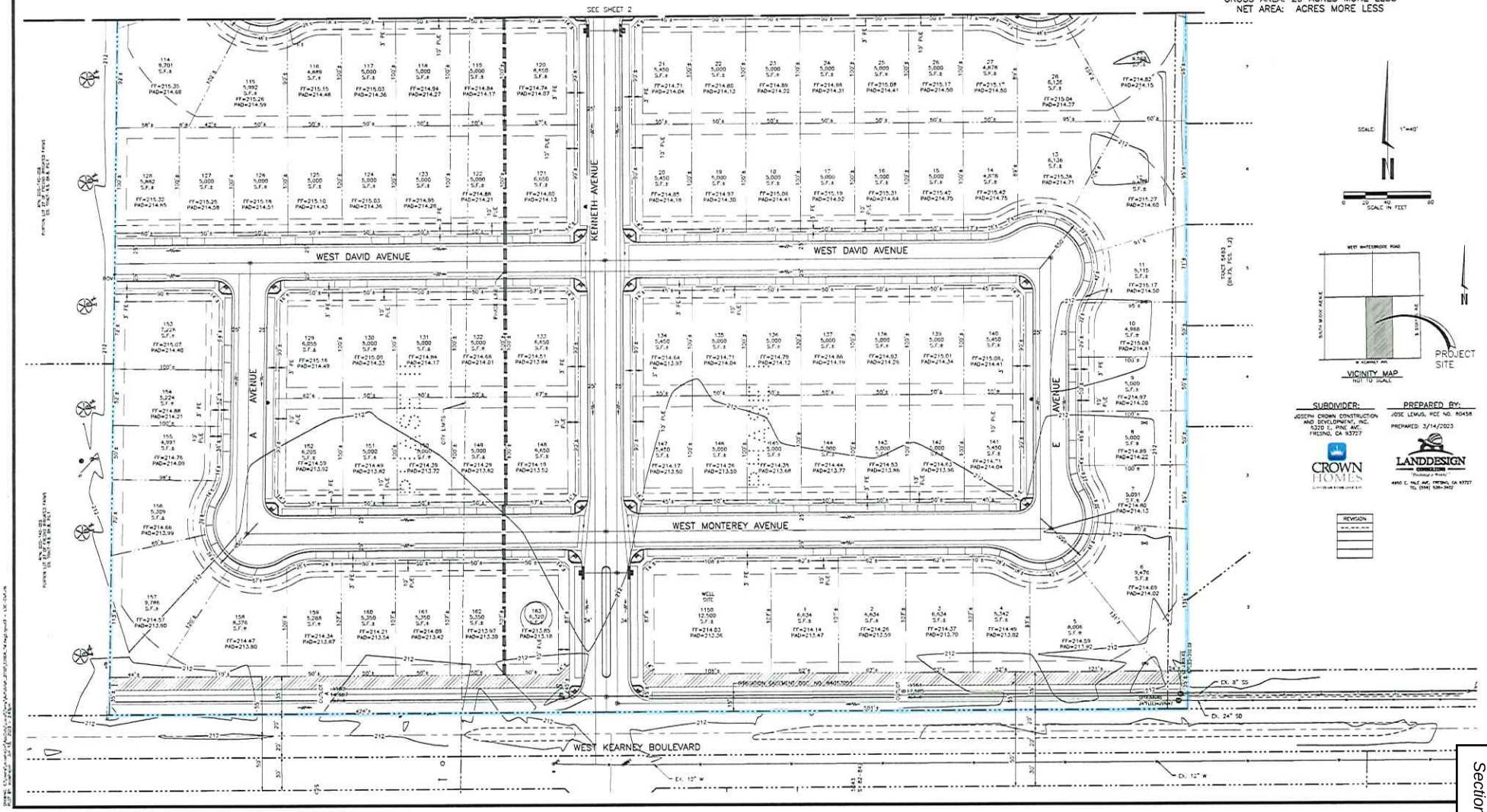

SUBDIVIDER:
JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT, INC.
5210 E. PINE AVE.
FRESNO, CA 93727

CROWN HOMES

PREPARED BY:
JOSE LEMUS, RCE NO. 80458
PREPARED: 3/14/2023

LANDDESIGN

REVISION

7

FRESNO County Recorder
Robert C. Werner
DOC- 2005-0262346
Friday, NOV 04, 2005 10:22:49
Ttl Pd $0.00 Nbr-0002007524
DJG/R6/1-7

Documentary Transfer Tax -- $0.00

For the Benefit of:

FRESNO IRRIGATION DISTRICT
2907 SOUTH MAPLE AVENUE
FRESNO CA 93725-2218

Recording Information

GRANT OF EASEMENT

LOCATION: N/W KEARNY AND SISKIYOU AVENUES
APN: 020-140-11S

THIS INDENTURE, made and entered into this 28 day of October, 2005, by and between STEVE D. SCHAAD AND BARBARA L. SCHAAD, HUSBAND AND WIFE AS COMMUNITY PROPERTY, hereinafter referred to as "GRANTOR", and the FRESNO IRRIGATION DISTRICT, a public corporation in the County of Fresno, State of California, hereinafter referred to as "DISTRICT";

WITNESSETH:

For a valuable consideration, receipt of which is hereby acknowledged, GRANTOR does hereby grant unto DISTRICT, its successors and assigns, a perpetual and exclusive easement and right-of-way to construct, install, operate, use, maintain, alter, repair, improve, reconstruct, enlarge and supplement pipes, pipelines and conduits, and to flow and conduct water through said pipes, pipelines and conduits, across, over, through and under that certain real property owned by GRANTOR in the County of Fresno, State of California, more particularly described as follows:

Lots 5, 6, 7 and 8 and the East quarter of Lots 25, 26, 27 and 28 in Section 11, Township 14 South, Range 17 East, Mount Diablo Base and Meridian, in the County of Fresno.

FID No: 2005-D146-J1352-05
GIS 4884

State of California, according to the Map of Part of Fresno Irrigated Farms Company Tract, recorded June 24, 1912, in Book 8 Page 1 of Record of Surveys, Fresno County Records;

Excepting therefrom the East 630.00 feet of said Lots 5, 6, 7 and 8;

And Except all oil, gas and other hydrocarbons substances in and under said land, as previously reserved of record.

APN: 020-140-11S

Said easement and right-of-way is shown on EXHIBIT "A" attached hereto and described as follows:

A portion of Lot 8 of the Fresno Irrigated Farms Company Tract, recorded in Book 8, Page 1 of Record of Surveys, Fresno County Records, within the Northeast Quarter of Section 11, Township 14 South, Range 17 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a the East Quarter corner of said Section 11; thence South 89°54'32" West, along the South line of said Northeast Quarter, a distance of 659.55 feet; thence North 0°05'28" West, a distance of 35.00 feet to the TRUE POINT OF BEGINNING; thence South 89°54'32" West, parallel with and 35.00 feet North of the South line of said Northeast Quarter, a distance of 561.31 feet; thence South 0°05'28" East, a distance of 15.00 feet to the intersection with the South line of said Lot 8; thence South 89°54'32" West, along the South line of said Lot 8, being also parallel with and 20.00 feet North of the South line of said Northeast Quarter, a distance of 26.00 feet; thence North 0°05'28" West, a distance of 35.00 feet; thence North 89°54'32" East, parallel with and 55.00 feet North of the South line of said Northeast Quarter, a distance of 587.61 feet to the intersection with the West line of the East 630.00 feet of said Lot 8; thence South 0°45'19" West, along said West line, a distance of 20.00 feet to the TRUE POINT OF BEGINNING.

Said easement and right-of-way shall include all rights convenient or incidental to the use thereof including the right of ingress to and egress from said easement and right-of-way so described over and across said real property owned by GRANTOR.

All pipes, pipelines, conduits and other facilities constructed by or for DISTRICT upon and within said easement shall become and remain the property of DISTRICT and shall be maintained by DISTRICT at DISTRICT'S expense and GRANTOR shall have no right, title or interest therein.

When said pipes, pipelines and other structures or facilities shall be constructed and maintained, the manner in which they shall be constructed and maintained and the time and manner for conducting and discharging water through the same shall be in the sole and absolute control of DISTRICT. If DISTRICT fails to construct said pipeline and determines that the easement is not needed, DISTRICT will abandon the easement by recorded document. Said easement shall not be deemed abandoned by DISTRICT until and unless such document is recorded.

GRANTOR reserves the right to use the surface of the land within said easement for their own purposes, so long as said use by GRANTOR does not interfere with the use of said easement by DISTRICT for the purposes for which said easement is granted, provided GRANTOR shall not build or construct any building or other permanent structure on said easement without the written permission and consent of DISTRICT. DISTRICT shall have the right, without notice, and at GRANTOR'S expense, to remove any structures, fences, trees, vines, shrubs, or other encroachments from said easement which do interfere with the purpose or use of said easement. GRANTOR shall maintain the surface of said land and keep it in a safe condition for the use of DISTRICT and others.

This Indenture shall apply to and be binding upon the heirs, executors, administrators, successors and assigns of the respective Parties hereto.

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IN WITNESS WHEREOF, the undersigned have caused this Grant of Easement to be executed the date hereinabove written.

Steve D. Schaad

Barbara L. Schaad

"GRANTOR"

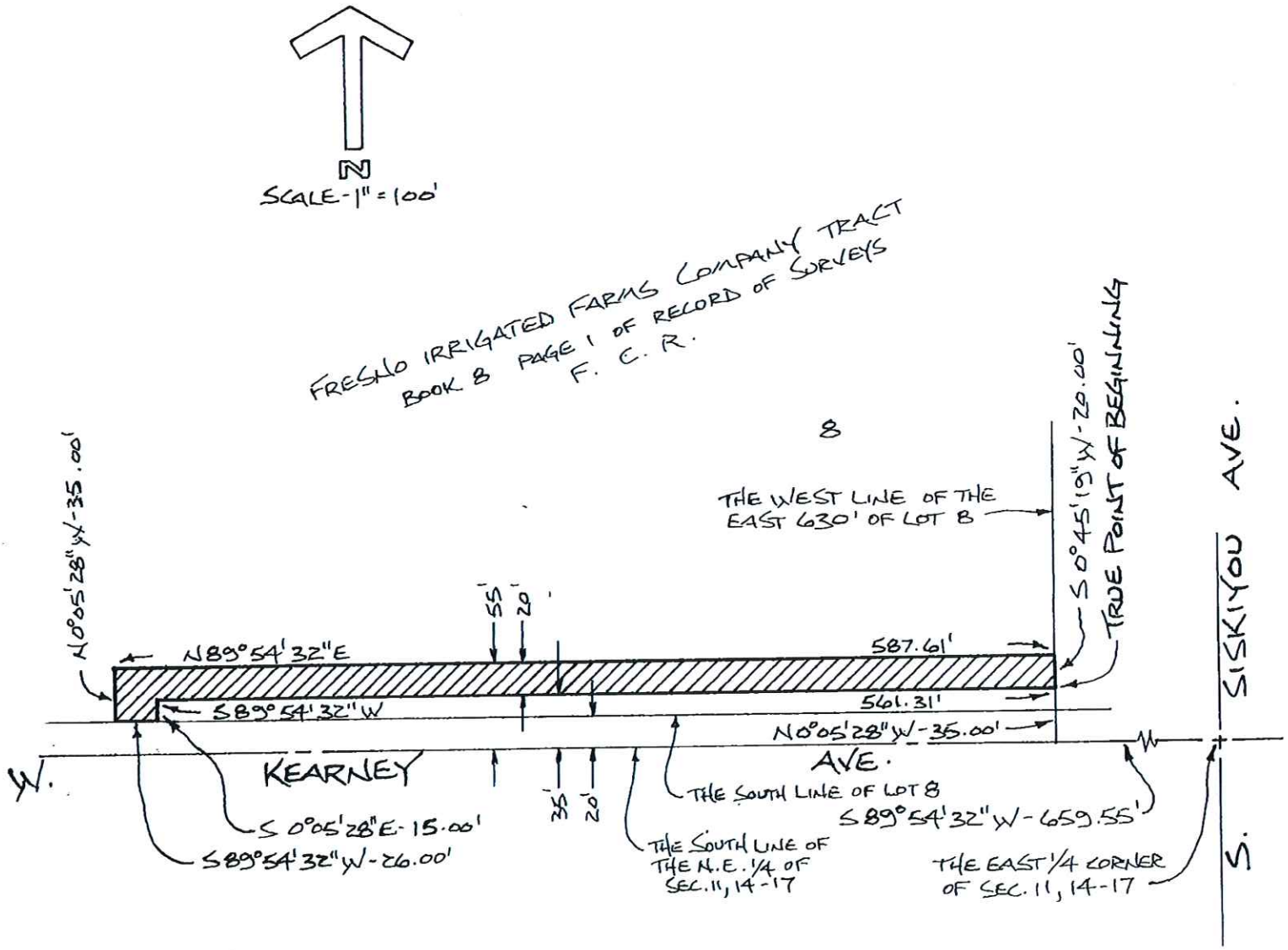
This is to certify that the interest in real property conveyed by the deed or grant dated October 28TH, 2005 from STEVE D. SCHAAD AND BARBARA L. SCHAAD, HUSBAND AND WIFE AS COMMUNITY PROPERTY, A California Corporation, to Fresno Irrigation District, a public corporation, is hereby accepted by the undersigned officer or agent on behalf of the Board Of Directors pursuant to authority conferred by resolution of the Board Of Directors adopted on January 27, 2004, and the grantee consents to recordation thereof by its duly authorized officer.

Dated 11-3-2005

By: Gary R. Serrato

GARY R. SERRATO, Secretary

EXHIBIT "A"



FRESNO IRRIGATION DISTRICT
PIPELINE EASEMENT

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Fresno } ss.

On Oct 28, 2005 (Date), before me, — Charles H. Jones notary public (Name and Title of Officer (e.g., "Jane Doe, Notary Public")),

personally appeared — Steve D. Schaad & Barbara L. Schaad (Name(s) of Signer(s)),

☒ personally known to me
☐ 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 signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

CHARLES H. JONES
COMM. #1529996
NOTARY PUBLIC - CALIFORNIA
FRESNO COUNTY
My Comm. Expires Nov. 26, 2008

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Grant & Easement

Document Date: 10/28/05 Number of Pages: 5

Signer(s) Other Than Named Above: — NONE —

Capacity(ies) Claimed by Signer

Signer's Name:

☒ Individual
☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Fresno } ss.

On November 3, 2005 (Date), before me, Lynn B Rowe, Notary Public (Name and Title of Officer (e.g., "Jane Doe, Notary Public")),

personally appeared Gary R. Serrato (Name(s) of Signer(s)),

☒ personally known to me

☐ 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 signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

LYNN B. ROWE
Commission # 1535466
Notary Public - California
Fresno County
My Comm. Expires Jan 14, 2009

WITNESS my hand and official seal.

Lynn B Rowe
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Grant of Easement

Document Date: October 28, 2005 Number of Pages: 4 + Exh. A

Signer(s) Other Than Named Above: Steve D. Schaak and Barbara L. Schaak

Capacity(ies) Claimed by Signer(s)

Signer's Name:	Signer's Name:
☐ Individual	☐ Individual
☐ Corporate Officer — Title(s):	☐ Corporate Officer — Title(s):
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact	☐ Attorney in Fact
☐ Trustee	☐ Trustee
☐ Guardian or Conservator	☐ Guardian or Conservator
☐ Other:	☐ Other:
Signer Is Representing:	Signer Is Representing:
RIGHT THUMBPRINT OF SIGNER — Top of thumb here	RIGHT THUMBPRINT OF SIGNER — Top of thumb here

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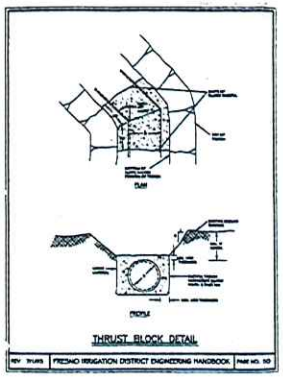
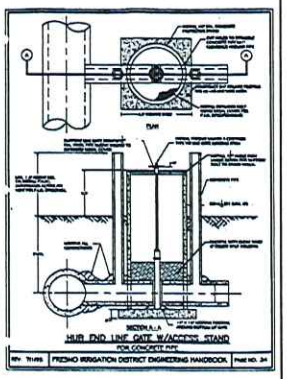
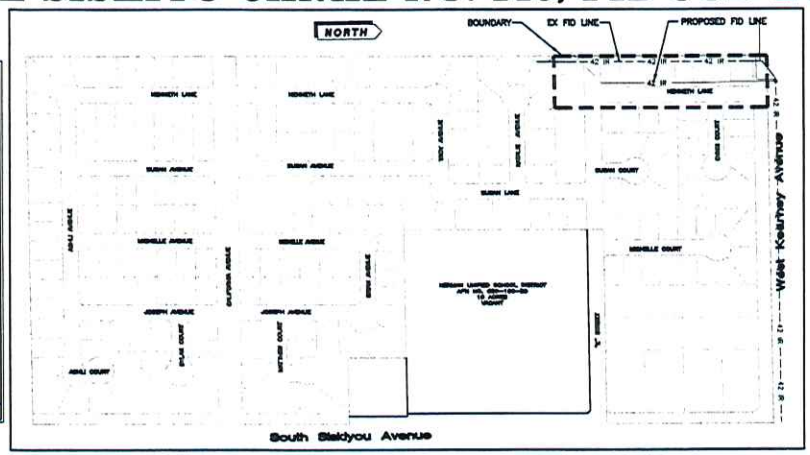
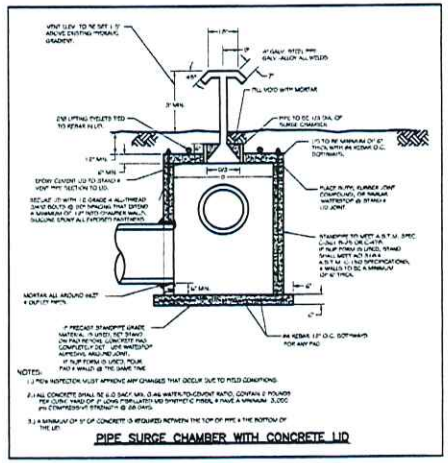
LARS ANDERSEN REVISIONS ONLY

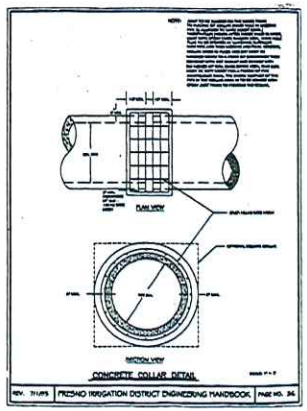
FRESNO IRRIGATION DISTRICT PLANS
FOR THE SISKIYO CANAL NO. 146, FID JOB NO. 1234

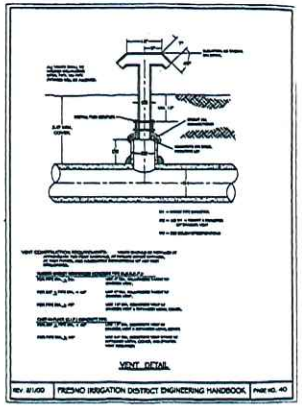


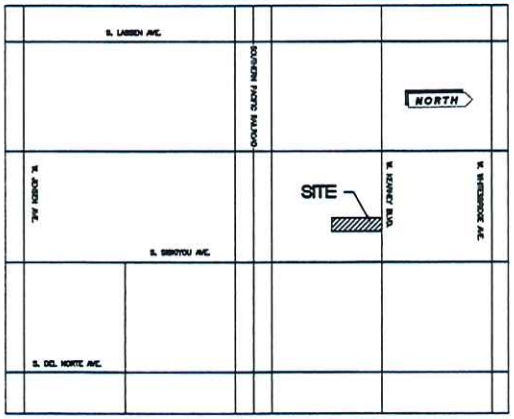












GENERAL LOCATION MAP

FRESNO IRRIGATION DISTRICT
General Notes for Pipeline Construction

1. All work shall conform to the standards and requirements as shown in the Fresno Irrigation District's Handbook of Specifications.
2. All Reinforced Concrete Pipe (Class I-V) shall be rubber gasket and conform to ASTM Standard C-361. Any other type or class pipe shall require District approval.
3. All material shall be new and no salvaged material or previously used material may be used unless approved by Fresno Irrigation District's Engineer.
4. All Cast-in-Place Pipe shall conform to the standards and specifications in American Concrete Institute (ACI) Standard 346 and include 1.5 pounds per-cubic yard of Fibermesh Stirfibral 2-inch Fibers. Contractor shall provide concrete compression test at Contractor's cost as specified in ACI Code 346.
5. All disturbed soil shall be compacted to a minimum 85% compaction. Compaction tests shall be made available to the Fresno Irrigation District's Engineer.
6. All bends and/or elbows are prevent unless specified differently and shall conform to ASTM Standards. All bends and/or elbows shall be braced with thrust blocks per Fresno Irrigation District Standards.
7. All excess material and/or debris shall be removed upon completion of the installation.
8. Construction shall not interfere with the flow or distribution of water as required by the Fresno Irrigation District. Any canal or pipeline designed as a flood channel shall be constructed in a manner to allow flood flows to pass at all times.
9. Fresno Irrigation District will not be responsible for any water that may flow in the irrigation facility or area of construction during the time of installation.
10. Fresno Irrigation District's Water Department, 233-7161, shall be notified to determine a period that work may be performed.
11. All work performed during Fresno Irrigation District's irrigation season must be pre-approved by Fresno Irrigation District and covered by a $3720 cash deposit. All work performed within Fresno Irrigation District's facilities used for the diversion and disposal of floodwaters, must also be covered by a $3720 cash deposit. Fresno Irrigation District will charge a late completion fee of $200 per day for each day that the Contractor's work extends past the completion date specified on District's Construction Permit. Fresno Irrigation District will deduct cost from the deposit if Contractor fails to pay any fee.
12. All work within Fresno Irrigation District easements, which will place Fresno Irrigation District facilities out of service during or 30 days prior to regularly scheduled water delivery periods, or within facilities designated for the diversion or disposal of floodwaters, must be pre-approved by Fresno Irrigation District. If the shutdown of a facility is approved, a $200 application fee, a $320 per day shut down fee, and a $3720 cash deposit will be required. Fresno Irrigation District will charge a late completion fee of $200 per day for each day (or fraction thereof) that Fresno Irrigation District's facilities are out of service after the completion date specified on Fresno Irrigation District's construction permit. Fresno Irrigation District will deduct costs from the deposit for any unpaid fees.
13. Fresno Irrigation District's Engineering Department, 233-7161, shall be notified 48 hours prior to construction. No work shall begin without a Construction Permit issued by Fresno Irrigation District ($20 permit fee, $75 per each inspection fee). All work shall be completed by the date specified on the Construction Permit and the area restored to its original condition. Any work required after the completion date shall be approved by Fresno Irrigation District's Engineer and assessed a $15 per day inspection fee.
14. All irrigation pipe installed for use by the Fresno Irrigation District shall be inspected and approved by Fresno Irrigation District's field inspector before back filling may occur.
15. Fresno Irrigation District's facilities on the attached plans represent irrigation structures which may be encountered during construction. Contractor is responsible to confirm location, size and depth of all Fresno Irrigation District's facilities. Fresno Irrigation District's Engineer is to be notified of any conflicts or discrepancies.

F.I.D. Form No.438
Rev 8/16/2002

NOTICE !

WHERE UNDERGROUND AND SURFACE STRUCTURES ARE SHOWN ON THE PLANS, THE LOCATIONS, DEPTHS AND DIMENSIONS OF SAID STRUCTURES ARE BELIEVED TO BE REASONABLY CORRECT, BUT ARE NOT GUARANTEED. SUCH STRUCTURES ARE SHOWN FOR THE INFORMATION OF THE CONTRACTOR, BUT INFORMATION SO SHOWN IS NOT TO BE CONSTRUED AS A REPRESENTATION THAT SUCH STRUCTURES WILL, IN ALL CASES, BE FOUND WHERE SHOWN, OR THAT THEY REPRESENT ALL THE STRUCTURES WHICH MAY BE ENCOUNTERED.

CONTRACTOR CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES CONTRACTOR SHALL BE RESPONSIBLE TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUALLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DESIGN PROFESSIONAL.

California Council of Civil Engineers and Land Surveyors

CALL BEFORE YOU DIG
48 HOURS
CALL "USA" TOLL FREE
1-800-642-2444

UNDERGROUND SERVICE ALERT

FRESNO IRRIGATION DISTRICT

SIGNED BY: BILL STRETCH 4/2/2003
DATE

AS BUILT
4/2/2003

LARS ANDERSEN AND ASSOCIATES, INC.
CIVIL ENGINEERS — LAND SURVEYORS — PLANNERS
4630 WEST JACQUELYN AVENUE SUITE 119 FRESNO, CA 93722
559 276-2790 FAX 559 276-0850

AS GRADED

DANIEL J. ZOLDAK
R.C.E. 66124
DATE

REVISIONS	DATE	APPROVED
1		
2		
3		
4		
5		
6		
7		

APPROVALS

	APPROVED INITIAL
CITY OF KERMAN	
FRESNO IRRIGATION DISTRICT	

FRESNO IRRIGATION DISTRICT

SISKIYOU CANAL NO. 146
FID JOB NO. 1234

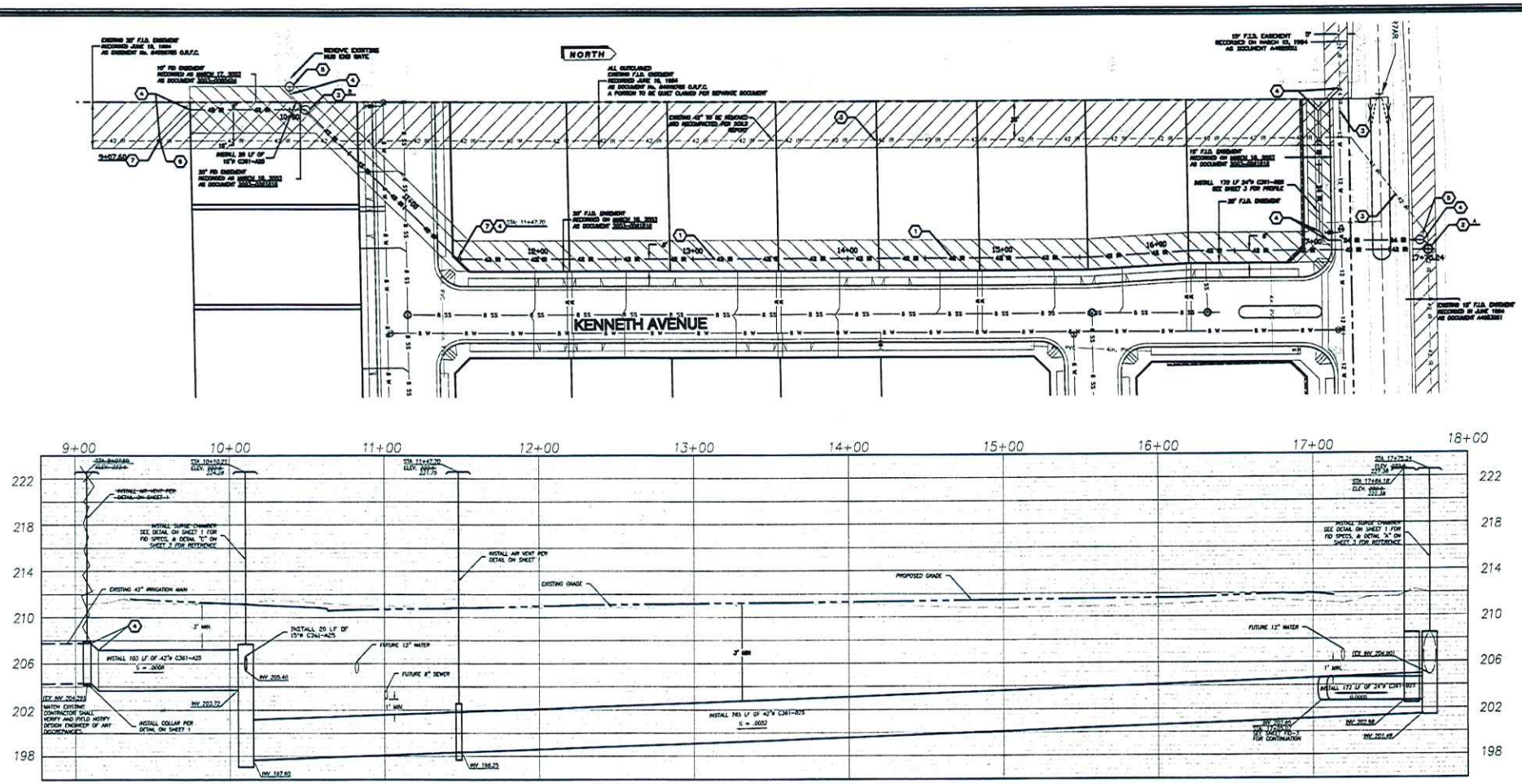
COVER SHEET

DATE: 3-03-03

SISKIYOU No. 146

No. 14620030402

SISKIYOU No. 146



HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=4'

1. CONSTRUCT 42" C361-B25 PER F.I.D. STANDARDS. BACKFILL REQUIREMENTS PER CITY STD.
2. INSTALL 60"ø I.D. SURGE CHAMBER PER DETAIL ON SHEET 1. SEE DETAILS A AND B ON SHEET 3 FOR ELEVATION DETAILS.
3. REMOVE AND OVER EXCAVATE EXISTING 42" CONCRETE IRRIGATION MAIN, STAND PIPES AFTER NEW MAIN IS IN PLACE.
4. 45° PREFABED BEND WITH THRUST BLOCK PER DETAIL ON SHEET 1.
5. HUB END LINE GATE WITH ACCESS STAND PER DETAIL ON SHEET 1.
6. INSTALL COLLAR PER DETAIL ON SHEET 1.
7. INSTALL AIR VENT PER DETAIL ON SHEET 1.

- PROPOSED F.I.D. EASEMENT
- EXISTING F.I.D. EASEMENT

NOTES:

CALL BEFORE YOU DIG
48 HOURS
CALL "USA" TOLL FREE
1-800-642-2444

UNDERGROUND SERVICE ALERT

BENCHMARK:

TIM: CHISELED SQUARE AT TOP OF CURB IN FRONT OF FIRE HYDRANT LOCATED NEAR THE NORTHWEST CORNER OF THE SCHOOLYARD, 131 FEET MORE OR LESS EAST OF THE NORTH EAST RETURN OF THE SOUTH EAST CORNER OF THE INTERSECTION OF SUSAN AVENUE AND "E" STREET

BENCHMARK NOTE:
FRESNO COUNTY "KHSI" BENCHMARK WAS CHECKED AGAINST SITE BENCHMARK. THE SITE BENCH MARK IS 0.15' LOWER THAN COUNTY DATUM. AN ADJUSTMENT OF +0.15' TO THE SITE GRADING NEEDS TO BE MADE IF CHECKED AGAINST COUNTY DATUM.

LARS ANDERSEN AND ASSOCIATES, INC.
CIVIL ENGINEERS – LAND SURVEYORS – PLANNERS
4630 WEST JACQUELYN AVENUE SUITE 119 FRESNO, CA 93722
559 276-2790 FAX 559 276-0850

AS GRADED

DANIEL J. ZOLDAK 11/23/05
R.C.E. 66124 DATE

REVISIONS
DATE APPROVED

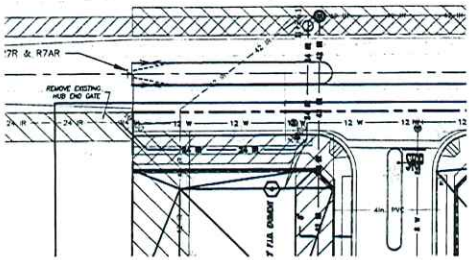
APPROVALS
APPROVED INITIAL
CITY OF KERMAN
FRESNO IRRIGATION DISTRICT

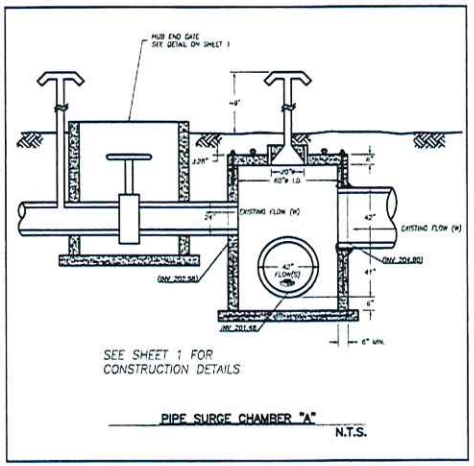
FRESNO IRRIGATION DISTRICT
SISKIYOU CANAL NO. 146
FID JOB NO. 1234
PLAN AND PROFILE

AS BUILT
4/2/2003

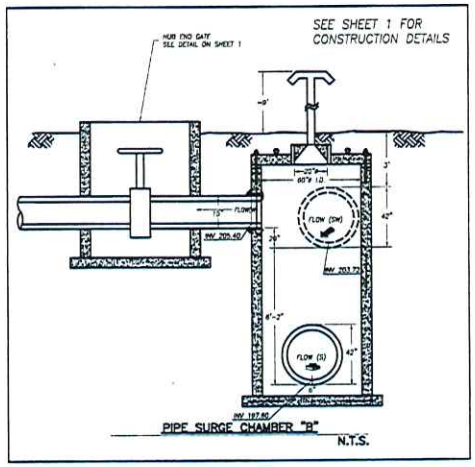
No. 146200304

LARS ANDERSEN REVISIONS ONLY

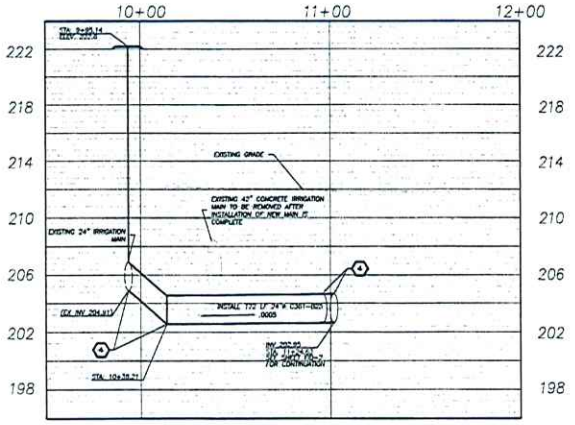




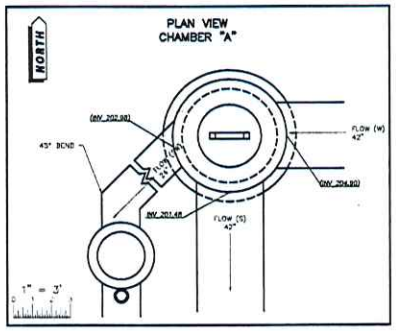
PIPE SURGE CHAMBER "A"
N.T.S.

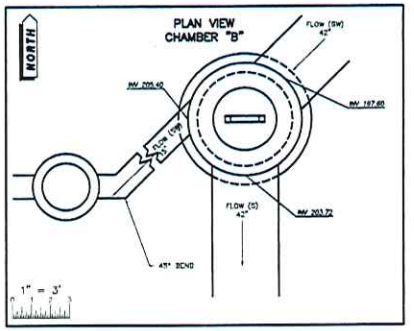


PIPE SURGE CHAMBER "B"
N.T.S.



HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=4'





NOTES:

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CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES CONSTRUCTION CONTRACTOR WILL BE RESPONSIBLE TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DISTRICT HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF DISTRICT PROFESSIONALS.

California Council of Civil Engineers and Land Surveyors

CALL BEFORE YOU DIG
48 HOURS
CALL "USA" TOLL FREE
1-800-642-2444

UNDERGROUND SERVICE ALERT

BENCHMARK:

RIVET 22.7' NORTH OF KEARNEY BOULEVARD
30.5' EAST OF S'BOUDI AVENUE

ELEVATION = 312.95

TBM: CHISELED SQUARE AT TOP OF CURB IN FRONT OF FIRE HYDRANT LOCATED NEAR THE NORTHWEST CORNER OF THE SCHOOLYARD, 131 FEET MORE OR LESS EAST OF THE NORTH EAST RETURN OF THE SOUTH EAST CORNER OF THE INTERSECTION OF SUSAN AVENUE AND "E" STREET.

BENCHMARK NOTE:
FRESNO COUNTY "KMS" BENCHMARK WAS CHECKED AGAINST SITE BENCHMARK. THE SITE BENCH MARK IS 0.15' LOWER THAN COUNTY DATUM. AN ADJUSTMENT OF +0.15' TO THE SITE GRADING NEEDS TO BE MADE IF CHECKED AGAINST COUNTY DATUM.

LARS ANDERSEN AND ASSOCIATES, INC.
CIVIL ENGINEERS – LAND SURVEYORS – PLANNERS
4630 WEST JACQUELYN AVENUE SUITE 119 FRESNO, CA 93722
559 276-2790 FAX 559 276-0850

AS GRADED

DANIEL J. ZOLDAK
R.C.E. 56124

DATE 11/20/03

REVISIONS	DATE	APPROVED
1		
2		
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7		
8		

APPROVALS

	APPROVED DETAIL
CITY OF KERMAN	
FRESNO IRRIGATION DISTRICT	

FRESNO IRRIGATION DISTRICT

SISKIYOU CANAL NO. 146
FID JOB NO. 1234

DETAIL SHEET

DATE: 8-2-02

As Built
4/2/2003

No. 1462003

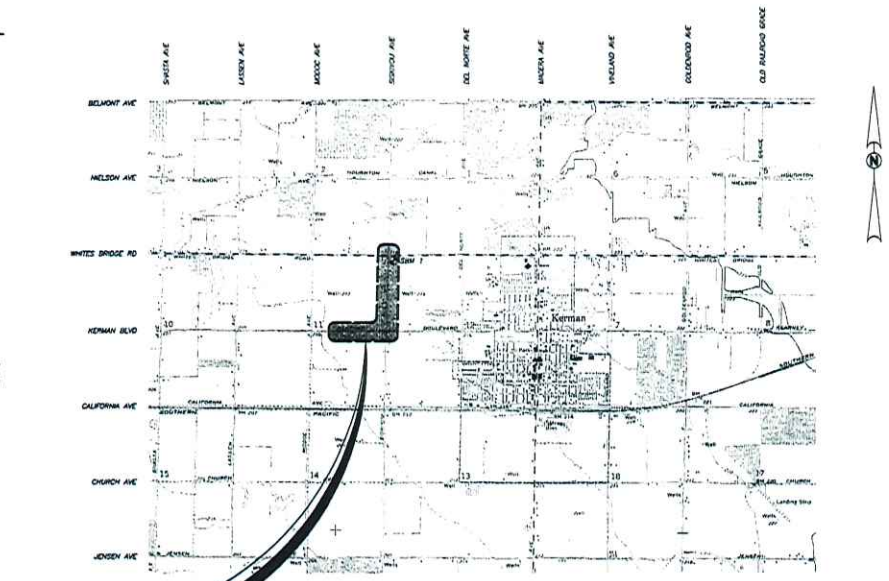
SISKIYOU No. 146

Section 6, Item B.

FRESNO IRRIGATION DISTRICT
VALLEY VANGUARD PROPERTIES
RELOCATION OF SISKIYOU AVENUE PIPELINE
FID JOB NO. 1352

FID GENERAL NOTES FOR CONSTRUCTION

1. ALL WORK SHALL CONFORM TO THE STANDARDS AND REQUIREMENTS AS SHOWN IN FRESNO IRRIGATION DISTRICTS' ENGINEERING HANDBOOK OF SPECIFICATIONS.
2. ALL REINFORCED CONCRETE PIPE (CLASS II-V) SHALL BE RUBBER GASKET AND CONFORM TO ASTM STANDARD C-361. ANY OTHER TYPE OR CLASS PIPE SHALL REQUIRE FRESNO IRRIGATION DISTRICT APPROVAL.
3. ALL MATERIAL SHALL BE NEW AND NO SALVAGED MATERIAL OR PREVIOUSLY USED MATERIAL MAY BE USED UNLESS APPROVED BY FRESNO IRRIGATION DISTRICTS' ENGINEER.
4. NOT USED
5. ALL DISTURBED SOIL SHALL BE COMPACTED TO A MINIMUM 90% COMPACTION. COMPACTION TESTS SHALL BE MADE AVAILABLE TO FRESNO IRRIGATION DISTRICTS' ENGINEER.
6. ALL BENDS AND/OR ELBOWS SHOWN ARE PRECAST UNLESS SPECIFIED DIFFERENTLY AND SHALL CONFORM TO ASTM STANDARDS. ALL BENDS AND/OR ELBOWS SHALL BE INSTALLED WITH THRUST BLOCKS PER FRESNO IRRIGATION DISTRICT STANDARDS.
7. ALL EXCESS MATERIAL AND/OR DEBRIS SHALL BE REMOVED UPON COMPLETION OF THE INSTALLATION.
8. CONSTRUCTION SHALL NOT INTERFERE WITH THE FLOW OR DISTRIBUTION OF WATER AS REQUIRED BY FRESNO IRRIGATION DISTRICT. ANY CANAL OR PIPELINE DESIGNATED AS A FLOOD CHANNEL SHALL BE CONSTRUCTED IN A MANNER TO ALLOW FLOOD FLOWS TO PASS AT ALL TIMES.
9. FRESNO IRRIGATION DISTRICT WILL NOT BE RESPONSIBLE FOR ANY WATER THAT MAY FLOW IN THE IRRIGATION FACILITY OR AREA OF CONSTRUCTION DURING THE TIME OF INSTALLATION.
10. FRESNO IRRIGATION DISTRICTS' WATER DEPARTMENT, 233-7161, SHALL BE NOTIFIED TO DETERMINE A PERIOD THAT WORK MAY BE PERFORMED.
11. ALL WORK PERFORMED DURING FRESNO IRRIGATION DISTRICTS' IRRIGATION SEASON MUST BE PRE-APPROVED BY FRESNO IRRIGATION DISTRICT AND SECURED BY A $3750 CASH DEPOSIT. ALL WORK PERFORMED WITHIN FRESNO IRRIGATION DISTRICTS' FACILITIES USED FOR THE DIVERSION AND DISPOSAL OF FLOODWATERS, MUST ALSO BE SECURED BY A $3750 CASH DEPOSIT. FRESNO IRRIGATION DISTRICT WILL CHARGE A LATE COMPLETION FEE OF $500 PER DAY FOR EACH DAY THAT CONTRACTOR'S WORK EXTENDS PAST THE COMPLETION DATE SPECIFIED ON DISTRICT'S CONSTRUCTION PERMIT. FRESNO IRRIGATION DISTRICT WILL DEDUCT COSTS FROM THE DEPOSIT IF CONTRACTOR FAILS TO PAY ANY FEE.
12. ALL WORK WITHIN FRESNO IRRIGATION DISTRICT (DISTRICT) EASEMENTS THAT WILL NOT IMPACT WATER DELIVERIES (I.E.: IRRIGATION FLOWS, STORM FLOWS, FLOODWATER FLOWS,... ETC.) MUST BE PRE-APPROVED BY DISTRICT AND SECURED BY A $500 CASH DEPOSIT. DISTRICT WILL CHARGE A LATE COMPLETION FEE OF $200 PER WEEK (OR FRACTION THEREOF) THAT DISTRICT'S FACILITIES ARE OUT OF SERVICE AFTER THE COMPLETION DATE SPECIFIED ON DISTRICT'S PERMIT. DISTRICT WILL RETURN DEPOSIT AFTER COMPLETION OF CONSTRUCTION, OR DEDUCT COSTS FROM THE DEPOSIT FOR UNPAID FEES.
13. ALL WORK WITHIN FRESNO IRRIGATION DISTRICT (DISTRICT) EASEMENTS THAT WILL IMPACT WATER DELIVERIES, OR BEGINNING 30 DAYS PRIOR TO SCHEDULED WATER DELIVERY PERIODS, MUST BE PRE-APPROVED BY DISTRICT. FACILITY SHUTDOWN FEE OF $350 PER DAY AND A $4000 CASH DEPOSIT MUST BE SECURED WITH PERMIT APPLICATION. DISTRICT WILL CHARGE A LATE COMPLETION FEE OF $300 PER DAY FOR EACH DAY (OR FRACTION THEREOF) THAT DISTRICT FACILITIES ARE OUT OF SERVICE AFTER THE COMPLETION DATE SPECIFIED ON DISTRICT'S PERMIT. DISTRICT WILL RETURN DEPOSIT AFTER COMPLETION OF CONSTRUCTION, OR DEDUCT COSTS FROM THE DEPOSIT FOR UNPAID FEES.
14. ALL IRRIGATION PIPE INSTALLED FOR USE BY THE FRESNO IRRIGATION DISTRICT SHALL BE INSPECTED AND APPROVED BY FRESNO IRRIGATION DISTRICTS' FIELD INSPECTOR BEFORE ANY BACKFILLING MAY OCCUR.
15. FRESNO IRRIGATION DISTRICTS' FACILITIES ON THE ATTACHED PLANS REPRESENT IRRIGATION STRUCTURES WHICH MAY BE ENCOUNTERED DURING CONSTRUCTION. CONTRACTOR IS RESPONSIBLE TO CONFIRM LOCATION, SIZE AND DEPTH OF ALL FRESNO IRRIGATION DISTRICTS' FACILITIES. FRESNO IRRIGATION DISTRICTS' ENGINEER IS TO BE NOTIFIED OF ANY CONFLICTS OR DISCREPANCIES.



VICINITY MAP
NOT TO SCALE

BENCH MARK

SBM 1
SPIKE IN POWER POLE LOCATED ON SE CORNER OF SISKIYOU AND WHITESBRIDGE.

ELEVATION = 217.08 U.S.G.S. DATUM

Construction contractor agrees that in accordance with generally accepted construction practices, construction contractor will be required to assume sole and complete responsibility of job site conditions during the course of construction of the project, including safety of all persons and property; that this requirement shall be made to apply continuously and not be limited to normal working hours and construction contractor further agrees to defend, indemnify and hold design professional harmless from any and all liability, real or alleged, in connection with the performance of work on this project, excepting liability arising from the sole negligence of design professional

NOTE Call USA at least 48 hours prior to excavating in this area
1-800-227-2600

TABLE OF CONTENTS

TITLE	SHEET NO.
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GENERAL CONTRACT NOTES

1. BEFORE COMMENCING EXCAVATION, THE CONTRACTOR SHALL NOTIFY ALL UTILITY AUTHORITIES OR UTILITY COMPANIES HAVING POSSIBLE INTEREST IN THE WORK OF THE CONTRACTOR'S INTENTION TO EXCAVATE APPROXIMATELY TO EXISTING FACILITIES AND THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND SIZE OF ALL UTILITIES IN THE WORK AREA.
2. TWO WORKING DAYS BEFORE PERFORMING ANY EXCAVATION THE CONTRACTOR SHALL CALL "USA" (UNDERGROUND SERVICE ALERT), TOLL FREE AT 1-800-227-2600.
3. WHERE UNDERGROUND AND SURFACE STRUCTURES ARE SHOWN ON THE PLANS, THE LOCATIONS, DEPTH, AND DIMENSIONS OF STRUCTURES ARE BELIEVED TO BE REASONABLY CORRECT, BUT ARE NOT GUARANTEED. SUCH STRUCTURES ARE SHOWN FOR THE INFORMATION OF THE CONTRACTOR, BUT INFORMATION SO GIVEN IS NOT TO BE CONSTRUED AS A REPRESENTATION THAT SUCH STRUCTURES WILL, IN ALL CASES, BE FOUND WHERE SHOWN, OR THAT THEY REPRESENT ALL THE STRUCTURES WHICH MAY BE ENCOUNTERED.

RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE: 3-1-07

REGISTERED PROFESSIONAL ENGINEER — DAVID A. MCKAY — No. 54,414 — Exp. 12/31/07 — STATE OF CALIFORNIA
11/15/06

CONTRACT PLANS AND SPECIFICATIONS PREPARED BY:
BLAIR, CHURCH AND FLYNN
CONSULTING ENGINEERS
2953 LARKIN AVENUE
CLOVIS, CA. 93612
TEL: (559)291-5507
FAX: (559)291-2943

APPROVED: _____ BY: CITY OF KERMAN — DATE: Nov. 28, 2006

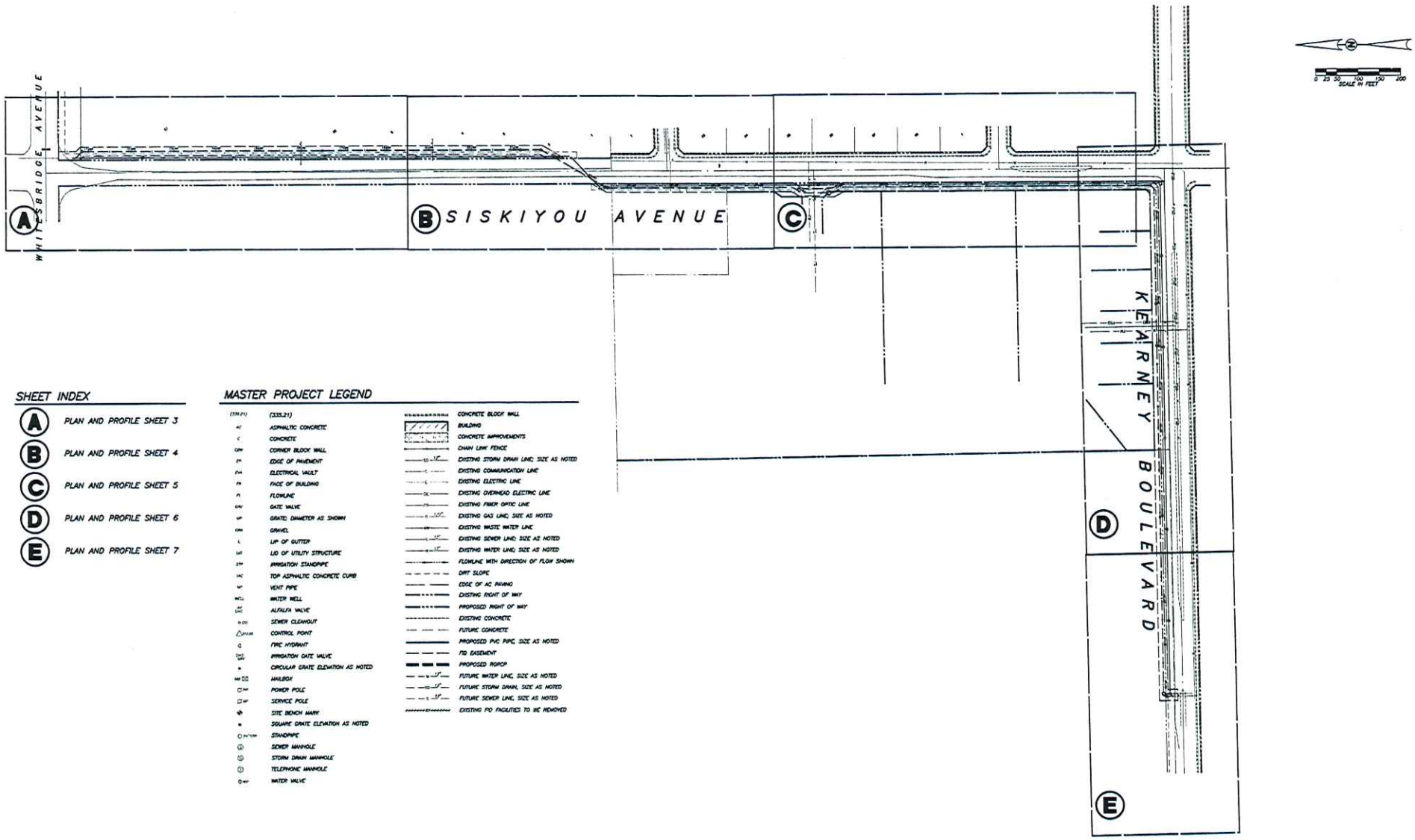
APPROVED: _____ F.I.D. ENGINEER

FRESNO IRRIGATION DISTRICT | BLAIR CHURCH & FLYNN CONSULTING ENGINEERS CLOVIS, CA. | REVISIONS | TITLE SHEET AND VICINITY MAP | DESIGN ENGINEER: DAVID A. MCKAY R.C.E. 54,414

#14620070504

Siskiyou No. 14

Siskiyou No 146



SHEET INDEX

- (A) PLAN AND PROFILE SHEET 3
- (B) PLAN AND PROFILE SHEET 4
- (C) PLAN AND PROFILE SHEET 5
- (D) PLAN AND PROFILE SHEET 6
- (E) PLAN AND PROFILE SHEET 7

MASTER PROJECT LEGEND

(335.21)	(335.21)
AC	ASPHALTIC CONCRETE
C	CONCRETE
CBW	CORNER BLOCK WALL
EP	EDGE OF PAVEMENT
EVA	ELECTRICAL VAULT
FA	FACE OF BUILDING
FL	FLOWLINE
GAV	GATE VALVE
GP	GRATE; DIAMETER AS SHOWN
GRA	GRAVEL
L	LIP OF GUTTER
LID	LID OF UTILITY STRUCTURE
IRR	IRRIGATION STANDPIPE
TAC	TOP ASPHALTIC CONCRETE CURB
VP	VENT PIPE
WELL	WATER WELL
AFV	ALFALFA VALVE
SCO	SEWER CLEANOUT
CP	CONTROL POINT
FIRE	FIRE HYDRANT
IRR	IRRIGATION GATE VALVE
CIRCULAR	CIRCULAR GRATE ELEVATION AS NOTED
MAILBOX	MAILBOX
POP	POWER POLE
SP	SERVICE POLE
SITE	SITE BENCH MARK
SQUARE	SQUARE GRATE ELEVATION AS NOTED
STANDPIPE	STANDPIPE
SEWER	SEWER MANHOLE
STORM	STORM DRAIN MANHOLE
TELEPHONE	TELEPHONE MANHOLE
WV	WATER VALVE

	CONCRETE BLOCK WALL
	BUILDING
	CONCRETE IMPROVEMENTS
	CHAIN LINK FENCE
10 1/2"	EXISTING STORM DRAIN LINE; SIZE AS NOTED
	EXISTING COMMUNICATION LINE
	EXISTING ELECTRIC LINE
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING FIBER OPTIC LINE
1 1/2"	EXISTING GAS LINE; SIZE AS NOTED
	EXISTING WASTE WATER LINE
1 1/2"	EXISTING SEWER LINE; SIZE AS NOTED
1 1/2"	EXISTING WATER LINE; SIZE AS NOTED
	FLOWLINE WITH DIRECTION OF FLOW SHOWN
	DIRT SLOPE
	EDGE OF AC PAVING
	EXISTING RIGHT OF WAY
	PROPOSED RIGHT OF WAY
	EXISTING CONCRETE
	FUTURE CONCRETE
	PROPOSED PVC PIPE; SIZE AS NOTED
	FID EASEMENT
	PROPOSED RGPCP
1 1/2"	FUTURE WATER LINE; SIZE AS NOTED
1 1/2"	FUTURE STORM DRAIN; SIZE AS NOTED
1 1/2"	FUTURE SEWER LINE; SIZE AS NOTED
	EXISTING FID FACILITIES TO BE REMOVED

RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE: 3-4-07

FRESNO IRRIGATION DISTRICT

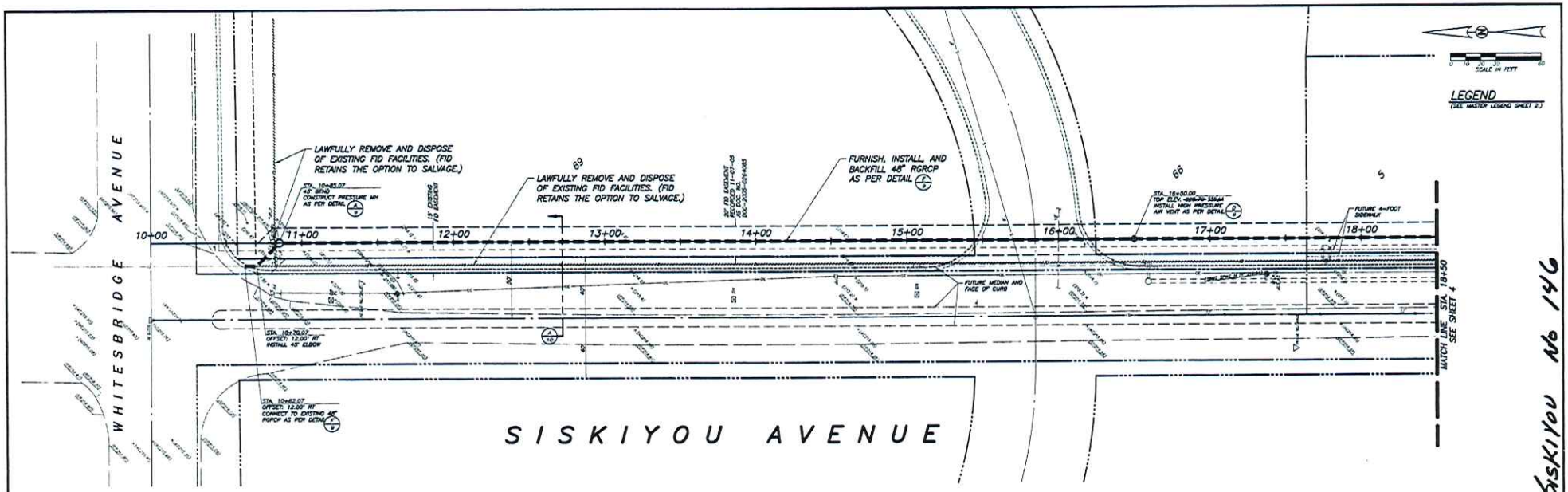
BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS
A PROFESSIONAL CORPORATION
CLOVIS, CA

DRAWN BY: DATE:
CHECKED BY: DATE:
SCALE: HORIZ. 1"=100' VERT.

REVISIONS

INDEX AND LEGEND SHEET
DESIGN ENGINEER: DAVID A. MOWRY
R.C.E. 54,414

#1462007050



PLAN VIEW

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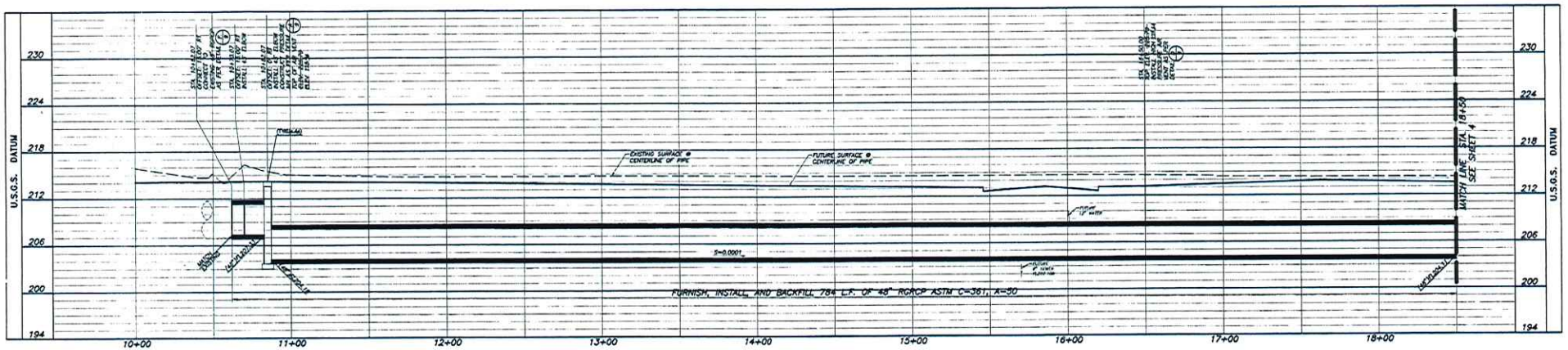


PROFILE

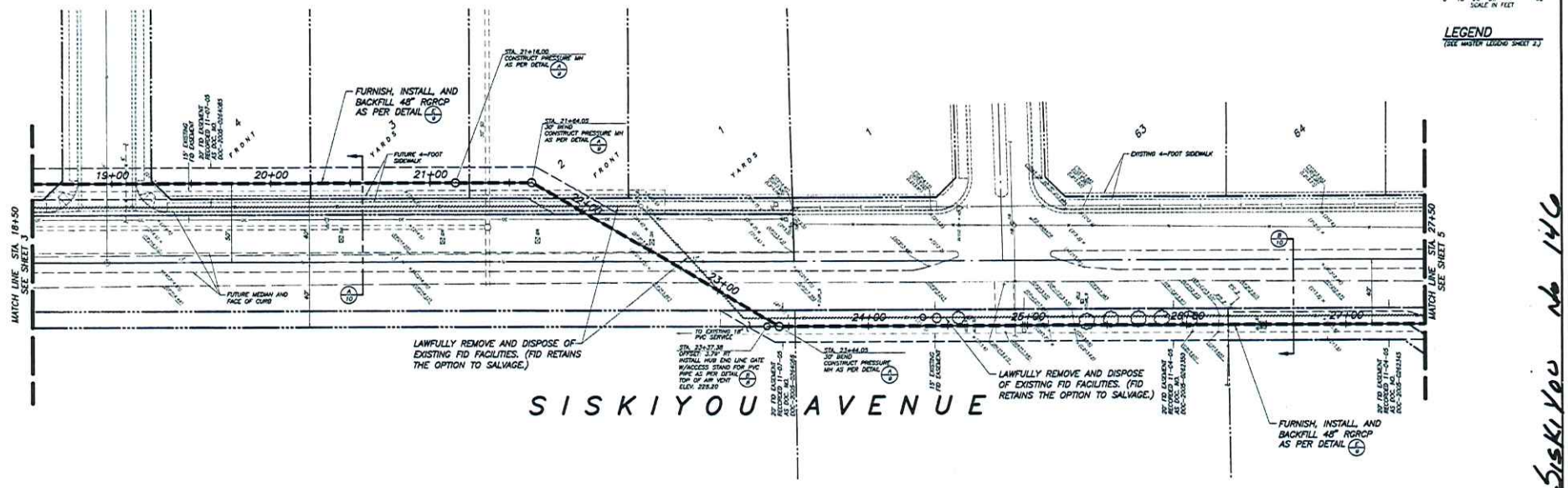
HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=6'

RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE: 3-5-07

FRESNO IRRIGATION DISTRICT | BLAIR CHURCH & FLYNN CONSULTING ENGINEERS CLOVIS, CA. | REVISIONS | PLAN AND PROFILE | R.C.E. 54,414

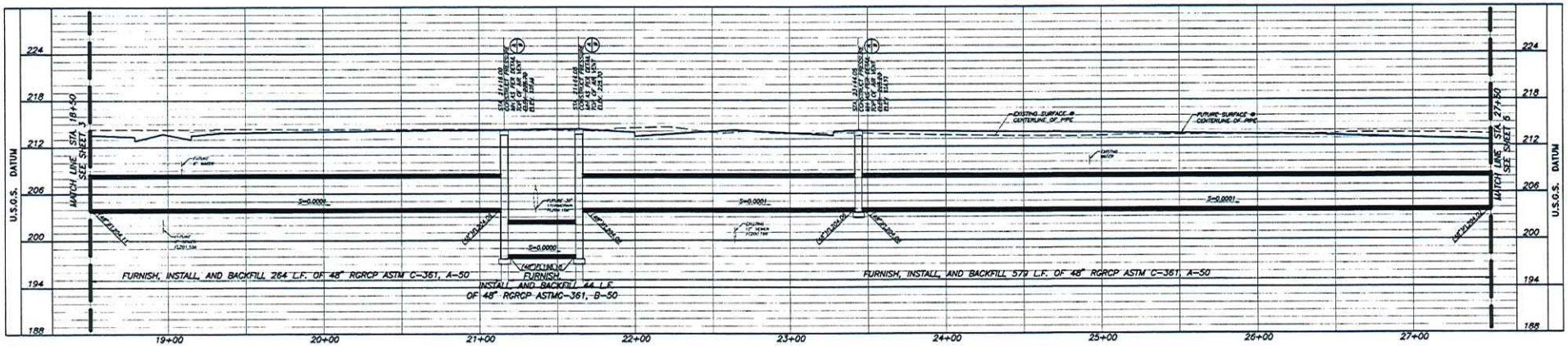
Siskiyou No 146

146200705



PLAN VIEW

SCALE: 1"=30'



PROFILE

HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=6'

RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE: 5-1-21

FRESNO IRRIGATION DISTRICT

BLAIR CHURCH & FLYNN
CONSULTING ENGINEERS
CLOVIS, CA

DRAWN BY: ___ DATE: 12-21-20
CHECKED BY: DHC DATE: ___
SCALE: HORIZ. 1"=30' VERT. 1"=6'

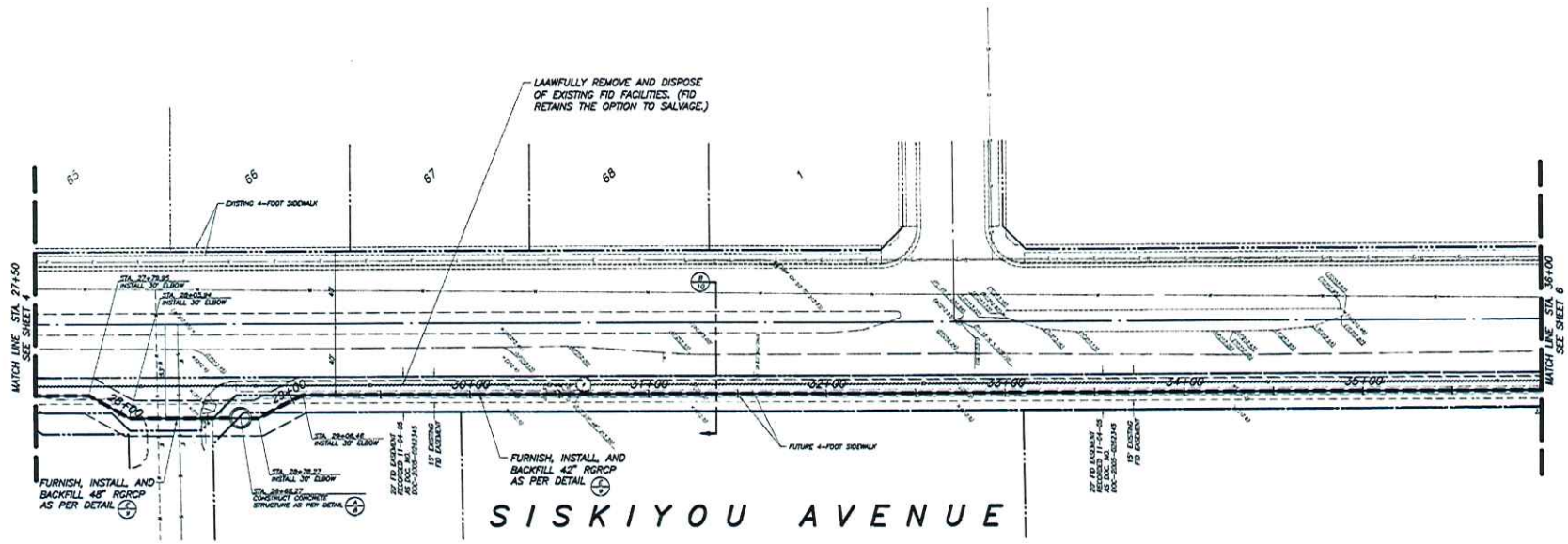
REVISIONS

PLAN AND PROFILE
DESIGN ENGINEER

SHEET OF
R.C.E. 56,474

Siskiyou Ave 14C

1462007050



PLAN VIEW

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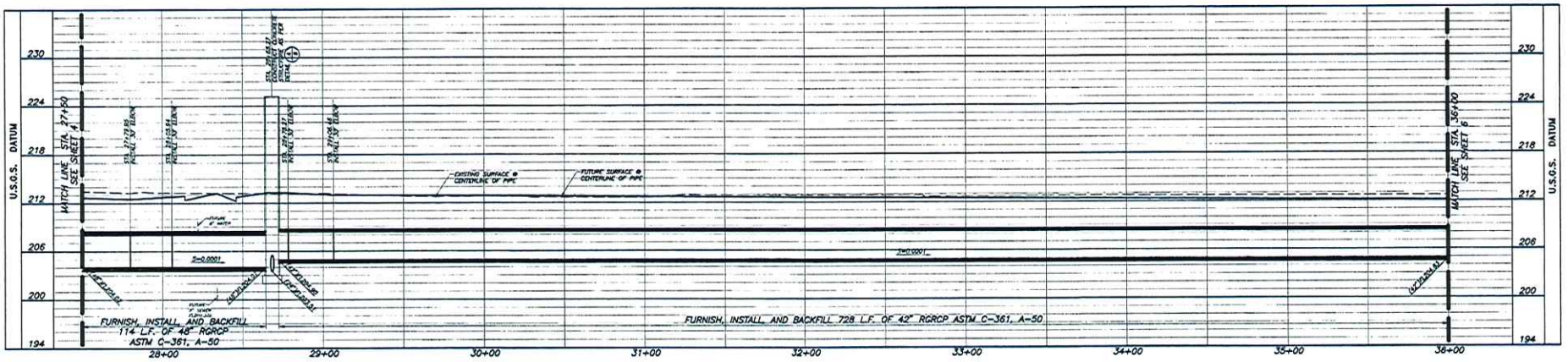


PROFILE

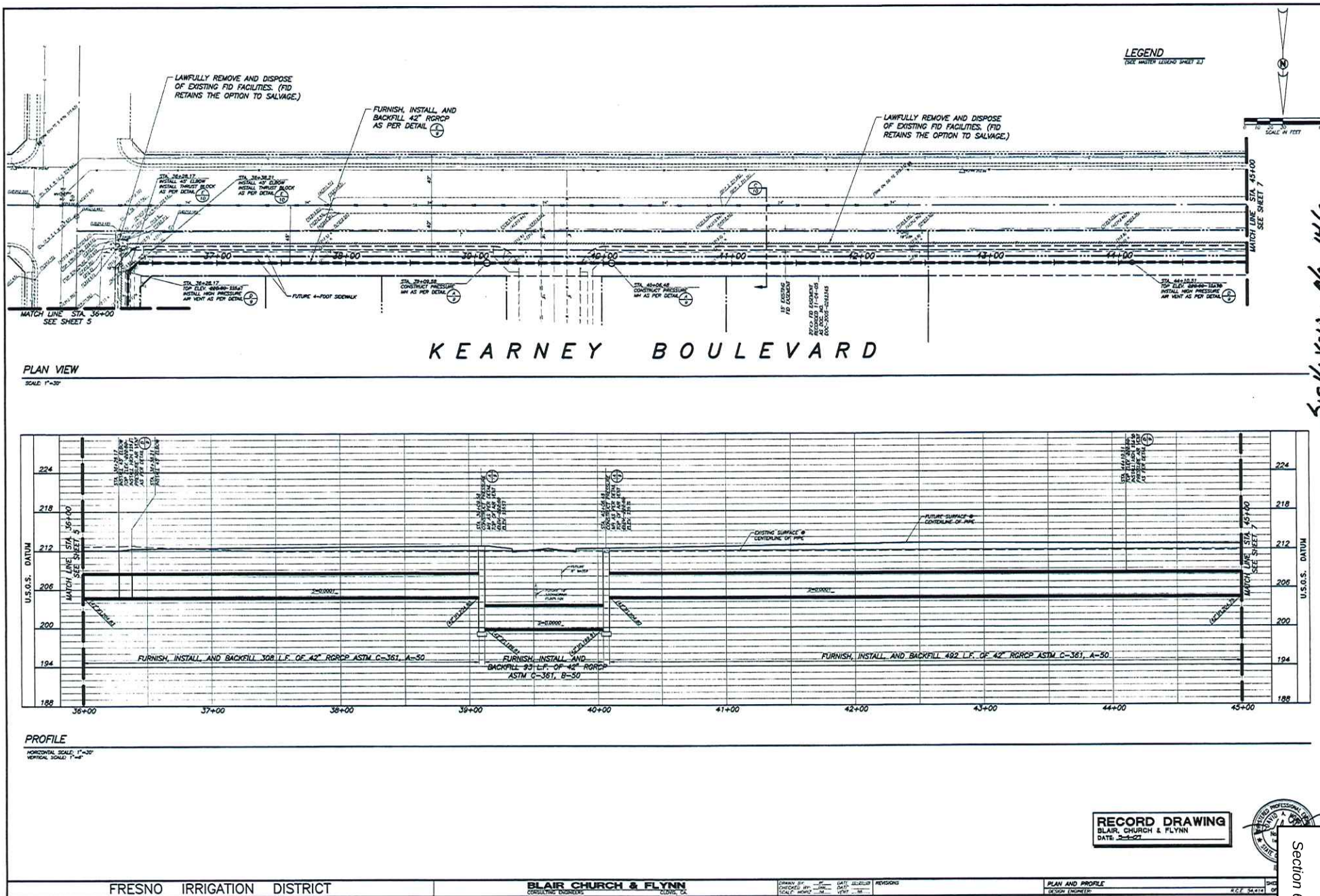
HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=6'

RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE: 5-4-07

FRESNO IRRIGATION DISTRICT | BLAIR CHURCH & FLYNN CONSULTING ENGINEERS CLOVIS, CA | REVISIONS | PLAN AND PROFILE

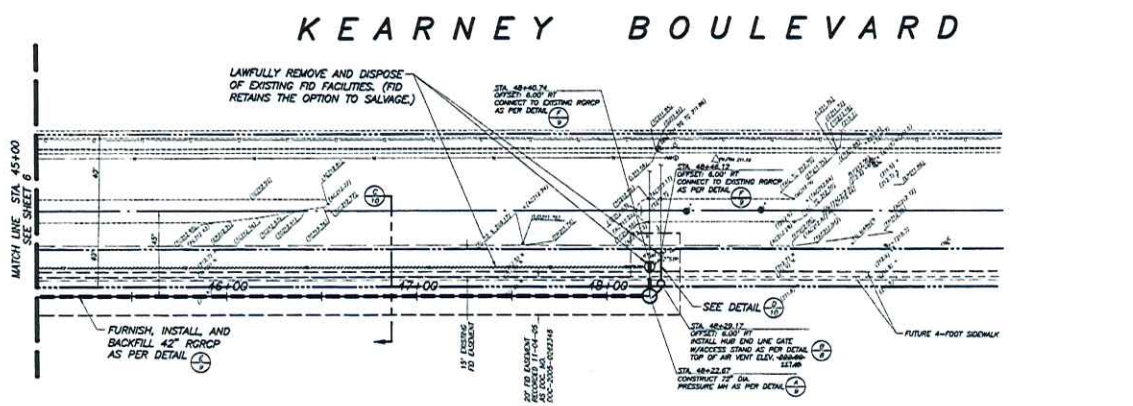
Siskiyou Ave 1462

#1462007



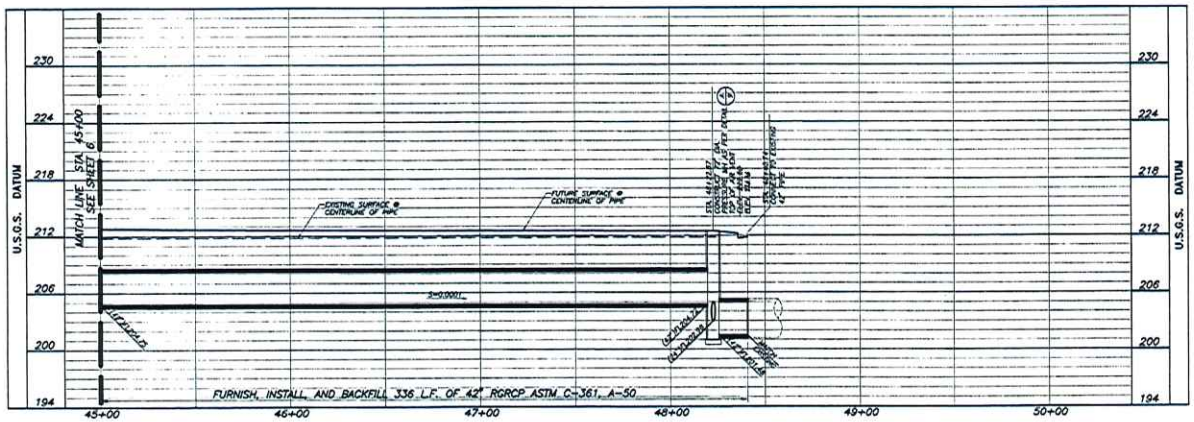
Section 6, Item B.

Siskiyou No 146



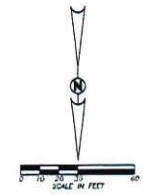
PLAN VIEW

SCALE: 1"=30'



PROFILE

HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=6'



LEGEND
(SEE MASTER LEGEND SHEET 2.)

RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE: 5-4-07

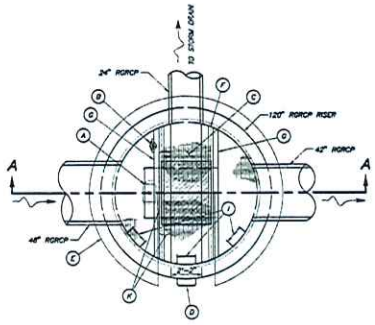
FRESNO IRRIGATION DISTRICT

BLAIR CHURCH & FLYNN
CONSULTING ENGINEERS
CLOVIS, CA.

REVISIONS

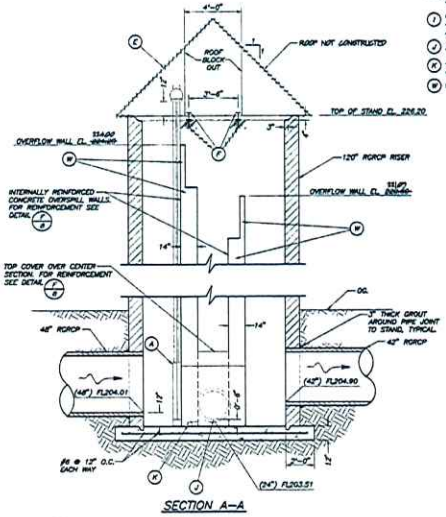
PLAN AND PROFILE

1462007050

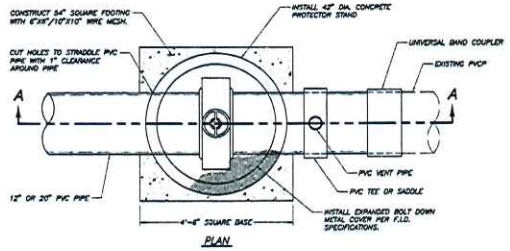


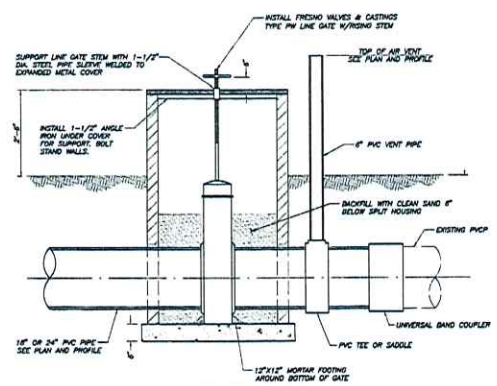
SYMBOLS LEGEND

- (A) 42" X 42" ALUMINUM SLIDE GATE TO BE FRESNO VALVES AND CASTINGS SERIES 8200 OR APPROVED EQUAL. GATE IS TO BE ATTACHED TO OVERFLOW WALL PER MANUFACTURER'S RECOMMENDATIONS.
- (B) 12" DRAIN DOWN GATE TO STORM DRAIN TO BE MANUFACTURED BY FRESNO VALVE CASTING OR APPROVED EQUAL.
- (C) 1" X 3/16" GALVANIZED STEEL BAR GRATING. TO BE BANDED AND PLACED IN FOUR SEPARATE SECTIONS. OUTER SECTIONS ARE TO HAVE RECESSED GRATING CLIPS WITH SELF TAPPING SCREWS. MIDDLE SECTION IS TO BE REMOVABLE.
- (D) FURNISH AND INSTALL GALVANIZED STEEL LADDER AND SUPPORTS. LADDER SHALL BE ALHAMBRA FOUNDRY COMPANY, LTD. MODEL A-3385 OR APPROVED EQUAL WITH 3/8"X2-1/2" STRINGERS AND 3/4" DIAMETER STEEL REBAR RUNGS.
- (E) REMOVABLE METAL ROOF STRUCTURE (E/8)
- (F) GRATING SUPPORT BEAM, SEE DETAIL (D/8)
- (G) EMERGENCY OVERFLOW WALL STRUCTURE
- (H) ELECTRIC GATE ACTUATOR (SUPPLIED BY OTHERS) TO BE MODEL IQ-20 AS MANUFACTURED BY ROTORK OR APPROVED EQUAL.
- (J) CAST IRON MANHOLE STEPS TO BE R-1981-H, AS MANUFACTURED BY NEENAH FOUNDRY OR APPROVED EQUAL. PROVIDE EPOXY SET WITH 4" PROJECTION.
- (K) 24-INCH RGRCP TO CITY STORM DRAINAGE SYSTEM.
- (L) 4-INCH PVCP SCH. 80 DRAIN PIPE WITH (2) 90° ELBOWS.
- (M) WALL TOP NOTCH AND WALL REINFORCEMENT PER DETAIL (G/8)

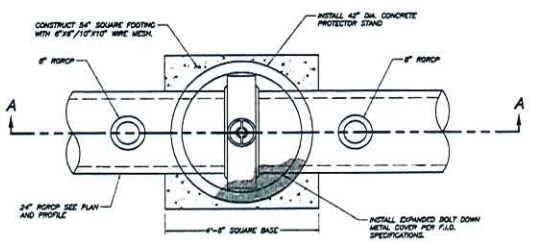


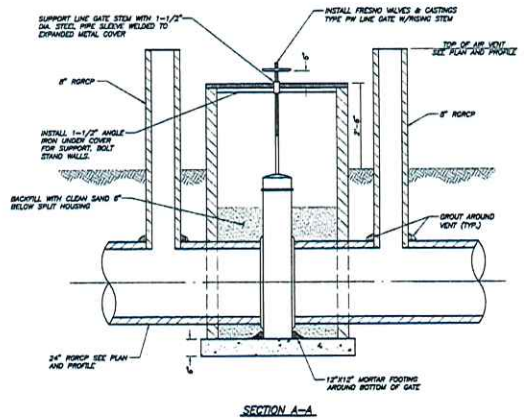
A/8 120-INCH STANDPIPE DETAIL
NO SCALE



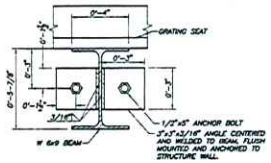


B/8 HUB END LINE GATE W/ACCESS STAND FOR PVC PIPE
NO SCALE

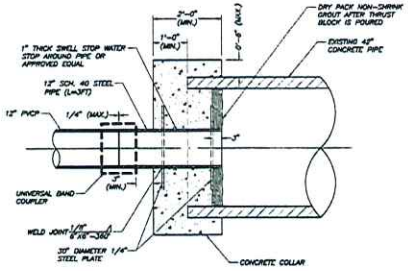




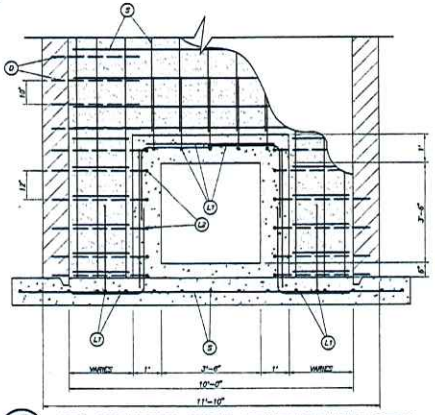
C/8 HUB END LINE GATE W/ACCESS STAND FOR CONCRETE PIPE
NO SCALE



D/8 GRATING SUPPORT BEAM DETAIL
NO SCALE



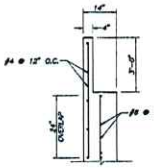
E/8 CONCRETE COLLAR (12" PVCP TO 42" RGRCP)
NO SCALE



SYMBOLS LEGEND

- (2) #6 @ 12" O.C. PLACED AT CENTER OF WALL OR SLAB
- (4) #6 @ 12" O.C. WITH TWO EQUAL LEGS OF 2'-6" WITH FULL OVERLAPPING BARS
- (12) #6 @ 12" O.C. WITH ONE LEG OF 2'-6" AND ONE LEG OF 3'-0" WITH FULL OVERLAPPING BARS. 3'-0" LEG TO BE EMBEDDED 7" IN PIPE WALL WITH EPOXY "SET" AS MANUFACTURED BY SIMPSON.
- (2) #6 @ 10" O.C. 3'-0" IN LENGTH EMBEDDED 7" IN PIPE WALL WITH EPOXY "SET" AS MANUFACTURED BY SIMPSON.

F/8 120" STANDPIPE REBAR REINFORCEMENT DETAIL
NO SCALE



G/8 WALL NOTCH AND WALL REINFORCEMENT DETAIL
NO SCALE

RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE: 5-4-21

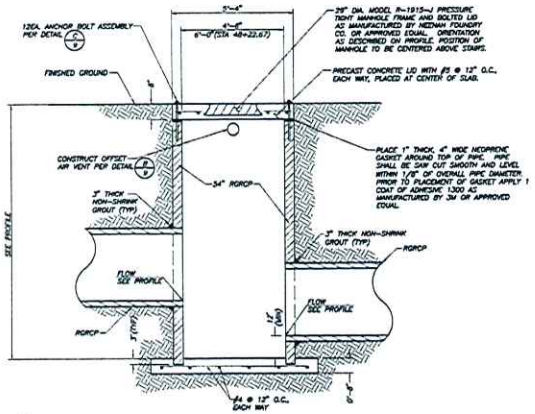
REGISTERED PROFESSIONAL ENGINEER — DAVID A. COMBS — No. 54414 — STATE OF CALIFORNIA

FRESNO IRRIGATION DISTRICT	BLAIR CHURCH & FLYNN CONSULTING ENGINEERS CLOVIS, CA	DRAWN BY: JRC DATE: 10-2020 CHECKED BY: JMC DATE: TRACE: MDW/JRC WD: JRC	REVISIONS	MISCELLANEOUS DETAILS DESIGN ENGINEER: DAVID A. COMBS R.C.E. 54414	SHEET OF

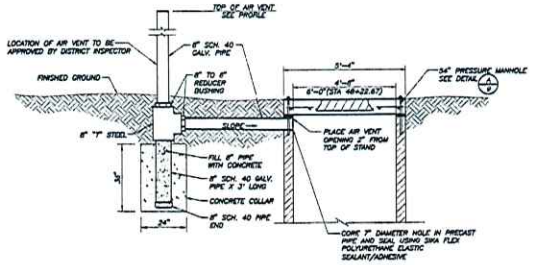
Siskiyou No 146

146200705

Siskiyou No. 146



A/9 PRESSURE MANHOLE
NO SCALE



B/9 OFFSET VENT DETAIL
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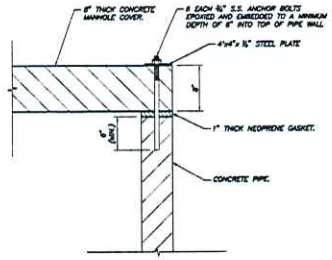

C/9 BOLT DOWN ANCHOR DETAIL
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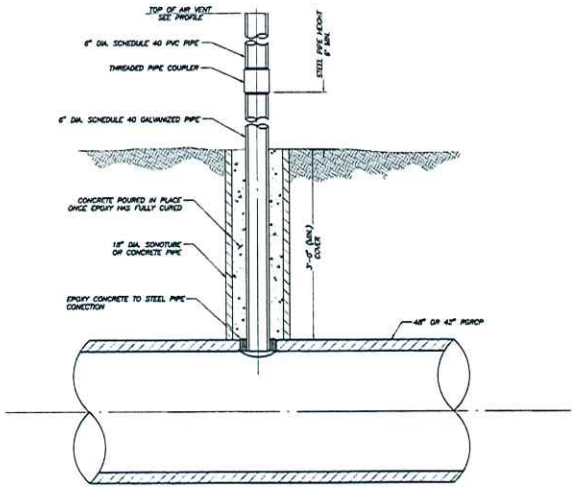

D/9 HIGH PRESSURE AIR VENT
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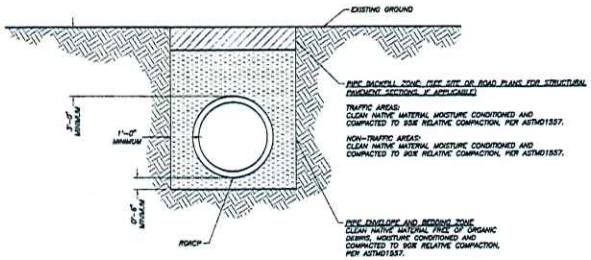
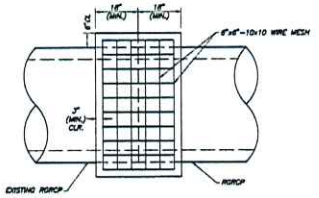


E/9 TYPICAL TRENCH BACKFILL DETAIL
NO SCALE



F/9 CONCRETE COLLAR CONNECTION DETAIL
NO SCALE

RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE: 5-4-07

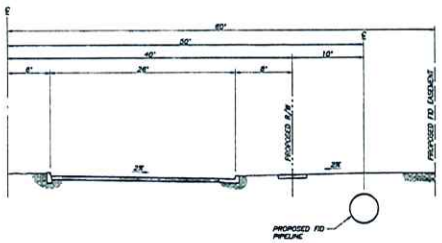
FRESNO IRRIGATION DISTRICT

BLAIR CHURCH & FLYNN
CONSULTING ENGINEERS CLOVIS, CA.

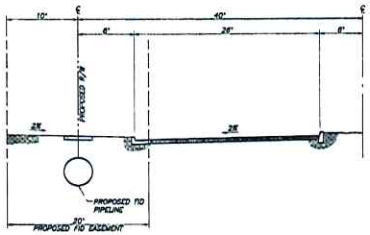
DRAWN BY: DATE: 12/2/2002
CHECKED BY: DATE:
SCALE: HORIZ: VERT:
REVISIONS

MISCELLANEOUS DETAILS
DESIGN ENGINEER: DAVID A. MOWRY
P.C.E. 54,414

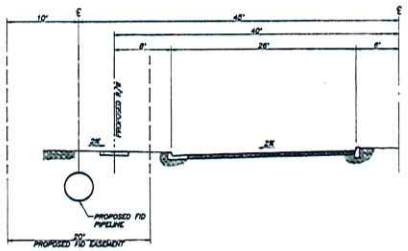
1462007



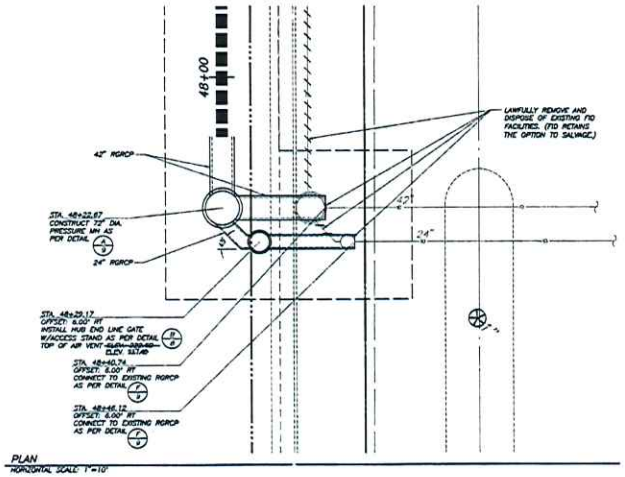
A 10 TYPICAL SISKIYOU AVENUE SECTION (STA. 10+85.07 TO STA. 21+64.05)
NO SCALE



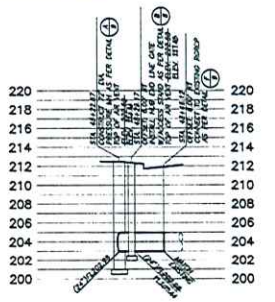
B 10 TYPICAL SISKIYOU AVENUE SECTION (STA. 23+37.38 TO STA. 36+28.17)
NO SCALE



C 10 TYPICAL KEARNEY AVENUE SECTION (STA. 36+28.21 TO STA. 48+22.67)
NO SCALE

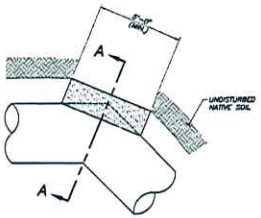


PLAN
HORIZONTAL SCALE: 1"=10'

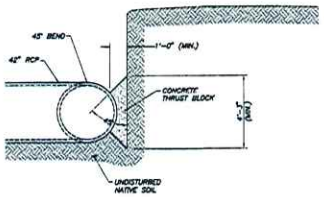


PROFILE
HORIZONTAL SCALE: 1"=30'
VERTICAL SCALE: 1"=6'

D 10 24" PIPELINE PLAN AND PROFILE
SCALE AS NOTED



PLAN



SECTION A–A

E 10 THRUST BLOCK DETAIL
SCALE AS NOTED

Siskiyou Ave

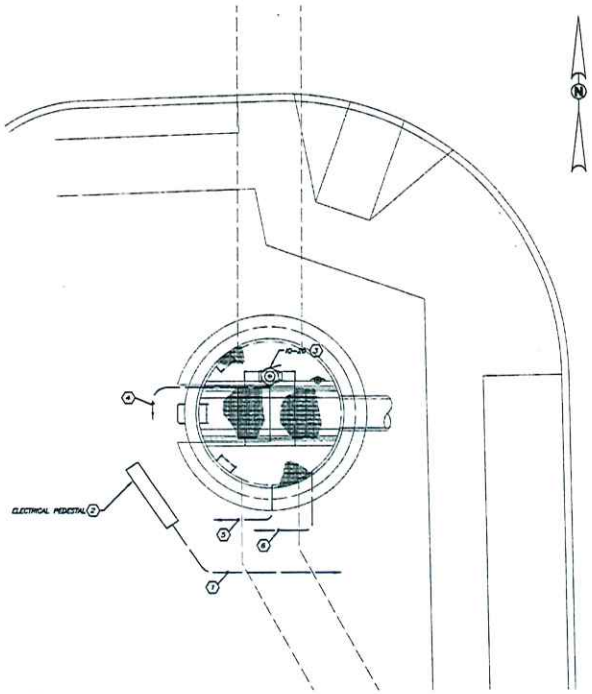
RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE: 3-4-07

FRESNO IRRIGATION DISTRICT | BLAIR CHURCH & FLYNN CONSULTING ENGINEERS CLOVIS, CA. | REVISIONS | MISCELLANEOUS DETAILS | DESIGN ENGINEER: DAVID A. MURRY R.C.E. 54,414

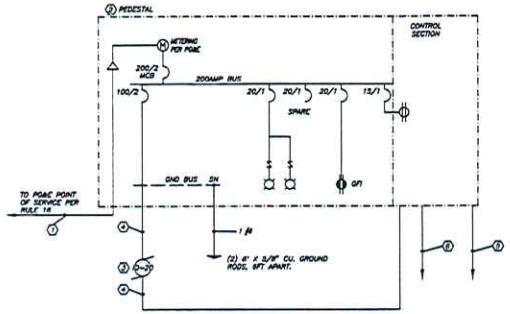
1462007050

Section 6, Item B.

Siskiyou No 146



A 11 ELECTRICAL PLAN
NO SCALE



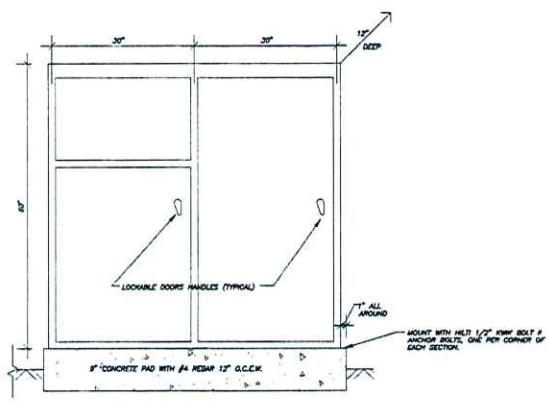
B 11 LINE DIAGRAM
NO SCALE

ELECTRICAL KEY NOTES

1. PROVIDE 2"C FOR SECONDARY PER P.G. & E. REQUIREMENTS.
2. PROVIDE TESCO 24000 SERIES, OR PACIFIC UTILITY PRODUCTS, OR EQUAL, LOW PROFILE PEDESTAL, 120/240V 1ø 3W, 200AMP, METERED, WITH CIRCUIT BREAKERS, OUTLETS, LIGHTS, AND SECTION FOR CONTROLS. PROVIDE 9" CONCRETE PAD, PROVIDE TWO 8'x5/8" CU GROUND RODS 6 FEET APART, ONE IN PEDESTAL & ONE BELOW GRADE.
3. PROVIDE ROTORK IQ-20 GATE ACTUATOR OR APPROVED EQUAL, 53AMP, 240V 1ø, & CONTROLS.
4. PROVIDE 1-1/4"C TO 100A/2P CIRCUIT BREAKER IN PEDESTAL POWER SECTION, 240V 1ø, AND 1 1/2"C TO TERMINAL IN PEDESTAL CONTROL SECTION.
5. PROVIDE (2) 3/4"C TO CONTROL SECTION FOR LEVEL INDICATOR.
6. PROVIDE 1-1/4"C TO CONTROL SECTION FOR ANTENNA.

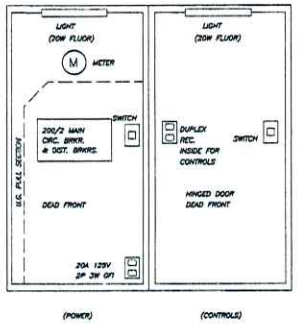
ELECTRICAL SYMBOLS

- GFI WEATHERPROOF DUPLEX RECEPTACLE
- SINGLE POLE SWITCH
- MOTOR AND CONNECTION
- METER
- PANEL LIGHT
- DUPLEX RECEPTACLE



TESCO 24000 SERIES LOW PROFILE SWITCHBOARD WITH LOCKABLE DOORS, OR PACIFIC UTILITY PRODUCTS, OR EQUAL (VERIFY SIZE PRIOR TO PAD CONSTRUCTION)

C 11 EXTERIOR EQUIPMENT ELEVATION
NO SCALE



D 11 INTERIOR EQUIPMENT ELEVATION
NO SCALE

RECORD DRAWING
BLAIR, CHURCH & FLYNN
DATE 5-4-07

FRESNO IRRIGATION DISTRICT

BLAIR CHURCH & FLYNN
CONSULTING ENGINEERS CLOVIS, CA.

DRAWN BY: LK DATE: DESIGNED
CHECKED BY: JMM DATE:
SCALE: HORIZ: 1/4 VERT: 1/4

REVISIONS

ELECTRICAL PLAN AND DETAILS
DESIGN ENGINEER: DAVID A. MOWRY R.C.E. 54,414

146200706

NORTH CENTRAL FIRE PROTECTION DIST
Board of Directors: Ken Abrahamian • Cheryl Belluomini
Michael Foglio • Rusty Nonini • Amanda Souza
Fire Chief: Timothy V. Henry , CFO, EFO

Fire Headquarters
15850 W. Kearney Boulevard
Kerman, California 93630-9335
(559) 275-5531 • FAX (559) 846-3788
www.northcentralfire.org

August 15, 2023

Jesus Orozco, Community Development Director
Community Development Department
850 S. Madera Ave
Kerman, CA 93630

Transmitted by Email to: jorozco@cityofkerman.org

RE: ANX 2023-02, REZ 2023-02, OTA 2023-05, TSM 2023-02, DPL 2023-03)
Applicant Name **Crown – Schaad at Kearney**
Project Address: NA
Project City & Zip **Kerman, 93630**
Project APN: **020-140-22S and 020-140-23S**

North Central Fire Protection District (NCFPD) has received the plans for the above referenced project along with the associated documentation for the second-hand store. The Fire District does not have land use authority and cannot approve or deny these types of applications. The following comments are offered at this time as advisements to the project for future permitting requirements. The comments / conditions are in accordance with the 2022 edition of the California Building, Residential and Fire Codes. This review is ONLY for the referenced applications. Review was NOT completed for structural elements of the site or life safety requirements.

Before plans are submitted to the North Central Fire Protection District please visit our website at www.NorthCentralFire.org and fill out the Fire District Permit Application (**DFP-001f**) to submit with your plans.

The conditions of approval are as follows:

1. In accordance with the California Residential Code, all new homes shall be provided with fire sprinklers designed and installed in accordance with NFPA 13D as adopted by the state.

2. Fire hydrants shall be provided in accordance with Chapter 5 and Appendix B and C of the California Fire Code. Hydrant location and water supply shall be reviewed at the time of Civil Plan submittal. Plans shall

be submitted to the Public Works Department as well as the Fire Department

3. Per the California Fire Code, Section 503.4.1, traffic calming is prohibited unless approved by the fire code official. If the project wishes to add traffic calming at a later date, plans shall be submitted to the fire department for approval prior to installation.

Before plans are submitted to the North Central Fire Protection District please visit our website at www.NorthCentralFire.org and fill out the Fire District Permit Application (**DFP-001f**) to submit with your plans.

Please Note – requirements for your project may include but are not limited to:

Water Flow Requirements
Water Storage Requirements
Road Access
Title 15.60 County Ordinance
Fire Hydrants
Fire Sprinklers Systems
Premises Identification
NCFPD Ordinance 23-01

Please contact the NCFPD at **Fire.Prevention@NorthCentralFire.org** to schedule a site inspection for verification of the above conditions.

Sincerely,

George W Apple

George Apple, CFM
Contract Fire Plans Examiner

“Mission: To integrate with our community by exceeding traditional service expectations”

LAFCo Fresno Local Agency Formation Commission

August 2, 2023

Jesus Orozco
Community Development Director
City of Kerman

Dear Mr. Orozco:

Subject: Comments Regarding Concurrent Applications: Annexation (ANX 2023-02), Pre-zone (REZ 2023-02), Tentative Subdivision Map (TSM 2023-02), Ordinance Text Amendment (OTA 2023-03), Development Plan (DPL 2023-03) and CEQA (ENV 2023-02).

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 2023-02)**, a request to approve the Annexation of APN:020-140-022S encompassing approximately 9.69 acres. 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 2023-02)** pertains to the pre-zoning of the proposed project. Currently the project area is zoned AE-20 – Exclusive Agricultural County zoning. The project will be pre-zoned to an SD-R-5 (Single-Fam) City zone consistent with the Medium Density Residential (MDR);
- **Ordinance Text Amendment (OTA 2023-05)** pertains to A zoning Ordinance Text Amendment amending the City's official zoning map that will be processed concurrently with the Pre-zone and Annexation process;
- **Development Plan (DPL 2023-03)** pertains to physical elements associated with the development (e.g., architecture, floor plans, landscaping, parking, setbacks etc.) of TSM 2023-02 will be considered. Development Plan for the project will be considered separately. Physical construction will be subject to the California Building Code and zoning Development Standards in effect at the time of approval and/or construction;
- **CEQA (ENV 2023-02)** pertains to an initial study being prepared for the project consistent with CEQA guidelines;
- **Tentative Subdivision Map (TSM 2023-03)** pertains to the subdivision of land and proposed street dedications/improvements to accommodate for the above referenced uses. The proposed project would include A tentative subdivision map encompassing 163 single-family residential units will be considered. Access to the site will be via S Kenneth Ave and W Kearney Blvd. Interior streets will be developed to current City standards.

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 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 6-10 acres is $4,800.

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

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

Sincerely,

Juan Lara
LAFCo Analyst III

June 26, 2023

Jesus Orozco
City of Kerman
850 S Madera Ave
Kerman, CA 93630

Ref: Gas and Electric Transmission and Distribution

Dear Jesus Orozco,

Thank you for submitting the ANX 2023-02 & TSM 2023-02 plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [24/2 + 24 + 36/2 = 54] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line ‘kicker blocks’, storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E’s ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4’) in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING."**

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

July 24, 2023

Jesus Orozco
City of Kerman
850 S Madera Ave
Kerman, CA 93630

Re: Tract 6447 Tentative Subdivision Map
W Kearney Boulevard, Kerman, CA 93630

Dear Jesus Orozco,

Thank you for giving us the opportunity to review the proposed Tract 6447 Tentative Subdivision Map. 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,

Alexa Gardea
Land Management
916-760-5738

San Joaquin Valley AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

July 31, 2023

Jesus R. Orozco
City of Kerman
Community Development Department
850 S. Madera Avenue
Kerman, CA 93630

Project: Annexation (ANX 2023-02), Pre-zone (REZ 2023-02), Tentative Subdivision Map (TSM 2023-02), Ordinance Text Amendment (OTA 2023-05), and Development Plan (DPL 2023-03) for Crown/Schaad at Kearney Project

District CEQA Reference No: 20230579

Dear Mr. Orozco:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the Annexation (ANX 2023-02), Pre-zone (REZ 2023-02), Tentative Subdivision Map (TSM 2023-02), Ordinance Text Amendment (OTA 2023-05), Development Plan (DPL 2023-03) for Development Application (DA) from City of Kerman (City) for the Crown/Schaad at Kearney Project. Per the DA, the project consists of 163 single-family residential units on 29.34 acres (Project). The Project is located approximately 1,000 feet west of the northwest intersection of South Siskiyou Ave. and West Kearney Ave., in Kerman, CA 93630.

The District offers the following comments regarding the Project:

1) Project Related Emissions

At the federal level under the National Ambient Air Quality Standards (NAAQS), the District is designated as extreme nonattainment for the 8-hour ozone standards and serious nonattainment for the particulate matter less than 2.5 microns in size (PM2.5) standards. At the state level under California Ambient Air Quality Standards (CAAQS), the District is designated as nonattainment for the 8-hour ozone, PM10, PM2.5 standards.

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project may exceed any of the following

Samir Sheikh
Executive Director/Air Pollution Control Officer

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4800 Enterprise Way
Modesto, CA 95356-8718
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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

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significance thresholds as identified in the District's Guidance for Assessing and Mitigating Air Quality Impacts: https://www.valleyair.org/transportation/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, including the latest tier equipment.

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://www.valleyair.org/transportation/GAMAQI.pdf.

Recommended Mitigation Measure: At a minimum, project related impacts on air quality should be reduced to levels of significance 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.

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.

To assist land use agencies and project proponents with Prioritization analyses, the District has created a prioritization calculator based on the aforementioned CAPCOA guidelines, which can be found here:
http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION-CALCULATOR.xls

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. This step will ensure all components are addressed when performing 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:
http://www.valleyair.org/transportation/ceqa_idx.htm.

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 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 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: www.valleyair.org/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 review 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 north, south and east 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 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: http://www.valleyair.org/grants/cgym.htm and http://valleyair.org/grants/cgym-commercial.htm.

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) Electric Vehicle Chargers

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit www.valleyair.org/grants/chargeup.htm for more information.

9) 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: www.valleyair.org/rules/1ruleslist.htm. 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.

9a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an ATC. For further information or assistance, the project proponent may contact the District's SBA Office at (559) 230-5888.

9b) District Rule 9510 - Indirect Source Review (ISR)

The Project is subject to District Rule 9510 because it will receives 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 inform the project proponent to 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: http://www.valleyair.org/ISR/ISRHome.htm.

The AIA application form can be found online at: http://www.valleyair.org/ISR/ISRFormsAndApplications.htm.

District staff is available to provide assistance and can be reached by phone at (559) 230-5900 or by email at ISR@valleyair.org.

9c) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)

In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at: http://www.valleyair.org/busind/comply/asbestosbultn.htm.

9d) 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: http://www.valleyair.org/rules/currntrules/r4601.pdf

9e) 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.*

Should the project 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://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx

Information about District Regulation VIII can be found online at:
http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm

9f) 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:
http://valleyair.org/rule4901/

9g) Other District Rules and Regulations

The Project may also be subject to the following District rules: Rule 4102 (Nuisance) and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations).

10) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Michael Corder by e-mail at Michael.Corder@valleyair.org or by phone at (559) 230-5818.

Sincerely,

Brian Clements
Director of Permit Services

For: Mark Montelongo
Program Manager

Attachment 'F'

Resolution No. 2024-19

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL INITIATE ANNEXATION FOR THE CROWN SCHAAD RESIDENTIAL PROJECT AREA CONSISTING OF 1 PARCEL IDENTIFIED AS APN 020-140-22S CONTAINING APPROXIMATELY 9.69 ACRES LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES (ANNEXATION 2023-02) AND ADOPTION OF MITIGATED NEGATIVE DECLARATION (ENV 2023-03) AND MITIGATED MONITORING AND REPORTING PROGRAM PREPARED FOR THE PROJECT

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 to 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 parcel identified as APNs 020-140-22S and the adjacent right-of-way on West Kearney Boulevard ("Project Area"); and

WHEREAS, a map of the boundaries of the territory is set forth in Exhibit 'A' attached hereto and by this reference incorporated herein; and

WHEREAS, the proposed annexation area is inside the Sphere of Influence (SOI) 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 MOU 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 allow for the implementation of City of Kerman 2040 General Plan adopted July 2020; and

WHEREAS, the Project Area contains approximately one (1) existing parcel containing approximately 9.69 acres within the City's existing Sphere of Influence, and is located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (see Exhibit "A"); and

WHEREAS, approval of the project would require approval of Rezone 2023-02, Tentative Subdivision Map 2023-02, Development Plan Permit 2023-03, and Annexation 2023-02; and

WHEREAS, the City prepared an Initial Study, Mitigated Negative Declaration 2023-03 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on July 15, 2024, to consider a recommendation to the City Council regarding annexation of the Project Area; and

WHEREAS, in conjunction with the public hearing on July 15, 2024, the Planning Commission considered a recommendation of prezoning and annexation for the Project Area, consistent with the General Plan, as amended; and

WHEREAS, in the public hearing on July 15, 2024, the Planning Commission considered recommending to the City Council that no significant environmental impacts would result from the proposed project with the incorporation of mitigation measures, adopt a Mitigation Monitoring and Reporting Program, dated June 2024 and certify that Mitigation Negative Declaration 2023-03 (SCH #202404148) (Exhibit 'B') was prepared pursuant to CEQA; and

WHEREAS, after due consideration of all the items before it, the Planning Commission now desires to adopt this Resolution recommending to the City Council initiate the annexation of the Project Area.

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

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

2. CEQA. 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 Initial Study and Mitigated Negative Declaration 2023-03 (MND) and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) to evaluate the environmental effects of the project, including the proposed annexation. The Planning Commission has fully considered the Mitigated Negative Declaration and has concurrently recommended it for approval by the City Council. The Environmental Assessment / Initial Study was prepared for this project in accordance with the requirements of the CEQA Guidelines and reflects the City Council's independent judgment and analysis. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment necessitated a thorough review of the proposed Project and relevant environmental issues. While the proposed Project could have a potentially significant effect on the environment, based on its independent judgment and analysis, the Planning Commission recommends the City Council find that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects or mitigate the effects to a point where no significant effect on the environment will occur, and there is no substantial evidence in the record that this Project may have any direct, indirect or cumulative effects on the environment that are potentially significant and adverse. The proposed Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the Project to avoid potentially significant effects are set forth in the Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this Project may have significant direct, indirect or cumulative effects on the environment. As such, the Planning

Commission recommends the City Council also find and determine that in light of the entire administrative record and the substantial evidence before it, the Project has been adequately environmentally assessed as required by CEQA per the Initial Study/Mitigated Negative Declaration.

3. Recommendation of Adoption of MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration prepared for the Project, including the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. The City of Kerman Community Development Department located at 850 S. Madera Ave. Kerman, CA 93630, is recommended to be designated as the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based. The Planning Commission further recommends that the City Council authorize the Director, or designee, to execute and file with the Fresno County Clerk, as appropriate, a Notice of Determination for approval of the Project.

4. General Plan Consistency. The Planning Commission finds that the annexation is consistent with the goals, objectives, and policies of the Kerman General Plan. In this regard, the Planning Commission recommends the City Council find that public necessity, convenience, general welfare, or good zoning practices justify annexation of the Project Area. Specifically, the annexation and pre-zoning change is consistent with the General Plan goals and policies, any operative plan, or adopted policy, including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below, and implements the planned residential land uses in the Project Area.

   General Plan Policy LU-3.2. Urban Form: The Project site is within the City's Sphere of Influence and is within the "Area 1" growth line as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the Project is consistent with General Plan Policy LU-3.2.

   General Plan Policy LU-3.3. Prevent Sprawl Development. The Project Area is contiguous to existing and approved development within City limits. Therefore, the Project is consistent with General Plan Policy LU-3.3.

   General Plan Policy LU-5.4. New Incompatible Uses. The Project Area is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the Project is consistent with General Plan Policy LU-5.4.

   The change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect the public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed residential uses consistent with the General Plan.

5. 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. *This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan. In particular, the based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 Urban Form including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties.*

    b. The proposal must be consistent with city general and specific plans, including adopted goals and policies. *The proposed annexation area will be consistent with the City's General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Uses, contingent upon approval of the entitlements, including the Prezone/Rezone, Tentative Subdivision Map, and Development Plan. In particular, the Project site is in Area 1 of the proposed Sphere of Influence outlined in the General Plan, which allows the City to consider amendment and annexation requests into Area 1 based on the ability of the City to provide services to the area. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of the General Plan including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. The Project site is also contiguous to existing and approved residential development within City limits and would result in new residential uses within a residential area and thereby would not introduce incompatible land uses or environmental hazards.*

    c. Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan. *The City has prepared an Initial Study / Mitigated Negative Declaration (MND) for the project. The MND has concluded that no significant environmental impacts will occur as a result of the project.*

    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 subdivision map for single-family residential.*

    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 proposed annexation would meet this condition whereby the City has contemplated this annexation area as a housing program*

necessary to fulfill RHNA obligations 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. Recommendation for Approval. Based on the information provided above, the Planning Commission recommends to the City Council of Kerman to initiate annexation for the entire Project Area 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 'A', in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The Planning Commission recommends the City Council direct the City Manager to take all necessary steps to submit a complete application for the proposed annexation, including preparation and submittal of all LAFCO required forms, documents and studies and payment of all required fees, in accordance with any applicable agreement with the County of Fresno governing the same. The Planning Commission further recommends that the City shall, at least ten days (or more if required by agreement) prior to filing any annexation proposal with the Fresno Local Agency Formation Commission, notify the County of Fresno of the City's intention to file such proposal and the date upon which City expects such proposal to be filed.

7. 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 Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: S. Bishop, K, Nehring, R. bandy, C. Molloy, R. Felker

Noes: NONE

Absent: NONE

Recused: NONE

The foregoing resolution is hereby approved.

Scott Bishop
Chairperson

Attest:

8/8/24
Juliana Gomez
Recording Secretary

Exhibit ‘A’: Proposed Area of Annexation (Annexation 2023-02)
Exhibit ‘B’: Initial Study and Mitigated Negative Declaration (Environmental Assessment 2023-03)
Exhibit ‘C’: Mitigation Monitoring and Reporting Program dated June 2024

Resolution No. 2024-20

A RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING REZONE 2023-02 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN TO PREZONE A PROPERTY CONTAINING APPROXIMATELY 9.69 ACRES TO THE SD-R-4.5 (SMART DEVELOPMENT COMBINING) ZONE DISTRICT AND REZONE A PROPERTY CONTAINING APPROXIMATELY 19.65 ACRES FROM THE R-1-7 (SINGLE FAMILY RESIDENTIAL) TO THE SD-R-4.5 (SMART DEVELOPMENT COMBINING) ZONE DISTRICT LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES (APN 020-140-22S & 020-140-23S)

WHEREAS, an application was filed by Joseph Crown Construction & Development, pertaining to two parcels consisting of 29.34 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues identified as APNs 020-140-22S and 020-140-23S ("Project Area"); and

WHEREAS, because a portion of the Project Area is outside of City limits and currently has County agricultural zoning, a rezone application to prezone the property is needed; and

WHEREAS, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 29.34 acres); and

WHEREAS, the requested Rezone 2023-02 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 acres (AR-20) to SD-R-4.5 zoning district (APN 020-140-22S) as shown in the attached Exhibit 'A', consistent with the MDR land use designation; and

WHEREAS, the requested Rezone 2023-02 proposes to rezone the Project Area within the City of Kerman currently zoned Single-Family Residential (7000 SF Min. Lot) (R-1-7) to SD-R-4.5 zoning district (APN 020-140-23S) as shown in the attached Exhibit 'A', consistent with the MDR land use designation; and

WHEREAS, development of the project will be consistent with the development standards of the SD-R-4.5, including those conditions prescribed by the Planning Commission, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, approval of the project would also require approval of Annexation 2023-02, Development Plan Permit 2023-03, and Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration 2023-03 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related Rezone and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the related Rezone and related entitlements were distributed for public review and comment to various local agencies and groups, and 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 mitigated negative declaration, 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 approve Rezone 2023-02; and

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

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

2. CEQA. The Planning Commission concurrently recommended approval of Initial Study and Mitigated Negative Declaration 2023-03 and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the Project. As such no additional environmental analysis is required, and the Planning Commission finds and recommends the Council find, that the development plan permit and related project entitlements are specifically anticipated and assessed for the proposed project in the Mitigated Negative Declaration and are consistent with the purpose and intent of the Mitigated Negative Declaration.

3. Rezone Findings. The Planning Commission finds, and recommends the City Council find, as follows:
    a. The change is consistent with the General Plan. *The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone/rezone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Further, the pre-zoning and zoning change is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.*

    The portion of the project site that is outside City limits is within the "Area 1" growth line of the Sphere of Influence as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the project is consistent with General Plan Policy LU-3.2.

    The portion of the project site that is outside City limits is contiguous to existing and approved development within City limits. Therefore, the project is consistent with General Plan Policy LU-3.3.

The project site is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community. *The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. As a result, this project will not adversely affect the public health, safety, and welfare of the community.*

c. There will not be significant effects upon the quality of the environment and natural resources. *An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.*

4. Recommendation for Approval. Given that all the findings can be made, the Planning Commission recommends that the City Council adopt an ordinance approving Rezone 2023-02, prezoning approximately 9.69 acres to the SD-R-4.5 (Smart Development Combining) zone district and rezoning approximately 19.65 acres from the R-1-7 (Single Family Residential) to the SD-R-4.5 (Smart Development Combining) zone district for those properties located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APN 020-140-22S & 020-140-23S) as set forth in Exhibit A.

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

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: S. Bishop, K. Nehring, R. Bandy, C. Molloy, R. Felker

Noes: NONE

Absent: NONE

Recused: NONE

The foregoing resolution is hereby approved.

Scott Bishop
Chairperson

Attest:

8/8/24
Juliana Gomez
Recording Secretary

Exhibit 'A': Proposed Rezone/Prezone (Rezone 2023-02)
Exhibit 'B': Proposed Area of Annexation (Annexation 2023-02)
Exhibit 'C': Draft Rezone 2023-02 Ordinance

Resolution No. 2024-21

RESOLUTION OF THE CITY OF KERMAN PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF VESTING TENTATIVE SUBDIVISION MAP 2023-02 LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUE, APN 020-140-22S & 020-140-23S

WHEREAS, Joseph Crown Construction & Development submitted Vesting Tentative Subdivision Map 2023-02 to subdivide the approximately 29-acre parcels identified as APN 020-140-22S and 020-140-23S located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues; and

WHEREAS, Vesting Tentative Subdivision Map 2023-02 will subdivide the 29-acre parcels into 163 lots for single-family residential development; and

WHEREAS, Annexation 2023-02, Rezone 2023-02, and Development Plan 2023-03, were considered concurrently by the Planning Commission with Vesting Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study and Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH # 2024040147) for the project, and this related Vesting Tentative Subdivision Map; and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City of Kerman on June 26, 2024, published a legal notice in compliance with State law concerning Planning Commission consideration of Vesting Tentative Subdivision Map 2023-02 in the Kerwest News, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the approval of the Vesting Tentative Subdivision Map. In addition, on or prior to June 26, 2024, a public hearing notice was mailed to each property owner within at least 300 feet of the project site, indicating the date and time of the public hearing regarding the proposed project in accordance with State law; and

WHEREAS, on July 15, 2024, the Planning Commission conducted a duly noticed public hearing Vesting Tentative Subdivision Map 2023-02, and concurrently considered Mitigated Negative Declaration 2023-03 and the Mitigation Monitoring and Reporting Program dated June 2024, Annexation 2023-02, Rezone 2023-02, and Development Plan 2023-03; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred, and the Planning Commission desires to recommend the City Council adopt Vesting Tentative Subdivision Map 2023-02

NOW, THEREFORE, BE IT RESOLVED 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 approval of Initial Study and Mitigated Negative Declaration 2023-03 and Mitigated Monitoring and Reporting Program

dated June 2024 (SCH #202404148) for the Project. As such no additional environmental analysis is required, and the Planning Commission finds and recommends the Council find, that the development plan permit and related project entitlements are specifically anticipated and assessed for the proposed project in the Mitigated Negative Declaration and are consistent with the purpose and intent of the Mitigated Negative Declaration.

3. Subdivision Findings. The Planning Commission determines that none of the findings required by the City's Subdivision Ordinance and the California Subdivision Map Act Section 66474 that require the City to deny approval of a tentative map apply to this project, or that findings regarding flood protection cannot be made. To the contrary, the Planning Commission finds, and recommends the City Council find, as follows:

   a. The proposed maps are consistent with applicable general and specific plans. *The proposed map is consistent with the procedural requirements of the Subdivision Map Act and complies with the 2040 Kerman General Plan, Subdivision Ordinance, and Subdivision Map Act. There is no specific plan applicable to the site.*

      The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone/rezone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Further, the pre-zoning and zoning change is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.

      The portion of the project site that is outside City limits is within the "Area 1" growth line of the Sphere of Influence as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the project is consistent with General Plan Policy LU-3.2.

      The portion of the project site that is outside City limits is contiguous to existing and approved development within City limits. Therefore, the project is consistent with General Plan Policy LU-3.3.

      The project site is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

   b. The design and improvement of the proposed subdivisions are consistent with applicable general and specific plans. *The proposed land division is consistent with the General Plan, including all applicable goals, policies and implementation measures. The land division is consistent with the planned 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. Additionally, the proposed parcels will comply with minimum lot size*

standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no specific plan applicable to the site.

c. That the site is physically suited for the type of development. *The subdivision map will create 163 parcels to support single-family residential uses. The site is physically suitable for such proposed type of residential use. Development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.*

d. That the site is physically suited for the density of development. *The subdivision map will create 163 parcels to support single-family residential uses with ample open space. The site is physically suitable for such proposed density of development. All development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.*

e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. *An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.*

f. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. *The lots created will comply with all applicable sanitary sewer, water service, and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.*

g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision. *There are no public easements encumbering the property. Upon development, all modifications made to the existing public improvements fronting the parcels will be required to meet current City standards.*

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.*

4. Approval with Conditions. Based on the aforementioned findings, the Planning Commission recommends the City Council approve Vesting Tentative Subdivision Map 2023-02 (Exhibit

'A'), subject to the conditions set forth in Exhibit 'B' (Vesting Tentative Subdivision Map 2023-02 conditions of approval) attached hereto.

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

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: S. Bishop, K. Nehring, R. Bandy, C. Molloy, R. Felker

Noes: NONE

Absent: NONE

Recused: NONE

The foregoing resolution is hereby approved.

Scott Bishop
Chairperson

Attest:

8/8/24
Juliana Gomez
Recording Secretary

Exhibit 'A': Vesting Tentative Subdivision Map 2023-02
Exhibit 'B': Conditions of Approval for Tentative Subdivision Map 2023-02

Resolution No. 2024-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF KERMAN CONTINGENTLY APPROVING DEVELOPMENT PLAN PERMIT 2023-03, TO ALLOW FOR THE DEVELOPMENT OF 163 SINGLE-FAMILY RESIDENTIAL UNITS LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES (APNS 020-140-22S & 020-140-23S)

WHEREAS, the Planning Commission considered a request for a development plan permit (DPL) 2023-03 filed by Joseph Crown Construction & Development. ("Applicant"/ "Property Owner") requesting approval of a development plan permit to allow for the development of 163 single-family residential units located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (APNs 020-140-22S & 020-140-23S) ("project site"); and

WHEREAS, a public notice was circulated to adjacent properties within a 300-foot radius of the project site and published in the local newspaper at least 10 days prior to the meeting as required by law; and

WHEREAS, a written report was prepared by staff which included a recommendation for approval for Development Plan Permit 2023-03 and was made available for public review at least 72 hours prior to the public hearing; and

WHEREAS, development of the project will be consistent with the development standards of the SD-R-4.5, including those conditions prescribed by the Planning Commission, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, approval of the project would also require approval of Annexation 2023-02, Prezone/Rezone 2023-02, and Vesting Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related development plan permit and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the development plan permit and related entitlements were distributed for public review and comment to various local agencies and groups, and 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 mitigated negative declaration, and considered testimony received as a part of the public hearing process; and

WHEREAS, the Planning Commission concurrently considered Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program, Annexation 2023-02, Prezone/Rezone 2023-02, and Vesting Tentative Subdivision Map 2023-02; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 15, 2024 and considered all of the project and environmental information presented by staff, public testimony, and all of the background information; and

WHEREAS, after deliberation and consideration of all relevant items, the Planning Commission now desires to contingently approve Development Plan Permit 2023-03 such that no decision of approval of Development Plan Permit 2023-03 becomes final and effective until immediately after the City Council adopts Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program, Annexation 2023-02, Prezone/Rezone 2023-02, and Vesting Tentative Subdivision Map 2023-02; and if no such approval occurs within 180 days of the adoption of this Resolution, then the Planning Commission intends that Development Plan Permit 2023-03 be set for further consideration and a final decision by the Planning Commission.

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. 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 Initial Study and Mitigated Negative Declaration 2023-02 (MND) and Mitigated Monitoring and Reporting Program dated June 2024 (SCH #202404148) to evaluate the environmental effects of the project, including the proposed development plan permit. The Planning Commission has fully considered the Mitigated Negative Declaration and has concurrently recommended it for approval by the City Council. The Planning Commission finds that Development Plan Permit 2023-03 is consistent with, and have been fully assessed by, the MND, and that Development Plan Permit 2023-03 is an entitlement specifically anticipated for the proposed Project in the MND, and is consistent with the purposes and intent of the MND

3. Development Plan Permit Findings. The Planning Commission has determined to approve Development Plan Permit 2023-03 as permissible under Kerman Municipal Code Section 17.58.060 and determined that the requirements for Development Plan Permit 2023-03 can be made, including those required by the City of Kerman Municipal Code Section 17.58.060 (A) through (I). *The project meets the minimum site area and density, does not exceed the maximum height or building coverage, and meets the minimum side, front, and rear yard setbacks and yard requirements. Further, the design of the proposed streets, including the width, parkways, connectivity, and traffic calming devices, and residential design, landscaping, and open space design, fencing and walls, and parking meets the code requirements subject to conditions of approval.*

4. Approval of Development Plan Permit 2023-03 with Conditions. Given that all the findings can be made, the Planning Commission approves Development Plan Permit 2023-03 subject to conditions of approval included herein as Exhibit 'A' and contingent upon the following:

    a. The approval Development Plan Permit 2023-03 shall become final and effective immediately only after the City Council of Kerman i) adopts Mitigated Negative Declaration 2023-02 and the associated Mitigation Monitoring and Reporting Program; ii) approves Annexation 2023-02; iii) approves Prezone/Rezone 2023-02 and said ordinance adopting the same then becomes effective; and iv) approves Vesting

Tentative Subdivision Map 2023-02 (collectively "Council Approvals"). If all of the Council Approvals are not made within 180 days of the adoption of this Resolution, then Development Plan Permit 2023-03 shall be returned to the Planning Commission for further consideration and a final decision. If Council Approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council to any of the Council Approvals in a manner that could reasonably affect the findings of the Planning Commission needed to approve Development Plan Permit 2023-03, or require a modification or addition of a condition of approval to be consistent with a Council Approval, then Development Plan Permit 2023-03 shall be returned to the Planning Commission for further consideration and a final decision.

5. Final Action and Appeals. This action shall become final and effective after, and only upon, the prior approvals including the MND and adoption of the Council Approvals and if a timely appeal of Development Plan Permit 2023-03 is then not with the City Clerk in accordance with the provisions of the City of Kerman Zoning Ordinance.

I HEREBY CERTIFY that the foregoing Resolution was approved at a special meeting of the Planning Commission of the City of Kerman on the 15th day of July 2024, and was fully adopted at said meeting by the following vote:

Ayes: S. Bishop, K. Nehring, R. Bandy, C. Molloy, R. Felker

Noes: NONE

Absent: NONE

Recused: NONE

The foregoing resolution is hereby approved.

Scott Bishop
Chairperson

Attest:

8/8/24
Juliana Gomez
Recording Secretary

Exhibit 'A': Development Plan Permit 2023-03 Conditions of Approval

Attachment 'G'

REZONE 2023-02 ORDINANCE

ORDINANCE NO. 24-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING REZONE 2023-02 TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF KERMAN TO PREZONE A PROPERTY CONTAINING APPROXIMATELY 9.69 ACRES TO THE SD-R-4.5 (SMART DEVELOPMENT COMBINING) ZONE DISTRICT AND REZONE A PROPERTY CONTAINING APPROXIMATELY 19.65 ACRES FROM THE R-1-7 (SINGLE FAMILY RESIDENTIAL) TO THE SD-R-4.5 (SMART DEVELOPMENT COMBINING) ZONE DISTRICT LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES (APN 020-140-22S & 020-140-23S) AND ADOPT MITIGATED NEGATIVE DECLARATION (ENV 2023-03) AND MITIGATED MONITORING AND REPORTING PROGRAM

WHEREAS, an application was filed by Joseph Crown Construction & Development, pertaining to two parcels consisting of 29.34 acres located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues identified as APNs 020-140-22S and 020-140-23S ("Project Area"); and

WHEREAS, because a portion of the Project Area is outside of City limits and currently has County agricultural zoning, a rezone application to prezone the property is needed; and

WHEREAS, the Project Area has a City of Kerman 2040 General Plan land use designation of MDR – Medium Density Residential (approximately 29.34 acres); and

WHEREAS, the requested Rezone 2023-02 proposes to prezone the Project Area within the County of Fresno that is currently zoned Agricultural Exclusive – 20 acres (AR-20) to SD-R-4.5 zoning district (APN 020-140-22S) as shown in the attached **Exhibit '1'**, consistent with the MDR land use designation; and

WHEREAS, the requested Rezone 2023-02 proposes to rezone the Project Area within the City of Kerman currently zoned Single-Family Residential (7000 SF Min. Lot) (R-1-7) to SD-R-4.5 zoning district (APN 020-140-23S) as shown in the attached **Exhibit '1'**, consistent with the MDR land use designation; and

WHEREAS, development of the project will be consistent with the development standards of the SD-R-4.5, including those conditions prescribed by the Planning Commission, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, approval of the project would also require approval of Annexation 2023-02, Development Plan Permit 2023-03, and Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study, Mitigated Negative Declaration (Environmental Assessment 2023-03), provided in the attached **Exhibit '2'**, and Mitigation Monitoring and Reporting Program (SCH #202404148), attached as **Exhibit '3'**, for the project,

and this related rezone, and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring and Reporting Program, and the related Rezone and related entitlements were distributed for public review and comment to various local agencies and groups, and 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 July 15, 2024, and adopted a resolution with a recommendation to the City Council to approve Rezone 2023-02; and

WHEREAS, the City of Kerman City Council held a public hearing on August 28, 2024, to consider the Crown-Schaad Residential Project including Rezone 2023-02 Ordinance during which the Council solicited public testimony, and considered the environmental assessment; and

WHEREAS, after the public hearing the Council introduced the Rezone 2023-02 Ordinance; and

WHEREAS, the City Council now desires to adopt the Rezone 2023-02 Ordinance to amend the City's official Zoning Map on real property described herein below as as Exclusive Agriculture to the SD-R-4.5 (APN 020-140-22S) and Single-Family Residential (7000 SF Min. Lot) (R-1-7) to SD-R-4.5 (APN 020-140-23S) zone districts; and

NOW, THEREFORE, the City of Kerman City Council does ordain 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. 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 Initial Study and Mitigated Negative Declaration 2023-03 (MND) and Mitigated Monitoring and Reporting Program (SCH #202404148) to evaluate the environmental effects of the project, including the proposed annexation. The City Council has fully considered the Mitigated Negative Declaration. The Environmental Assessment / Initial Study was prepared for this project in accordance with the requirements of the CEQA Guidelines and reflects the City Council's independent judgment and analysis. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of Environmental Assessment necessitated a thorough review of the proposed Project and relevant environmental issues. While the proposed Project could have a potentially significant effect on the environment, based on its independent judgment and analysis, the City Council finds that feasible mitigation measures or alternatives have been incorporated into the project in order to avoid the effects or mitigate the effects to a point where no significant effect on the environment will occur, and there is no substantial evidence in the record that this Project may have any direct, indirect or cumulative effects on the environment that are potentially significant and adverse. The proposed Project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section

15065 of the State CEQA Guidelines. The project-specific mitigation measures included in the Project to avoid potentially significant effects are set forth in the Initial Study/Mitigated Negative Declaration and accompanying Mitigation Monitoring and Reporting Program. With the project specific mitigations imposed, there is no substantial evidence in the record that this Project may have significant direct, indirect or cumulative effects on the environment. As such, the City Council also finds and determines that in light of the entire administrative record and the substantial evidence before it, the Project has been adequately environmentally assessed as required by CEQA per the Initial Study/Mitigated Negative Declaration.

3. Adoption of MND and Mitigation Monitoring and Reporting Program. Based on the foregoing, the City Council adopts the Mitigated Negative Declaration prepared for the Project, including the associated Mitigation Monitoring and Reporting Program, as the project will not result in any significant, adverse, environmental impacts with the mitigation imposed. The City of Kerman Community Development Department located at 850 S. Madera Ave. Kerman, CA 93630, is designated as the custodian of the documents and other materials that constitute the record of proceedings upon which the decision is based. The City Council authorizes the Director, or designee, to execute and file with the Fresno County Clerk, as appropriate, a Notice of Determination for approval of the Project.

4. Rezone Findings. The City Council finds, as follows:

   a. The change is consistent with the General Plan. *The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone/rezone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Further, the pre-zoning and zoning change is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.*

      The portion of the project site that is outside City limits is within the "Area 1" growth line of the Sphere of Influence as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the Project is consistent with General Plan Policy LU-3.2.

      The portion of the project site that is outside City limits is contiguous to existing and approved development within City limits. Therefore, the project is consistent with General Plan Policy LU-3.3.

The Project site is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

b. The change is consistent with the purpose of the Zoning Ordinance to promote the health, safety, and welfare of the community. *The project has been reviewed by the various City departments and evaluated for conformity with the requirements of the Zoning Ordinance. The proposed use and development are consistent with the applicable development standards. Any other improvements or mitigations required for the health, safety, and welfare of the community has been applied to this project as mitigation measures and conditions of approval. As a result, this project will not adversely affect the public health, safety, and welfare of the community.*

c. There will not be significant effects upon the quality of the environment and natural resources. *An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated.*

5. Approval of Rezone: Given that all the findings can be made, the City Council adopts this Rezone 2023-02 Ordinance approving the amendment to the official zoning map of the City of Kerman to prezone approximately 9.69 aces to the SD-R-4.5 (Smart Development Combining District – Residential – minimum 4,500 square feet) zone district, and rezone approximately 19.65 acres from the R-1-7 (Single-Family Residential) zone district to the SD-R-4.5 zone district located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues as set forth in **Exhibit '1'** which is incorporated herein by reference.

6. 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.

7. Publication: This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

8. 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 28th day of August, 2024, and passed and adopted at a regular meeting of the City Council on the 25th day of September 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing ordinance is hereby approved.

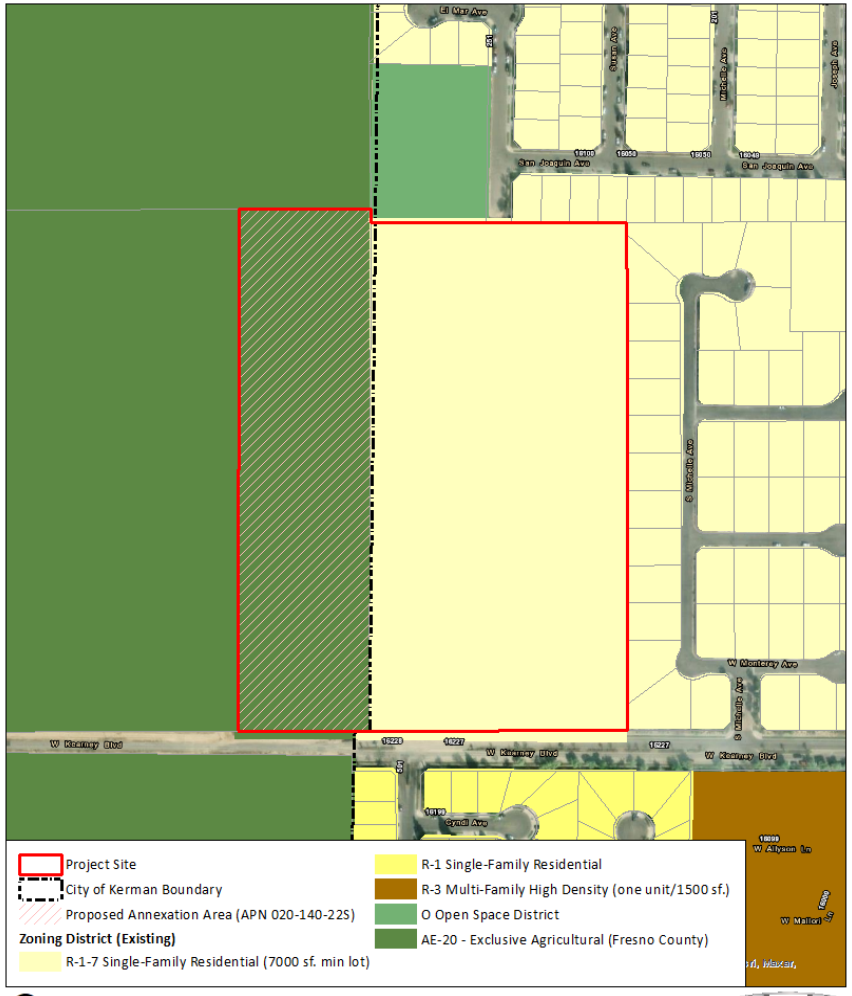
_____
Maria Pacheco
Mayor

_____
Josie Camacho
City Clerk

Exhibit '1'

Proposed Rezone/Prezone (Rezone 2023-02)

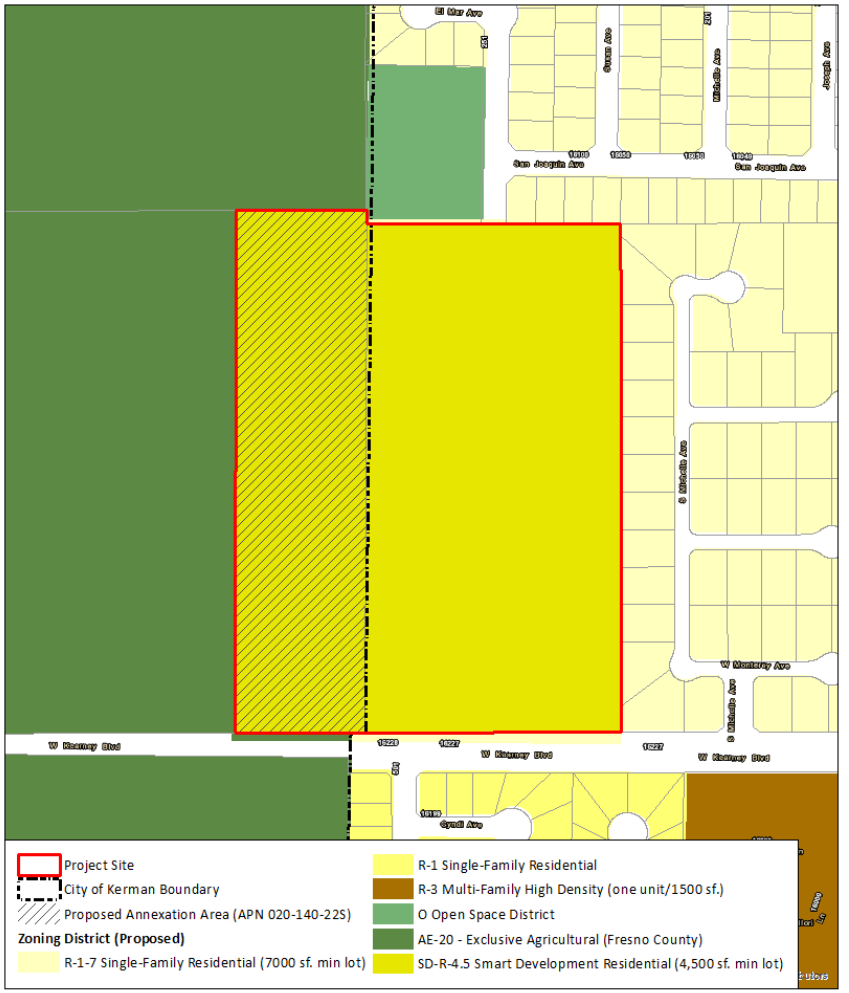
EXISTING ZONING DISTRICT



INITIAL STUDY - CITY OF KERMAN CROWN-SHAAD SUBDIVISION AT KEARNEY BOULEVARD

CREATED 10/20/2023

NEW ZONING DISTRICT



INITIAL STUDY - CITY OF KERMAN CROWN-SHAAD SUBDIVISION AT KEARNEY BOULEVARD

CREATED 10/20/2023

Exhibit ‘2’

Initial Study and Mitigated Negative Declaration (Environmental Assessment 2023-03)

The Initial Study and Mitigated Negative Declaration (Environmental Assessment 2023-03) 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.

Exhibit '3'

Mitigation Monitoring and Reporting Program

CROWN-SCHAAD TSM 2023-02
MITIGATION MONITORING AND REPORTING PROGRAM
JULY 2024

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines *Section 15097* and *Section 21081.6* of the PRC (PRC). The timing of implementing each mitigation measure is identified in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a Project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Kerman is responsible for verifying that mitigation is performed/completed.

Mitigation Measures	Party Responsible for Implementing Mitigation	Timing of Verification	Responsible for Monitoring Compliance	Verification of Completion	
				Date	Initials
Biological Resources					
Mitigation Measure BIO-1: Burrowing owls avoidance. The Project shall implement the following measures to avoid any potential impacts of nesting habitat of the Project in compliance with the federal Migratory Bird Treaty Act and relevant Fish and Game Codes: • Avoidance. Initiate grading/ground disturbance from Sept 1 – February 1 during the non-breeding period. • Preconstruction Surveys. If construction is initiated during the nesting period (Feb 1 – Aug 30), conduct a preconstruction survey to confirm that no burrowing owl has taken up residence in any parcels with ground burrowing mammals. If burrowing owl occupation is found, consult with the California Department of Fish and Wildlife to determine the appropriate avoidance and minimization measures.	Project Applicant	Prior to issuance of a construction permit NEEDS ONGOING COMPLIANCE	City of Kerman Building Division		

Mitigation Measure BIO-2: San Joaquin kit fox Avoidance. The following measures are recommended to avoid any potential impact to San Joaquin kit fox during construction. These measures are designed to avoid and minimize any impact on San Joaquin kit fox in the unlikely event an individual is present within the Study Area at any time during construction. • Prior to Construction: Prepare and conduct an employee education program prior to the start of construction. The program should consist of a brief presentation by persons knowledgeable in kit fox biology and legislative protection to explain endangered species concerns to contractors, their employees, and military and/or agency personnel involved in the Project. The program should include the following: A description of the San Joaquin kit fox and its habitat needs; a report of the occurrence of kit fox in the Project area; an explanation of the status of the species and its protection under the Endangered Species Act; and a list of measures being taken to reduce impacts to the species during Project construction and implementation (as summarized below). A fact sheet conveying this information should be prepared for distribution to the previously referenced people and anyone else who may enter the Project site. • Avoidance and Minimization Measures during Construction: The following measures should be included within the worker education program and in any Project specification and contract. 1. Project-related vehicles should observe a daytime speed limit of 20 mph throughout the site in all Project areas, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. No nighttime construction should occur, given the species is primarily nocturnal.	Project Applicant	Prior to issuance of a construction permit <u>NEEDS ONGOING COMPLIANCE</u>	City of Kerman Building Division		

2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of a Project, all excavated, steep-walled holes or trenches more than 2 feet deep should be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen fill or wooden planks shall be installed. Before such holes or trenches are filled, they should be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the Service and the California Department of Fish and Game (CDFG) shall be contacted as noted under measure 13 referenced below. 3. Kit foxes are attracted to den-like structures such as pipes and may enter stored pipes and become trapped or injured. All construction pipes, culverts, or similar structures with a diameter of 4-inches or greater that are stored at a construction site for one or more overnight periods should be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe should not be moved until the Service has been consulted. If necessary, and under the direct supervision of the biologist, the pipe may be moved only once to remove it from the path of construction activity until the fox has escaped. 4. All food-related trash items such as wrappers, cans, bottles, and food scraps should be disposed of in securely closed containers and removed at least once a week from a construction or Project site. 5. No firearms shall be allowed on the Project site. 6. No pets, such as dogs or cats, should be permitted on the Project site to prevent harassment, mortality of kit foxes, or destruction of dens.					

7. The use of rodenticides and herbicides in Project areas should be restricted. This is necessary to prevent primary or secondary poisoning of kit foxes and the depletion of prey populations on which they depend. All uses of such compounds should observe labels and other restrictions mandated by the U.S. Environmental Protection Agency, California Department of Food and Agriculture, and other State and Federal legislation, as well as additional Project-related restrictions deemed necessary by the Service. If rodent control must be conducted, zinc phosphide should be used because of a proven lower risk to kit fox. 8. A representative shall be appointed by the Project proponent who will be the contact source for any employee or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured or entrapped kit fox. The representative will be identified during the employee education program, and their name and telephone number shall be provided to the Service. 9. Upon completion of the Project, all areas subject to temporary ground disturbances, including storage and staging areas, temporary roads, etc., should be re-contoured if necessary and revegetated, if possible, to promote restoration of the area to pre-Project conditions. 10. Any contractor or employee responsible for inadvertently killing or injuring a San Joaquin kit fox shall immediately report the incident to their representative. This representative shall contact the CDFG immediately in the case of a dead, injured, or entrapped kit fox. 11. The Sacramento Fish and Wildlife Office and CDFG shall be notified in writing within three working days of the accidental death or injury to a San Joaquin kit fox during Project-related activities. Notification must include the date, time, and location of the incident or the finding of a					

dead or injured animal and any other pertinent information. 12. New sightings of kit fox shall be reported to the California Natural Diversity Database (CNDDB). A copy of the reporting form and a topographic map marked with the location of where the kit fox was observed should also be provided to the Service at the address below.					
Cultural Resources					
Mitigation Measure CUL-1: In order to avoid the potential for impacts to historic and prehistoric archaeological resources, the following measures shall be implemented, as necessary, in conjunction with the construction of each phase of the Project: a. Cultural Resources Alert on Project Plans. The Project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources. b. Stop Work Near any Discovered Cultural Resources. Should previously unidentified cultural resources be discovered during construction of the Project, the Project proponent shall cease work within 50 feet of the resources, and City of Kerman shall be notified immediately. The Project archaeologist meeting the Secretary of the Interior Professional Qualifications Standards for archeology shall immediately to evaluate the find pursuant to Public Resources Code Section 21083.2. c. Mitigation for Discovered Cultural Resources. If the professional archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource, he/she shall notify the Project proponent and other appropriate parties of the evaluation and recommended mitigation measures to	Project Applicant	Prior to issuance of a construction permit NEEDS ONGOING COMPLIANCE THROUGHOUT CONSTRUCTION	City of Kerman Building Division		

mitigate the impact to a less-than-significant level. If the archaeologist and, if applicable, a Native American monitor or other interested tribal representative determine it is appropriate, cultural materials collected from the site shall be processed and analyzed in a laboratory according to standard archaeological procedures. The age of the materials shall be determined using radiocarbon dating and/or other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the site(s) shall be evaluated according to the criteria of the California Register of Historical Resources (CRHR) and if applicable, National Register of Historic Places (NRHP). The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)." Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery, among other options. Treatment of any significant cultural resources shall be undertaken with the approval of the City of Kerman. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center (SSJVIC). The resources shall be photo documented and collected by the archaeologist for submittal to the City of Kerman. The archaeologist shall be required to submit to the City of Kerman for review and approval a report of the findings and method of curation or protection of the resources. This report shall be submitted to the SSJVIC after completion. Recommendations contained therein shall be implemented throughout the remainder of ground disturbance activities. Further grading or site work within the					

area of discovery shall not be allowed until the preceding steps have been taken. d. Data Recovery. Should the results of item c. yield resources that meet CRHR significance standards and if the resource cannot be avoided by Project construction, the Project applicant shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and approved by the City prior to construction. Any necessary data recovery excavation, conducted to exhaust the data potential of significant archaeological sites, shall be carried out by a qualified archaeologist meeting the SOI's PQS for archeology. Data recovery shall be conducted in accordance with a research design reviewed and approved by the City, prepared in advance of fieldwork, and using the appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5, Guidelines for Archaeological Research Design, or the latest edition thereof. If the archaeological resource(s) of concern are Native American in origin, the qualified archaeologist shall confer with the City and local California Native American tribe(s). As applicable, the final Data Recovery reports shall be submitted to the City prior to issuance of any grading or construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities. Recommendations may include, but would not be limited to, Cultural Resources Monitoring, and/or measures for unanticipated discoveries. The final report shall be submitted to the SSJVIC upon completion. e. Disposition of Cultural Resources. Upon coordination with the City of Kerman, any pre-historic archaeological artifacts					

recovered shall be donated to an appropriate Tribal custodian or a qualified scientific institution where they would be afforded applicable cultural resources laws and guidelines. f. Cultural Resources Monitoring. If mitigation measures are recommended by reports written under item c. or d., the Project applicant shall retain a qualified archaeologist to monitor Project-related, ground-disturbing activities which may include the following but not limited to: grubbing, vegetation removal, trenching, grading, and/or excavations. The archaeological monitor shall coordinate with any Native American monitor as required. Monitoring logs must be completed by the archaeologist daily. Cultural resources monitoring may be reduced for the Project if the qualified archaeologist finds it appropriate to reduce the monitoring efforts. Upon completion of ground disturbance for the Project, a final report must be submitted to the City for review and approval documenting the monitoring efforts, cultural resources find, and resource disposition. The final report shall be submitted to the SSJVIC.					
Geology and Soils					
Mitigation Measure GEO-1: If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources.	Project Applicant	During ground disturbance activities NEEDS ONGOING COMPLIANCE THROUGHOUT CONSTRUCTION	City of Kerman Building Division		

If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations, and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects or such effects must be mitigated. Construction in that area shall not resume until the resource-appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the City of Kerman, Community Development Department.					
Hazards and Hazardous Material					
Mitigation Measure HAZ-1: Test for Agricultural Pesticides. Prior to construction activities onsite, a limited Phase II investigation shall be conducted to assess the surface soil of the project site for residual organochlorine and lead arsenate pesticides. The Phase II investigation shall be conducted in accordance with guidelines developed by the Department of Toxic Substances Control (DTSC) and Environmental Protection Agency (EPA) for site assessments. The Phase II investigation shall estimate the potential threat to public health and the environment if concentrations of pesticides are encountered using methods outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual and DTSC's Screening Level Human Health Risk Assessment guidance for implementing screening level risk analysis. The Phase II investigation shall be submitted to the City of Kerman Community Development Department for review and approval by an independent third-party reviewer. If the Phase II testing reveals concentrations of organochlorine pesticides and lead arsenic above health-based	Project Applicant	Prior to ground disturbing activities	City of Kerman Building Division		

screening levels for residential exposure, remediation of the site shall be required to address residual organochlorine and lead arsenate pesticides above health-based level of concern. Remediation may include excavation and disposal of impacted soil or capping elevated areas beneath paved areas. The Construction Contractor shall implement the recommendations outlined in the Phase II.					
Noise					
Mitigation Measure NOI-1: Noise sensitive land uses (e.g., residential uses, schools, churches) within 500 feet of the exterior boundaries of the Project site shall be notified about the estimated duration and hours of construction activity at least 30 days before the start of construction, with the exception of construction activities related to emergency work. The notice shall be an informational document containing the estimated duration and hours of construction activity, a primary contact for complaints, and reference to compliance with Kerman Municipal Code Chapter 9.26 Prohibition of Unreasonably Loud and Unnecessary Noise. The notice shall be mailed by first class mail to every owner whose name and address appears on the last equalized County Assessment Roll for any property within 500 feet of the exterior boundaries of the Project site. Proof of mailing shall be provided to the City of Kerman, Community Development Department. Separate notices and proof of mailings shall be sent and submitted for all phases of construction.	Project Applicant	At least 30-days before construction ONGOING THROUGHOUT CONSTRUCTION	City of Kerman Building Division		
Mitigation Measure NOI-2: Temporary sound barriers shall be erected between the construction area/site and existing residential structures. Sound barriers shall be of sufficient height and length to block the line of sight between the construction site and residential structures and shall be continuous with no gaps or holes between panels or the ground. Sound barriers shall be constructed of material with a weight of two (2) pounds per square foot and shall have a minimum Sound Transmission Class (STC) rating of 28. Sound blankets may be used in place of temporary sound barriers;	Project Applicant	Prior to issuance of building permit ONGOING THROUGHOUT CONSTRUCTION	City of Kerman Building Division		

however, it must be demonstrated the sound blankets meet a STC rating of 28 and shall be of sufficient length to overlap each other and the ground surface. Implementation of temporary sound barriers shall be indicated in the General Construction Notes for the project and verified by the City of Kerman Building Division during the building permit process.					
Tribal Cultural Resources					
See Cultural Resources	Project Applicant				

Attachment 'H'

ANNEXATION 2023-02 RESOLUTION

RESOLUTION NO. 24-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN INITIATING ANNEXATION FOR THE CROWN-SCHAAD RESIDENTIAL PROJECT AREA CONSISTING OF ONE (1) PARCEL IDENTIFIED AS APN 020-140-22S CONTAINING APPROXIMATELY 9.69 ACRES LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUES (ANNEXATION 2023-02)

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 to 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 parcel identified as APNs 020-140-22S and the adjacent right-of-way on West Kearney Boulevard ("Project Area"); 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 uninhabited, and on this day contains 0 registered voters, according to information received from the County Elections Office; and

WHEREAS, the proposed annexation area is inside the Sphere of Influence (SOI) 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 allow for the implementation of City of Kerman 2040 General Plan adopted July 2020 through the development of a residential project proposed by Joseph Crown Construction & Development ("Developer"); and

WHEREAS, the Project Area contains approximately one (1) existing parcel containing approximately 9.69 acres within the City's existing Sphere of Influence, and is located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues (see **Exhibit '1'**); and

WHEREAS, approval of the project requires approval of Rezone 2023-02, Tentative Subdivision Map 2023-02, Development Plan Permit 2023-03, and Annexation 2023-02; and

WHEREAS, the City prepared an Initial Study, Mitigated Negative Declaration 2023-03 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH #202404148) for the project, and this related annexation; and

WHEREAS, the Planning Commission held a public hearing on July 15, 2024, to consider a recommendation to the City Council regarding annexation of the Project Area; and

WHEREAS, in conjunction with the public hearing on July 15, 2024, the Planning Commission considered a recommendation of annexation for the Project Area, consistent with the General Plan; and

WHEREAS, after due consideration of all the items before it, the Planning Commission recommended the City Council initiate the annexation of the Project Area; 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, the City Council held a duly noticed public hearing on the project; and

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

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. CEQA. The City Council concurrently adopted Mitigated Negative Declaration 2023-03 (MND) for the project. The MND identified annexation of the entire Project Area that is not within the City limits. The annexation does not change the environmental assessment of the MND. 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 previously adopted MND 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 MND 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 adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds Annexation 2023-02 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 City Council finds that the annexation is consistent with the goals, objectives, and policies of the Kerman General Plan. In this regard, the City Council finds that public necessity, convenience, general welfare, or good zoning practices justify annexation of the Project Area. Specifically, the annexation and pre-zoning change is consistent with the General Plan goals and policies, any operative plan, or adopted policy, including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below, and implements the planned residential land uses in the Project Area.

   General Plan Policy LU-3.2. Urban Form: The Project site is within the City's Sphere of Influence and is within the "Area 1" growth line as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering a wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the Project is consistent with General Plan Policy LU-3.2.

   General Plan Policy LU-3.3. Prevent Sprawl Development. The Project Area is contiguous to existing and approved development within City limits. Therefore, the Project is consistent with General Plan Policy LU-3.3.

   General Plan Policy LU-5.4. New Incompatible Uses. The Project Area is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the Project is consistent with General Plan Policy LU-5.4.

   The change is also consistent with the purpose of the Development Code to promote the growth of the city in an orderly and sustainable manner, and to promote and protect public health, safety, peace, comfort, and general welfare. The change is also necessary for good zoning practices to achieve the balance of land uses desired by the City and to provide sites for needed residential uses consistent with the General Plan.

4. Findings for Annexation. The City Council further finds:

   a. The proposed annexation is within the City's adopted Sphere of Influence. This project is located within Area 1 of the proposed Sphere of Influence outlined in the General Plan and maintains growth management controls consistent with the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 Urban Form including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties.

b. The proposal must be consistent with city general and specific plans, including adopted goals and policies. The proposed annexation area will be consistent with the City's General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Uses, contingent upon approval of the entitlements, including the Prezone/Rezone, Tentative Subdivision Map, and Development Plan. In particular, the Project site is in Area 1 of the proposed Sphere of influence outlined in the General Plan, which allows the City to consider amendment and annexation requests into Area 1 based on the ability of the City to provide services to the area. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of the General Plan including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. The Project site is also contiguous to existing and approved residential development within City limits and would result in new residential uses within a residential area and thereby would not introduce incompatible land uses or environmental hazards.

c. Pursuant to CEQA, the proposal must mitigate any significant adverse effect on continuing agricultural operations on adjacent properties, to the extent reasonable and consistent with the applicable general and specific plan. The City has prepared an Initial Study / Mitigated Negative Declaration (MND) for the project. The MND has concluded that no significant environmental impacts will occur as a result of the project.

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 subdivision map for single-family residential.

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 proposed annexation would meet this condition whereby the City has contemplated this annexation area as a housing program necessary to fulfill RHNA obligations 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 City Council of the City of Kerman approves initiation of the annexation and reorganization for the entire Project Area 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.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

_____
Josie Camacho
City Clerk

Exhibit ‘1’

PROPOSED AREA OF ANNEXATION (ANNEXATION 2023-02)

EXHIBIT “A”

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF FRESNO, DESCRIBED AS FOLLOWS:

That portion of the East half of Section 11, Township 14 South, Range 17 East, Mount Diablo Base & Meridian, also being a portion of Kearney Boulevard (40 foot width), also being a portion of lots 25, 26, 27 and 28 of the Fresno Irrigated Farms Company Tract recorded in Book 8, Page 1 of Record of Surveys, Fresno County Records, described as follows:

BEGINNING at the Southeast corner of Lot 25 of said Fresno Irrigated Farms Company Tract;

THENCE (1), North 0°45’51” East, a distance of 1,300.04 feet along the East line of said lots 25, 26, 27, and 28, of the Fresno Irrigated Farms Company Tract, also being the existing limit line of the City of Kerman;

THENCE (2), leaving the existing limits of the City of Kerman, South 89°54’24” West, a distance of 324.79 feet along the North line of said lot 28 of the Fresno Irrigated Farms Company Tract to the west line of the east one-fourth of said lot 28;

THENCE (3), South 0°43’59” West, a distance of 1,340.22 feet, along the west line of the east one-fourth of said lots 28, 27, 26 and 25 to the intersection with a line parallel with and 20 feet South of the South line of the Northeast quarter of Section 11, also being the South line of the existing Right of Way;

THENCE (4), North 89°52’32” East along the existing South Right of Way line, a distance of 324.84 feet;

THENCE (5), North 0°45’51” East, a distance of 40.00 feet to the **POINT OF BEGINNING**.

Contains 435,338.64 square feet (9.994 acres) more or less.

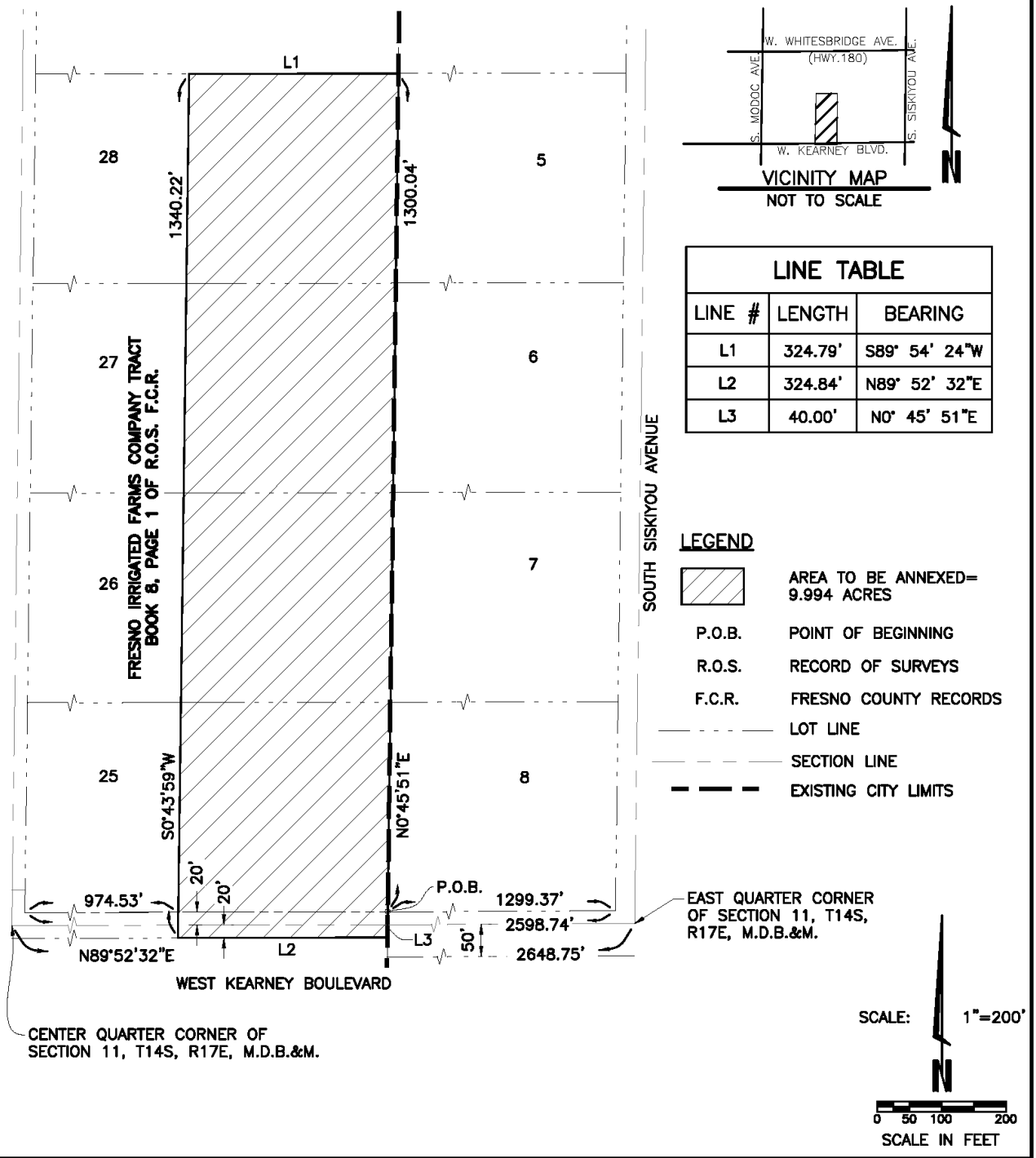
End of Description.

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors’ Act.

Signature: _____
Ruben Aparicio III, PLS 8026

Lic. Exp. 12/31/24

Date: 03/08/2023



LINE TABLE		
LINE #	LENGTH	BEARING
L1	324.79'	S89° 54' 24"W
L2	324.84'	N89° 52' 32"E
L3	40.00'	N0° 45' 51"E

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CONSULTING
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4950 E. YALE AVE. FRESNO, CA 93727
TEL (559) 538-3402

REORGANIZATION # _____

A PORTION OF THE EAST HALF OF SECTION 11, TOWNSHIP 14 SOUTH, RANGE 17 EAST, M.D.B.& M.

DR. BY: CO
CH. BY: JIL
SCALE: 1"=200'
DATE: 03/08/2023
SHEET NO:
SHEET 1 OF 1

DRAWING: S:\2022\LDC22004\Entitlements\Annexation\22004_Annexation Exhibit.dwg;Layout1

Attachment 'I'

VESTING TSM 2023-02 RESOLUTION

RESOLUTION NO. 24-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING VESTING TENTATIVE SUBDIVISION MAP 2023-02 LOCATED ON THE NORTH SIDE OF WEST KEARNEY BOULEVARD BETWEEN SOUTH MODOC AND SOUTH SISKIYOU AVENUE, APNS 020-140-22S & 020-140-23S

WHEREAS, Joseph Crown Construction & Development submitted Vesting Tentative Subdivision Map 2023-02 to subdivide the approximately 29-acre parcels identified as APN 020-140-22S and 020-140-23S located on the north side of West Kearney Boulevard between South Modoc and South Siskiyou Avenues; and

WHEREAS, Vesting Tentative Subdivision Map 2023-02 will subdivide the 29-acre parcels into 163 lots for single-family residential development; and

WHEREAS, Annexation 2023-02 and Rezone 2023-02 were considered concurrently by the City Council with Vesting Tentative Subdivision Map 2023-02; and

WHEREAS, the City of Kerman, acting as the Lead Agency, prepared an Initial Study and Mitigated Negative Declaration 2023-02 and Mitigation Monitoring and Reporting Program dated June 2024 (SCH # 2024040147) for the project, and this related Vesting Tentative Subdivision Map; and the project is in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the City of Kerman on August 14, 2024, published a legal notice in compliance with State law concerning City Council consideration of Vesting Tentative Subdivision Map 2023-02 in the Kerwest News, a local newspaper of general circulation, which included the date and time of the City Council consideration of a recommendation for the approval of the Vesting Tentative Subdivision Map. In addition, a public hearing notice was mailed to each property owner within at least 500 feet of the project site, indicating the date and time of the public hearing regarding the proposed project in accordance with State law; and

WHEREAS, on August 28, 2024, the City Council conducted a duly noticed public hearing Vesting Tentative Subdivision Map 2023-02, and concurrently considered Mitigated Negative Declaration 2023-03 and the Mitigation Monitoring and Reporting Program, Annexation 2023-02 and Rezone 2023-02; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred, and the City Council now desires to approve Vesting Tentative Subdivision Map 2023-02.

NOW, THEREFORE, BE IT RESOLVED 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. CEQA. The City Council concurrently adopted Mitigated Negative Declaration 2023-03 (MND) for the project. The MND identified the tentative subdivision map. The tentative subdivision map does not change the environmental assessment of the MND. 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 previously adopted MND 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 MND 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 adoption of the MND that the project will have significant effect not discussed in the MND. As such, the City Council finds Vesting Tentative Subdivision Map 2023-02 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. 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 maps are consistent with applicable general and specific plans. The proposed map is consistent with the procedural requirements of the Subdivision Map Act and complies with the 2040 Kerman General Plan, Subdivision Ordinance, and Subdivision Map Act. There is no specific plan applicable to the site.

        The proposed use and development of the site is consistent with the General Plan. Upon approval of the annexation and pre-zone/rezone to the smart development zone district, the development of the site with residential uses and at densities allowed within the underlying land use designations will be consistent with the General Plan. Further, the pre-zoning and zoning change is consistent with the General Plan goals and policies including General Plan Policy LU-3.2 Urban Form, LU-3.3 Prevent Sprawl Development, and LU-5.4 New Incompatible Land Uses as described below.

        The portion of the project site that is outside City limits is within the "Area 1" growth line of the Sphere of Influence as identified in the General Plan. Based on the site's proximity to City limits and existing infrastructure, the City is able to provide services to the site upon annexation to the city. Further, the Project meets several considerations of General Plan Policy LU-3.2 including meeting residential housing needs by offering wider and more diverse range of housing and community needs by providing open space and recreational facilities. In addition, there are no obstacles to growth such as cost of infrastructure or Williamson Act properties. Therefore, the project is consistent with General Plan Policy LU-3.2.

The portion of the project site that is outside City limits is contiguous to existing and approved development within City limits. Therefore, the project is consistent with General Plan Policy LU-3.3.

The project site is adjacent to existing or approved residential development. The Project would result in new residential uses within a residential area and would not introduce incompatible land uses or environmental hazards. Therefore, the project is consistent with General Plan Policy LU-5.4.

b. The design and improvement of the proposed subdivisions are consistent with applicable general and specific plans. The proposed land division is consistent with the General Plan, including all applicable goals, policies and implementation measures. The land division is consistent with the planned 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. Additionally, the proposed parcels will comply with minimum lot size standards and the residential land uses consistent with the General Plan and Zoning Ordinance. There is no specific plan applicable to the site.

c. That the site is physically suited for the type of development. The subdivision map will create 163 parcels to support single-family residential uses. The site is physically suitable for such proposed type of residential use. Development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans, and there are no unusual conditions that would render the site physically unsuitable for such subsequent type of consistent development.

d. That the site is physically suited for the density of development. The subdivision map will create 163 parcels to support single-family residential uses with ample open space. The site is physically suitable for such proposed density of development. All development is required to be consistent with the General Plan, Zoning Ordinance, Tentative Subdivision Map, and Development Plans. Such consistency would likewise require consistency with setbacks, building code, and other requirements that would ensure suitable density of development.

e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An initial study was prepared for this project consistent with the California Environmental Quality Act (CEQA), which resulted in a proposed mitigated negative declaration (MND). Per the MND, the project will not have a significant, adverse effect on the environment as mitigated. Therefore, the tentative subdivision map would not result in a substantial adverse effect to special status species, riparian or other natural habitat, wetlands, movement of migratory fish or wildlife species, or conflict with any local, regional or state preservation or conservation plans.

f. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The lots created will comply with all applicable sanitary sewer, water service, and storm water runoff requirements, as well as other similar environmental and life safety regulations and standards. Thus, the project is not likely to cause serious public health problems.

g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through, or use of, property within the proposed subdivision. There are no public easements encumbering the property. Upon development, all modifications made to the existing public improvements fronting the parcels will be required to meet current City standards.

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.

4. Approval with Conditions. Based on the aforementioned findings, the City Council approves Vesting Tentative Subdivision Map 2023-02 (**Exhibit '1'**), subject to the conditions set forth in **Exhibit '2'** (Vesting Tentative Subdivision Map 2023-02 conditions of approval) attached hereto.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

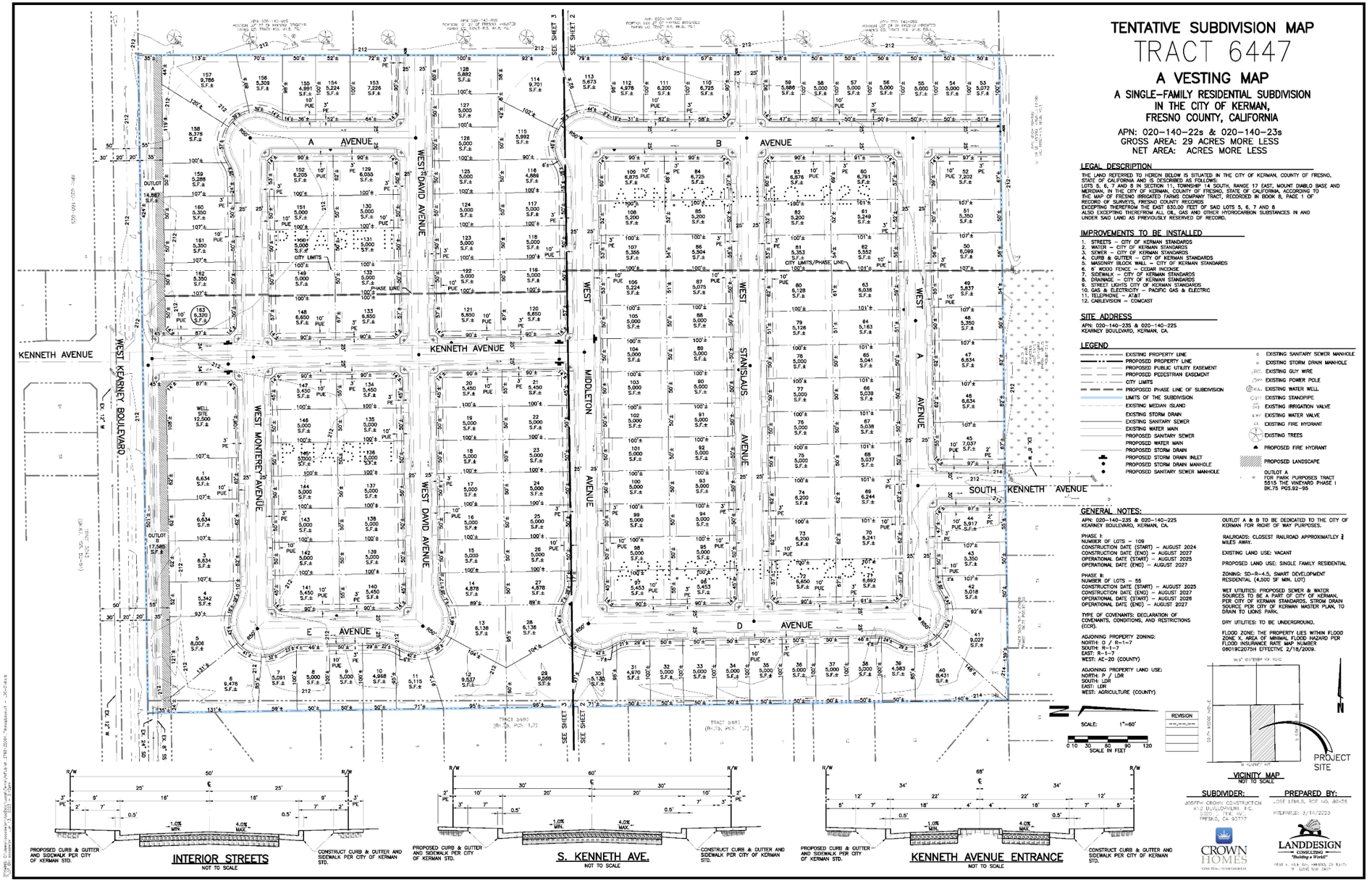
The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

_____
Josie Camacho
City Clerk

Exhibit '1'

VESTING TENTATIVE SUBDIVISION MAP 2023-02



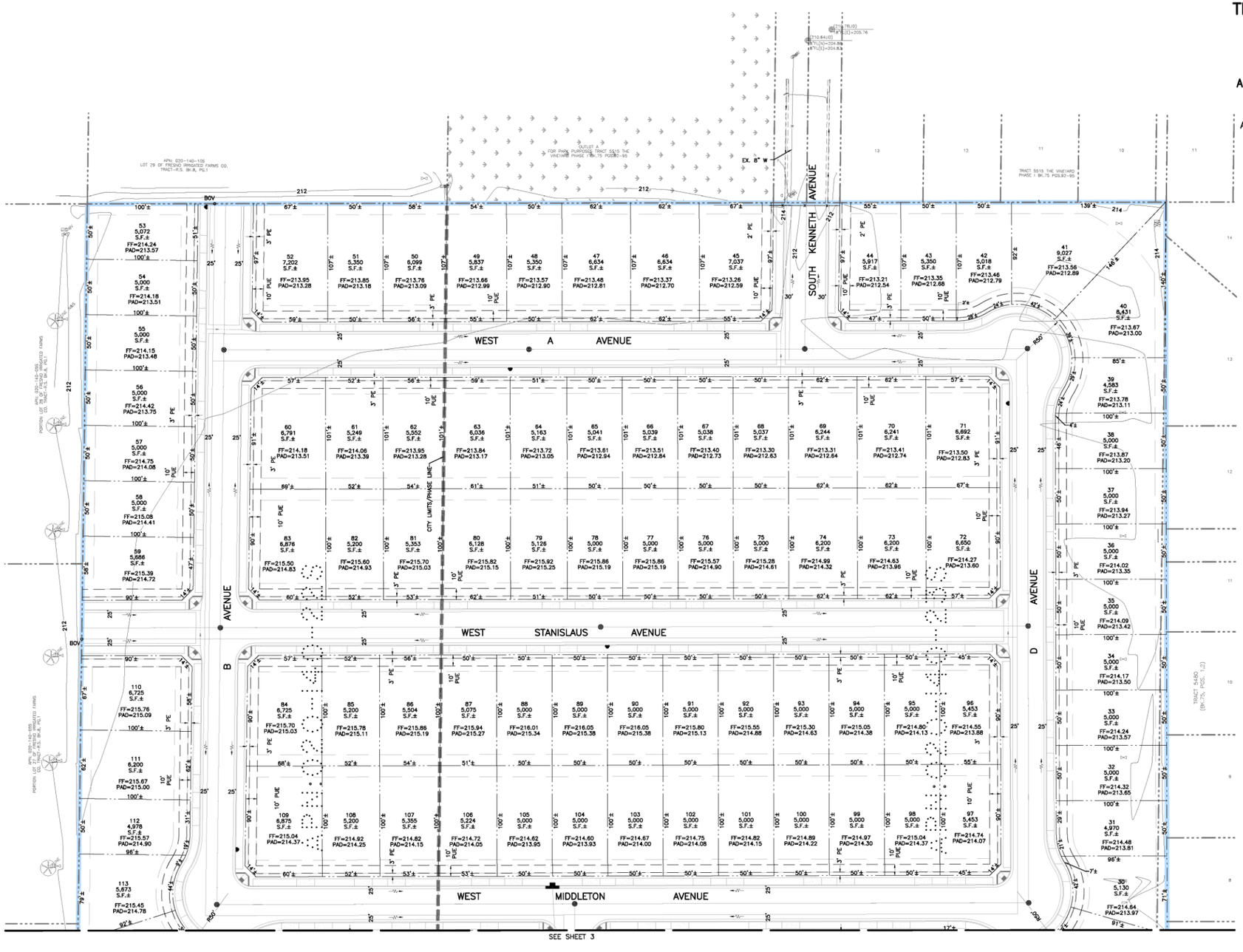
TENTATIVE SUBDIVISION MAP

TRACT 6447

A VESTING MAP

A SINGLE-FAMILY RESIDENTIAL SUBDIVISION
IN THE CITY OF KERMAN,
FRESNO COUNTY, CALIFORNIA

APN: 020-140-22S & 020-140-23s
GROSS AREA: 29 ACRES MORE LESS
NET AREA: ACRES MORE LESS

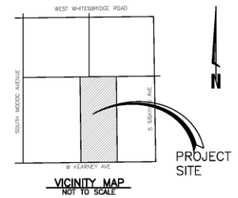


SCALE: 1"=40'

N

0 20 40 80
SCALE IN FEET

REVISION



VICINITY MAP
NOT TO SCALE

SUBDIVIDER:
JOSEPH CROWN CONSTRUCTION AND DEVELOPMENT, INC.
5320 E. PINE AVE.
FRESNO, CA 93727

CROWN HOMES
Love Home to the Greatest

PREPARED BY:
JOSE LEMUS, RCE NO. 80458
PREPARED: 3/14/2023

LANDDESIGN CONSULTING
"Building a World"
4650 E. YALE AVE., FRESNO, CA 93727
TEL. (559) 538-3405

TENTATIVE SUBDIVISION MAP
TRACT 6447
A VESTING MAP

A SINGLE-FAMILY RESIDENTIAL SUBDIVISION
IN THE CITY OF KERMAN,
FRESNO COUNTY, CALIFORNIA

APN: 020-140-22S & 020-140-23s
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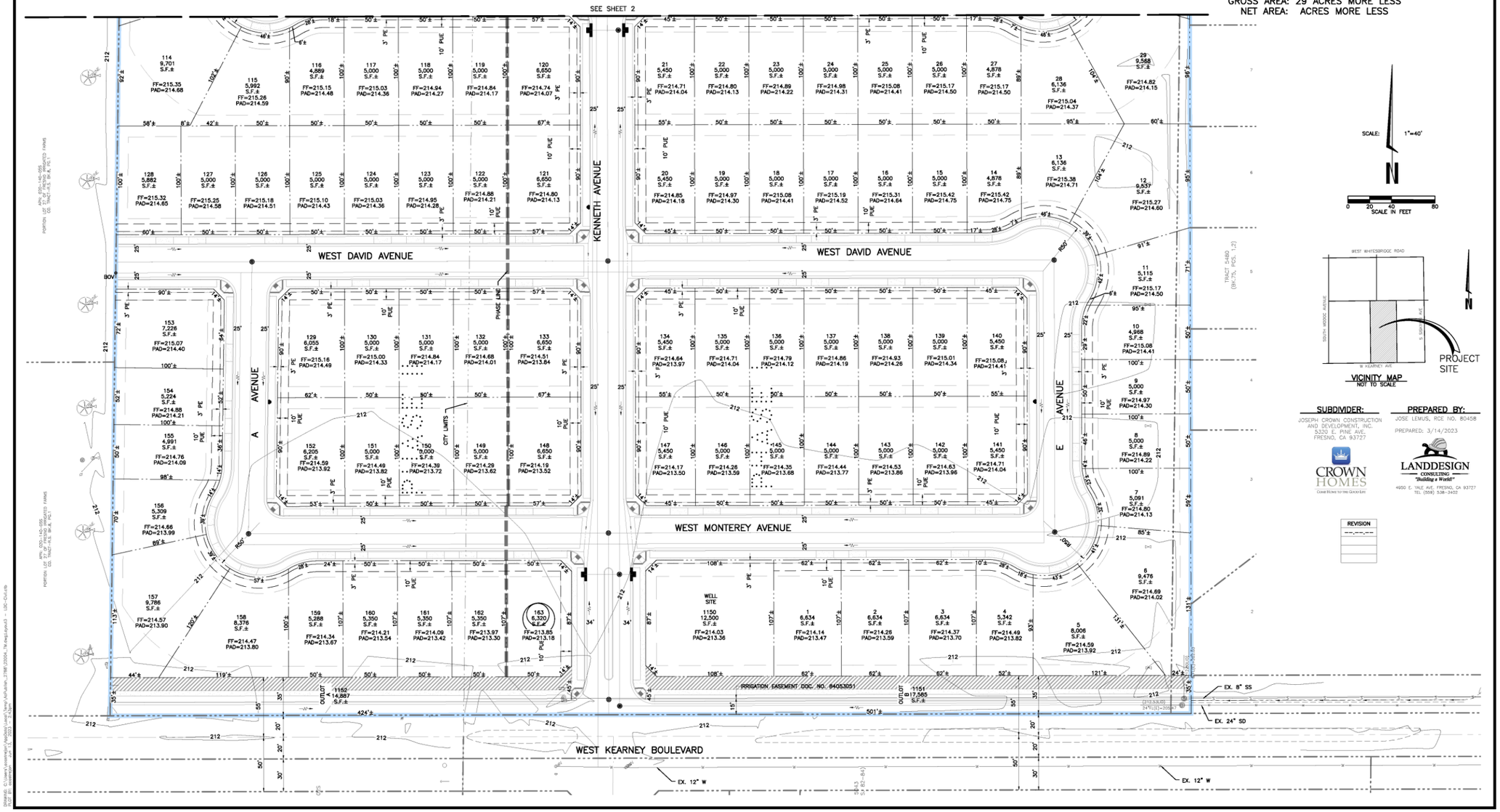

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Good Homes for the Good Life!

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REVISION

Exhibit '2'

Conditions of Approval for Tentative Subdivision Map 2023-02
Crown-Schaad Residential Development

Engineering Conditions of Approval

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

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

A. General

1. Comply with all applicable conditions set forth in Title 16 of the Kerman Municipal Code (Subdivisions).

2. Pay all applicable development impact fees at the rate in effect at the time of payment prior to the issuance of Building Permit. The applicant may be eligible for fee credits or fee reimbursements for over-sizing of facilities or construction of other eligible facilities included in the City of Kerman's Impact Fee Study. The City Engineer will determine the type and extent of improvements that are eligible for fee credits or reimbursements. For any improvements deemed eligible for fee credits or reimbursements, the applicant shall submit itemized quantity and unit costs for each item prior to acceptance of the improvements by the City.

3. 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.

4. 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.

5. Provide a soils report or a waiver of soils report for approval by the City Engineer with the first submittal of the improvement plans.

6. Obtain and comply with encroachment permits from affected jurisdictions for all work performed within their rights-of-way and easements.

7. Comply with all the requirements of the local utility, gas, electric, telephone, cable, and other communication companies (Utilities). It shall be the responsibility of the applicant to notify

Utilities to remove or relocate poles where necessary. The City will not accept first submittal of improvement plans without proof that the applicant has provided the improvement plans and documents showing all proposed work to the Utilities.

8. Underground all existing overhead and any new utility facilities located along the frontage of the development.

9. 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.

10. Install all improvements within public right-of-way and easements in accordance with affected jurisdictions standards, specifications, master plans, and record drawings.

11. 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.

12. 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.

13. 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.

14. 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.

B. Maps and Plans

1. Contact the City Engineer to setup a Pre-Submittal Meeting prior to the initial submittal of the improvement plans. The applicant's engineer is required to attend.

2. Submit a 18” x 26” final tract map, prepared by a registered civil engineer or licensed land surveyor, and adhering to Subdivision Map Act requirements and City of Kerman Municipal Code. The final tract map shall be drawn at a scale of 1"=100' and include the current filing fee, closure calculations, preliminary title report dated within 90 days of submittal, legal descriptions and drawings of required dedications. Upon approval of the final tract map, applicant shall submit a reproducible/electronic copy (PDF) to the City Engineer.

3. Submit a set of 24” x 36” construction plans prepared by a licensed Civil Engineer for review and approval of all required improvements prior to the release of any development permits. The plans shall include a site grading and drainage plan, landscaping and irrigation plans, and on-site and off-site utilities plan, if applicable, showing locations and sizes of storm drain, sewer and water mains, laterals, manholes, meters, valves, hydrants, etc.

4. Submit a reproducible/electronic copy (PDF) and two (2) black line copies of the approved set of construction plans, and two (2) bound sets of the approved construction specifications, if any, prior to beginning any construction, or within ten (10) calendar days of approval.

5. Submit Pad Certification(s) prior to issuance of building permits.

6. Submit a PDF file of the approved set of construction plans revised to reflect all field revisions and marked "AS-BUILT" prior to City acceptance of the improvements.

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. Provide right-of-way acquisition or dedicate free and clear of all encumbrances and improve the following streets to City standards:

    a) Kearney Boulevard
        i) Dedicate a total of 42’ (30’ existing) north of center/section line for public street and utility purposes along development frontage.
        ii) Dedicate 2’ pedestrian easement and 8’ landscape easement north of proposed right-of-way line.
        iii) Relinquish all vehicular access to Kearney Boulevard for all single-family residential lots backing or siding onto this street.
        iv) Construct improvements north of center/section line in accordance with City Standard P-1 for a Collector Street and approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaping, irrigation, and permanent paving.
        v) Construct transitional paving as required.
        vi) Install a Class II Bikeway along the development’s frontage
        vii) Modify the raised median west of the Kearney and Kenneth Avenues intersection to accommodate an eastbound left turn pocket with a storage capacity of 100 feet plus a bay taper.

b) 50’ Interior Residential Street
   i) Dedicate 50’ for public street and utility purposes.
   ii) Dedicate 3’ pedestrian easement.
   iii) Construct improvements in accordance with City Standard P-1 for a 50’ Street. Improvements shall include curb and gutter, sidewalk, drive approaches, curb ramps, streetlights, landscaping and irrigation, and permanent paving.

c) 68’ Entry Street
   i) Dedicate 68’ for public street and utility purposes.
   ii) Dedicate 2’ pedestrian easement.
   iii) Dedicate 5’ landscape easement.
   iv) Relinquish all vehicular access for all single-family residential lots backing or siding onto this street.
   v) Construct improvements in accordance with City Standard P-1 for a 60’ Street, except that an 8’ wide median island is added per the approved tentative map. Improvements shall include curb and gutter, sidewalk, curb ramps, streetlights, landscaping and irrigation, and permanent paving.

d) Interior Residential Streets – Stanislaus Avenue and Proposed ‘B’ Street Intersection
   i) Install a traffic calming feature.

e) Interior Residential Streets – Kenneth and David Avenues Intersection
   i) Install a traffic calming feature.

f) Whitesbridge (SR 180) and Siskiyou Avenues Intersection
   Adhere to Caltrans requirements including those stated in the JLB Traffic Engineering, Inc. prepared Traffic Impact Analysis dated February 10, 2024 with approval date of February 13, 2024, including but not limited to:
   i) Stripe a second eastbound through lane.
   ii) Add a northbound right-turn lane.
   iii) Modify the traffic signal to accommodate the additional lanes.

2. Dedicate a 10’ public utility easement along all streets and all other locations requested by utility companies. Alternate widths must be approved in writing by all utility companies and a copy of said written approval shall be submitted to the City Engineer.

3. Obtain "R Value" tests in quantity sufficient to represent all street areas, and have street structural sections designed by a registered civil engineer based on these "R Value" tests. These designs shall be compared to the minimum section given below and approved by the City Engineer.

Street Designation	Minimum Section
Residential Street	2” HMA/4” CLII AB/6” CNS
Collector Street	3” HMA/6” CLII AB/6” CNS

4. Install standard barricades with reflectors at ends of streets abutting undeveloped property and any other locations to be specified by the City Engineer.

5. Install 2”x6” redwood header boards prior to street paving, at the end of any permanent pavement abutting undeveloped property.

6. Install temporary paved cul-de-sacs at the end of any dead-end streets, planned for future extension, longer than 150’. A 40’ radius shall be provided to allow turnaround of emergency equipment.

7. Provide for all striping, stenciling, pavement markers, delineators and signage required of all street improvements within the development. All traffic signs and street name signs shall be installed in accordance with City Standards and the CA MUTCD (latest edition). A striping and signage plan shall be included with the construction plans and submitted for review and approval by the City Engineer.

8. Provide corner cut-offs at all street intersections. Corner cut-offs shall be sufficient to provide for sight distances and accommodate curb ramps.

9. Repair/replace any broken or buckled curb, gutter, and/or sidewalk along the site frontage in kind to the satisfaction of the Public Works Department.

10. Provide street names complying with the recommendations of the Planning Commission upon approval of the Final Map as listed below. Names matching existing county roads or city streets must maintain the current suffix. When deemed practical, entry streets, cul-de-sacs, and courts should utilize the name of the nearest subdivision street. Recommended names:

a) Willow	b) Baswood	c) Maple
d) Poplar	e) Myrtle	f) Olive
g) Sycamore	h) Cherry	i) Locust
j) Birch	k) Pine	

D. <u>Sanitary Sewer</u>

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 8” sanitary sewer mains available to serve the development, located to the south in Kearney Boulevard and to the north in Kenneth Avenue. A maximum of 37 contiguous lots to the connection point in Kenneth Avenue shall be permitted. 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) Interior Streets: Install 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. Dedicate a lot of at minimum 12,000 square feet (approximately 100' x 120') for City development of a potable water well.

4. 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) Interior Streets: Install 8" water mains throughout development.

5. 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.

6. Install landscape water service(s), size as necessary, to each public landscape area within the development in accordance with City Standards.

7. Install one (1) water sampling station in accordance with City Standards. The location shall be determined by the City Engineer.

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. Design the site to drain to the existing storm drain facilities located in Kearney Boulevard. Any proposed storm drain system within the development shall connect to said facilities. Minimum storm drain pipe size within public right-of-way shall be 15".

2. 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.

3. 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.

4. 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.

5. 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. <u>Landscaping and Irrigation</u>

1. Provide landscaping and irrigation as required herein. The landscaping and irrigation shall be installed in public right-of-way and all other areas reserved for landscaping. Plans for the required landscaping and irrigation systems shall be prepared by an appropriately qualified professional and conform to the City of Kerman Standard Drawings and Specifications and the California Model Water Efficiency Ordinance. Public landscaping and irrigation shall be installed in the following locations:

   a) North side of Keaney Boulevard from back of curb to block wall.

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. 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.

H. Miscellaneous

1. Obtain express written approval of the City Engineer for a deferment, modification, or waiver of any engineering conditions of approval.

2. Remove all existing structures, trees, shrubs, etc., that are within or encroaching on existing or proposed rights-of-way or easements. Existing street improvements shall be preserved, at the discretion of the City Engineer.

3. Install concrete masonry block walls in accordance with City Standards, with a minimum height of 6 feet, and of a design and color approved by the City of Kerman Planning Division at the following locations:

   a) North side of Kearney Boulevard along the development frontage and areas adjacent to the neighboring park.

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

4. Provide clean-up, street sweeping, and dust control during the construction of the development to the satisfaction of the City Engineer and Public Works Director. A deposit of $5,000.00 shall be submitted to the City to guarantee compliance. At any time, applicant is deemed to be non-compliant by the City Engineer or Public Works Director, the City may draw from said deposit to pay for necessary activities to bring the site into compliance.

5. Install monuments at all section corners, quarter section corners, all street centerline intersection points, angle points, and beginning of curves and end of curves on streets adjacent to or within the development prior to final acceptance of the development. Any existing section corner or property corner monuments damaged or destroyed by the development shall be reset to the satisfaction of the City Engineer. A licensed land surveyor or civil engineer licensed to perform land surveying shall certify the placement of all required monumentation prior to final acceptance. Within five days after the final setting of all monuments has been completed, the engineer or surveyor shall give written notice to the City Engineer that the final monuments have been set. Upon payment to the engineer or surveyor for setting the final monuments, the applicant shall present the City Engineer evidence of the payment and receipt thereof by the engineer or surveyor.

6. Install other private and public improvements as may be required under Development Plan Permit 2023-03.

7. Install subdivision signage complying with applicable Building & Fire Code and Section 17.30.070 of the Kerman Municipal Code.

8. A right-to-farm covenant consistent with General Plan Policy LU-4.5 shall be recorded prior to the recording of the Final Map.

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

Attachment 'J'

PUBLIC INPUT

From: Samuel Diaz [mailto:sdiaz@moorefieldconstruction.com]
Sent: Tuesday, July 16, 2024 9:40 AM
To: John Jansons <jjansons@cityofkerman.org>
Cc: Josie Camacho <jcamacho@cityofkerman.org>; Larry Moorefield <larry@moorefieldconstruction.com>
Subject: FW: Public Notice - Crown / Shaad Residential Development - Stop Notice / Public Hearings - Community Outreach / For Review

City Manager - John Jansons

I've forwarded this message chain that was sent out to the Community Development Director yesterday . We as a Community of organized protesters to the re zoning of two Agriculture zoned APNs want you to be aware and take action to help amplify our voice so this development is squashed at City Council. It is my opinion that this development was being pushed and worked on behind the scenes. It may have been posted on the Kerman website in between a maze of web pages , but the truth of the matter is that impacted parties where not notified every step of the way. No community outreached until a day of final resolutions . If I am reading the documents correctly , these maps have been on the works since March of 2023. We wish not to turn this into a civil matter if the voices of the community can be heard on an open forum .

Respectfully,
Sam Diaz
(559) 942-1020

From: Samuel Diaz
Sent: Monday, July 15, 2024 11:53 PM
To: jorozco@cityofkerman.org
Cc: mcampos@cityofkerman.org; jcamacho@cityofkerman.org; Larry Moorefield <larry@moorefieldconstruction.com>
Subject: Public Notice - Crown / Shaad Residential Development - Stop Notice / Public Hearings - Community Outreach / For Review

Community Development Director – Jusus Orozco ,

Please forward this email to Scott Bishop, Kevin Nehring, Robert Felker , Cory Molloy, and Robert Bandy.

One third of the residences including myself, with adjacent properties to the proposed Crown / Shaad development received the PUBLIC NOTICE dated June 26th last week . After the proposed meeting dated Monday, July 8th had already taken place .

One third will provide sworn affidavits that they did not in fact receive the notice at all .

One third received it and thought that this noticed was for the current development taking place south of California avenue .

As a community of concerned property owners, we ask that Planning Commission have another public hearing within the next 10 days as most property owners that reside within 300 feet of the proposed development ***profoundly oppose*** the re zoning of the Agricultural land for single family homes and the annexation of the parcel currently in the county of Fresno. We as a community wish for all to remain as is, Agriculture Land . As it was when all the property owners on this email purchased our homes based on its location at the edge of the city lights and noises .

Below are all the lots that currently sit adjacent to the CMU block wall that divides Bella Palma Community from the Current Agricultural Zoned land in question :

16049 W Monterey Ave -Angie Cantu – Opposes actions A-E and are BCC on this email
16099 W Monterey Ave – Erica Barajas - Opposes actions A-E and are BCC on this email
498 S Michelle Ave – Sukhjeet Kaur Thandi- Opposes actions A-E and are BCC on this email
462 S Michelle Ave- Zuby Cheema - Opposes actions A-E and are BCC on this email
444 S Michelle Ave – Laurencia Casarez - Opposes actions A-E and are BCC on this email
438 S Michelle Ave – Sarbjit Basuta - Opposes actions A-E and are BCC on this email
414 S Michelle Ave- Gurtej Gill - Opposes actions A-E and are BCC on this email
402 S Michelle Ave -Samuel Diaz - Opposes actions A-E and has been nominated to speak on behalf of all parties in this email .
380 S Michelle Ave – Kiranjeet Kaur - Opposes actions A-E and are BCC on this email
360 S Michelle Ave - Sukhbir Randhawa - Opposes actions A-E and are BCC on this email
356 S Michelle Ave- Brianna M Kileen – Showed concerned and disbelief for what is being proposed but will like time to figure out their position
340 S Michelle Ave - George Thomasetti - Opposes actions A-E and are BCC on this email
320 S Michelle Ave - James Kilsdonk - Opposes actions A-E and are BCC on this email

Below are all the lots , second row east of the above properties :

316 S Michelle Ave - Amandeep Tung – Was unable to go over the Public Notice
309 S Michelle Ave – Jose Villa- Opposes actions A-E and are BCC on this email
16052 W Middleton Ave - Satvinder Franco – Has been out on Holiday since before July 4th weekend.
16053 W Middleton– Gurtej Singh - Opposes actions A-E and are BCC on this email
16050 W Sunset Ave - Wendy Zang - Opposes actions A-E and are BCC on this email
16051 W Sunset Ave - Gerardo Escobar - Was unable to go over the Public Notice
16052 W Monterey Ave - Harmanpreet Kaur - Opposes actions A-E and are BCC on this email
16049 W Monterey Ave - Guillermo Cantu - Opposes actions A-E and are BCC on this email

Please advise what other properties are in the impact zone of " Voices to be heard " that will be affected by the proposal of the re zoning of the (Exclusive Agriculture) land . As public outreach is of the upmost importance in these types of cases, we want all those that will be impacted by this proposed resolution be notified and be heard , if they choose too.

We await your prompt response as we know that community involvement when making decisions which will affect its constituents is of the utmost importance , since in Kerman " WHERE COMMUNITY COMES FIRST" city staff and elected officials will prioritize our voice over those (Crown Homes) vested interested of outside corporations (Crown Builders) who build for profit in this community.

I will be contacting the following in separate emails :

City Manager - John Jansons
Mayor – Maria Pacheco
City Council district 1 – Gary Yep
City Council district 2 – Jennifer Coleman
City Council district 3 – Ismael Herrera
City Council district 4 – Bill Nijjer

Respectfully ,
Sam Diaz
(559) 942-1020

Susan Kilsdonk
320 S Michelle Ave
Kerman, Ca 93630
susan991@msn.com
559-908-9999

September 6, 2024

John Janson
City Manager
City of Kerman
850 S Madera Avenue
Kerman, CA 93630

Maria Pacheco
Mayor
City of Kerman
850 S Madera Avenue
Kerman, CA 93630

Dear Mr. Janson and Ms. Pacheco,

I hope this letter finds you well. My name is Susan Kilsdonk, and I am writing to you regarding the Crown-Schaad Residential Subdivision proposed on Kearney Blvd, just West of the Bella Palma subdivision where I reside. Several concerns have come to light regarding this project, and as a community, we have circulated and signed a petition in opposition to the current plans. Below are the key issues we would like to bring to your attention:

1. **Lot Size Discrepancy**: According to the zoning map, the lots in the Crown-Schaad subdivision should be at least 7,000 square feet. However, the current plans indicate that the lots are only 5,000 square feet. This discrepancy violates zoning requirements and raises concerns about increased density in the area. We recommend that it remain at 7000 square feet per lot.
2. **Negative Impact on Property Values**: The higher density resulting from smaller lot sizes will have a negative impact on the character of our neighborhood and is likely to devalue our homes. The City does not have the right to reduce the value of our properties without just compensation.
3. **Privacy Concerns**: In some cases, approximately two and a half lots will back up to the backside of one of our existing lots, which significantly reduces the level of privacy for homeowners in the Bella Palma subdivision.
4. **Setback Reductions**: We have been informed that the setbacks for these lots have been reduced, further compounding the concerns of overdevelopment and encroachment on our properties.
5. **Incorrect Lot Lines and Block Wall Placement**: After the City Council meeting on August 28, 2024, Jose Lemus informed me that the block wall between Bella Palma and Crown-Schaad is in the wrong location. He stated that Crown actually owns 10 to 20 feet

East of where the wall is currently located, which would include portions of our backyards and, in some cases, parts of our houses. We are not pointing fingers to the city for failure of approving the block wall location, nor the developer, however when we purchased, we understood that the block wall was the property line. This means the lot lines are incorrect and need to be adjusted to the location of the block wall. A survey of the subdivision should be conducted to confirm this, and the lot lines should be corrected on all lots bordering the wall before approval of the Crown-Schaad subdivision at **NO COST** to the current owners.

We believe these issues should be disclosed to all homeowners now that this information is public, and we respectfully request that the City assist in rectifying these problems before the subdivision is approved. This will ensure that the rights of current homeowners are protected, and that the subdivision is developed in accordance with city regulations and community expectations.

Thank you for your attention to this matter. We look forward to working with the city to address these concerns and ensure that the Crown-Schaad subdivision is developed in a way that benefits both current and future residents.

Sincerely,
Susan Kilsdonk

STAFF REPORT

MEETING DATE: September 25, 2024

PRESENTER: John Jansons, City Manager

SUBJECT: Resolution Approving Successor Memorandum of Understanding with Kerman Peace Officers Association (JAJ)

RECOMMENDATION: Council by motion adopt resolution approving successor Memorandum of Understanding with Kerman Peace Officers Association effective July 1, 2024, through June 30, 2027.

EXECUTIVE SUMMARY:

The existing consolidated Memorandum of Understanding expired on June 30, 2024. In anticipation of that, the City of Kerman and the Kerman Peace Officers Association began the bargaining process for a new successor agreement. The bargaining process achieved tentative agreement on August 30, 2024. Formal approval is now required of a successor Memorandum of Understanding (MOU) to complete the bargaining and negotiations process to implement and effectuate the contact changes to salary and benefits of KPOA members.

DISCUSSION:

Pursuant to California Government Code, Section 3500 et seq., the City of Kerman (City) and the Kerman Peace Officers Association (KPOA) have met and conferred in good faith regarding employment terms and conditions of the employees in the KPOA.

The legal relationship between the City, and its employees is governed to the extent required by law by Chapter 10 of Division 4, Title 1 of the State of California Government Code Section 3500 et. seq. (Meyers-Milias-Brown Act), the Personnel Rules and Regulations ("Employee Handbook") of the City of Kerman as updated May 8, 2024, and the Fair Labor Standards Act, (FLSA) Title 29 United States Code, Chapter 8.

City and KPOA reached agreement as set forth in the successor Memorandum of Understanding (MOU) via the collective bargaining process resulting in tentative agreement (TA) on August 30, 2024.

Pursuant to that TA, a successor Memorandum of Understanding (MOU) now requires approval to complete the negotiations process and implement and effectuate the contract changes to salary and benefits of KPOA members. The revised terms are detailed in the successor MOU attached as **Exhibit "A"** to the resolution **(Attachment 'A')**.

In summary, the new terms of the MOU include the following:

- Three-Year (3) term commencing July 1, 2024 through June 30, 2027,
- Four Percent (4%) Cost of living increase to base salaries each year of the Agreement,
- The City will provide a One-Time Payment of Five Hundred Dollars ($500) as soon as possible after the first full pay period following City Council approval of the new MOU and Five Hundred Dollars ($500) on July 1, 2025 and July 1, 2026 to KPOA members who are employed at such time.
- Additional One Dollar ($1.00) per hour in shift differential pay for 1800 hours to 0600 hours shifts (including any overtime)
- Added $25.00 for a Master's Degree under Educational Incentive Pay
- Vacation Cash-out of hours over "Cap" twice yearly at employee's choosing each fiscal year while retaining at least eighty (80) hour balance
- Holiday Pay to be paid as earned in each payroll issuance to conform to CALPERS regulations
- One reopener to discuss use of compensatory time off during a pay period to count as "hours worked" for purposes of computing overtime entitlement during that pay period.

Employees in KPOA shall be governed by all existing agreements of the City of Kerman except as may be modified by or voided by the successor MOU including those agreements as adopted by the Kerman City Council as the condition of employment or appointment of office. If the Personnel Rules and Regulations conflict with the successor MOU, the successor MOU shall prevail.

Approval of the resolution by City Council will allow staff to implement and effectuate the changes as set forth in the successor MOU.

FISCAL IMPACT

The cost of implementing terms of a new successor MOU for FY 2024-2025 were anticipated in, and largely accounted for in the City's current General Fund and operating budgets. Future year KPOA personnel costs for FY 25-26 and FY 26-27 will be addressed during the preparation of those subsequent annual budgets.

ATTACHMENTS:

A. Resolution w/Exhibit

Attachment 'A'

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING AND AUTHORIZING CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH KERMAN POLICE OFFICERS ASSOCIATION EFFECTIVE JULY 1, 2024 THROUGH JUNE 30, 2027

WHEREAS, the City of Kerman recognizes collective bargaining rights of its represented employees; and

WHEREAS, the Kerman Peace Officers Association (KPOA) represents City Police Department employees for collective bargaining of wages and benefits; and

WHEREAS, pursuant to California Government Code, Section 3500 et seq., the City of Kerman (City) and the Kerman Peace Officers Association (KPOA) have met and conferred in good faith regarding employment terms and conditions of the employees in the KPOA; and

WHEREAS, the legal relationship between the City, and its employees is governed to the extent required by law by Chapter 10 of Division 4, Title 1 of the State of California Government Code Section 3500 et. seq. (Meyers-Milias-Brown Act), the Personnel Rules and Regulations ("Employee Handbook") of the City of Kerman as updated May 8, 2024 and the Fair Labor Standards Act, Title 29 United States Code, Chapter 8; and

WHEREAS, all terms of wages and benefits for a set period of time are memorialized in a Memorandum of Understanding, by and between the City of Kerman (City) and the KPOA; and

WHEREAS, the prior MOU for the period July 1, 2021 through June 30, 2024 expired; and

WHEREAS, the City and the KPOA began negotiations in March of 2024 and concluded those negotiations in August of 2024, and resulting terms for an updated successor MOU were agreed upon (**Exhibit 'A'**); and

WHEREAS, the City and the KPOA now desire to have that updated successor MOU approved by City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Kerman resolves as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. The City Council approves the successor Memorandum of Understanding (MOU) by and between the City of Kerman and the Kerman Peace Officers Association for the period of July 1, 2024 through June 30, 2027 as presented in **Exhibit 'A'** which is incorporated by reference.

SECTION 3. The City Council authorizes the City Manager to execute the successor MOU and ensure that all provisions of the MOU are implemented and enacted.

SECTION 4. The approved successor MOU and its terms are fully effective July 1, 2024.

The foregoing resolution was adopted by the City Council of the City of Kerman at a regular meeting held on the 25th day of September 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

ATTEST:

_____
Josie Camacho
City Clerk

Exhibit 'A'

MEMORANDUM OF UNDERSTANDING

BETWEEN

CITY OF KERMAN

AND

KERMAN PEACE OFFICERS ASSOCIATION

EFFECTIVE JULY 1, 2024 THROUGH JUNE 30, 2027

CONSOLIDATED VERSION

PREAMBLE

This Memorandum of Understanding ("MOU") is made and entered between the City of Kerman ("City") and Kerman Peace Officers Association ("KPOA") also referenced as "Association" in this MOU. This MOU is entered pursuant to California Government Code, Section 3500 *et seq*. The City and KPOA (collectively "Parties") have met and conferred in good faith regarding employment terms and conditions of the employees in the City and have reached agreement as set forth in this Memorandum of Understanding.

RECITALS

WHEREAS, the City of Kerman historically recognized two public safety bargaining units (the Kerman Public Safety Employees Association ("KPSEA") and the Kerman Public Safety Sergeants Association ("KPSSA") and negotiated separately with each; and

WHEREAS, at times one Memorandum of Understanding ("MOU") was used to memorialize agreements with the two public safety associations and at other times one MOU was used; and

WHEREAS, effective July 1, 2017 through June 30, 2021, the City entered separate MOU's with KPSEA and KPSSA; and

WHEREAS, on October 28, 2020, the City Council adopted Resolution No. 20-90 approving and recognizing the Kerman Peace Officers Association as the employee group representing City of Kerman Police Department Employees formerly represented by the Kerman Public Safety Employees Association (KPSEA) and the Kerman public Safety Sergeants Association (KPSSA); and

WHEREAS, the Parties met and conferred on a Successor MOU with KPOA and agree to enter into an MOU effective July 1, 2021, through June 30, 2024 with the understanding that they would continue to meet to create a Consolidated MOU comprised of terms and conditions in the prior KPSEA and KPSSA MOUs ("Prior MOUs"); and

WHEREAS, the parties have agreed on a Consolidated MOU for July 1, 2021, through June 30, 2024.

WHEREAS, the Parties met and conferred on a Successor MOU and agree to enter into an MOU effective July 1, 2024, through June 30, 2027.

AGREEMENT

ARTICLE 1 – INTENT

This MOU is intended to establish the rates of compensation, hours of work, and other terms and conditions of employment for all members of KPOA and shall be effective per the dates set forth below.

ARTICLE II - DURATION AND SUCCESSOR AGREEMENT

This Agreement shall be effective as of July 1, 2024 continues through June 30, 2027. Prior to March 1, 2027, the Parties will begin Meet and Confer sessions regarding considerations of a new MOU effective July 1, 2027.

ARTICLE III - GOVERNING LAWS

A. The legal relationship between the City, and the employees shall be governed to the extent required by law by the following:

1. Chapter 10 of Division 4, Title 1 of the State of California Government Code Section 3500 *et. seq*. (Meyers-Milias-Brown Act).
2. Personnel Rules and Regulations ("Employee Handbook") of the City of Kerman.
3. The Fair Labor Standards Act, Title 29 United States Code, Chapter 8.

B. Employees in KPOA shall be governed by all existing agreements of the City of Kerman except as may be modified by or voided by this MOU including those agreements as adopted by the Kerman City Council as the condition of employment or appointment of office. If the Personnel Rules and Regulations conflict with this MOU, this MOU shall prevail.

ARTICLE IV - CITY RIGHTS

Nothing in this MOU shall be construed to restrict any legal or inherent exclusive rights of the City of Kerman with respect to matters of general legislative or managerial policies, which include, but are not limited to the following rights of the City to:

A. Determine the mission of its constituents, departments, commissions and boards.

B. Set standards of service or determine the procedures and standards of selection for employment.

C. Direct its employees and the work of its employees.

D. Terminate and discipline employees in a lawful manner at the discretion of the City Manager pursuant to the rules of the personnel system.

E. Relieve or lay-off its employees from duty for periods of time because of lack of work, inclement weather conditions, or for other reasons within the discretion and upon review of the City Council.

F. Maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted.

G. Take all necessary action to carry out its mission in emergencies and exercise complete control and discretion over its organization and the technology of performing its work.

H. Hire, promote, demote, transfer, assign, and classify employees within the established Personnel guidelines and determine the content or classifications and job titles

I. Take action as may be necessary to carry out the mission of the agency in emergencies.

J. Determine the methods, means and personnel by which operations are to be carried on.

K. Determine its budget, organization merits, and level of any activity or service provided to the public.

ARTICLE V - EMPLOYEE RIGHTS

A. Right to Join, Form, and Participate: As provided for by Government Code section 3500 et seq., employees shall have the right to form, join and participate in the activities of employee organizations of their choosing for the purpose of representation on all matters of employee relations.

B. Right to Refuse to Join: As provided for pursuant to Government Code Section 3500 *et seq*. Employees shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the City.

C. Right of Representation: Any employee shall have the right to be represented in their employment relations with the City

D. Scope of Representation: The scope of representation shall include matters relating to employment conditions including, but not limited to, wages, hours, and other terms and conditions of employment. Except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by the City or any accommodation for an individual protected under the Americans with Disabilities Act, when such accommodations are in compliance with state and federal laws.

E. Discrimination by City: The City shall not interfere with nor discriminate in any way against any employee by reason of his or her membership in employee association activities. The City agrees not to intimidate any employee, not to attempt to restrain any employee, nor in any way to limit the full and free expression of any employee's right to participate in lawful activities.

F. Discrimination by Employees: Employees shall not interfere with, intimidate or discriminate in any manner against any employee by reason of his or her choice not to belong or be a member of any Association or partake in the activities thereof.

G. Non Discrimination: The provisions of this MOU shall be applied equally to all employees without favor or discrimination because of race, color, sex, age, national origin, or political or religious opinions or affiliations.

H. Other Employees: Any form of part-time, temporary, seasonal, provisional or special circumstance employees are excluded from this MOU.

ARTICLE VI - ASSOCIATION RECOGNITION

A. Association Recognition: The City recognized the KPOA as the recognized employee organization for the Unit comprised of the following City Police Department classifications:

- Police Sergeant
- Police Corporal (by assignment of Police Chief)
- Police Officer
- Police Records Manager,
- Police Records Clerk
- Administrative Assistant
- Community Service Officer
- Animal Control Officer

B. Meet and Confer: The City and the Association mutually agree to meet and confer in good faith promptly upon the request of one another, and mutually agree to continue to meet and confer in good faith for a reasonable time in order to exchange freely information, opinions and proposals and to endeavor to reach a mutual agreement on matters within the scope of representation.

C. Association Representative and Officers: The City and the Association recognize and agree to deal with one another's accredited officers and representatives in all matters relating to grievances and the interpretation of this Memorandum of Understanding.

D. Payroll Deduction: The City shall allow payroll deductions on behalf of the KPSEA to be made in accordance with City guidelines.

VII - WORK PERIODS, OVERTIME, AND WORK SCHEDULE

A. Work Period: For sworn members of the Police Department the work period shall be defined as 84 hours of work in a fourteen day period, but subject to call at any time.

1. Pursuant to section 7(k) of the FLSA, the City has adopted a 14-day/84 hour work period for sworn personnel.
2. Non-sworn personnel shall have a work period of 40 hours during a seven-day calendar week.

B. Schedules: The City Manager or Police Chief may alter or arrange the schedule of employees hours to fit the needs of the Police Department, allowing or requiring employees to work more or less hours than theretofore enumerated.

C. Overtime:

1. Overtime Rate (FLSA) For Sworn Personnel: Commencing July 1, 2017, Sworn employees working 12 hour days shall be paid for overtime or receive compensatory time at the rate of time and one-half (1½) their regular rate of pay as defined in the Fair Labor Standards Act (FLSA). The City shall pay overtime in excess of 12 hours worked in a day or 84 hours worked in a 14 day work period.

   Commencing July 1, 2017, sworn employees working non 12 hours days shall have hours adjusted to reflect an 84 hour work period and shall be paid for overtime or receive compensatory time at the rate of time and one-half (1½) their regular rate of pay as defined in the Fair Labor Standards Act (FLSA). The hours will be adjusted at the discretion of City Management. The City shall pay overtime in excess of 12 hours worked in a day or 84 hours worked in a 14 day work period.

   All overtime shall be recorded and paid on the basis of 15 minute increments, such that for each full 15 minute period worked, the employee shall be compensated for one quarter hour of overtime.

2. Overtime For Non-sworn Personnel:

   Non-sworn employees shall be paid overtime or receive compensatory time for hours worked in excess of forty hours per week.

D. Authorization: All overtime shall be approved by the Watch Commander prior to being worked. The Police Chief shall review and approve all overtime. The City Manager may review overtime pay prior to disbursement.

E. Holiday Pay: Employees working on a recognized holiday shall be paid at the rate of time and one-half (1 ½) of their regular rate of pay.

   Sundays/Holidays: Saturday and/or Sunday shall not be considered overtime if the same falls within the regular work period of an employee. Call back overtime for which seven days' advance notice of work on Sunday or Holidays is not given shall be compensated at double time.

F. Compensatory Time: Compensatory time carried over from one fiscal year to the next shall not exceed 80 hours, but not more than 80 hours of compensatory time can be accrued at any time. Employees planning to use compensatory time shall submit requests to the Chief of Police or supervising Sergeant within five (5) working days of intended use. The request will be approved

if desired staffing levels are able to be maintained. Employees with more than 80 hours compensatory time on the books at the time of this agreement may not earn additional compensatory time. While an employee has credit for 80 hours of compensatory time on the books, no additional compensatory time may be accrued, and any overtime hours worked by the employee must be compensated at applicable overtime rates.

G. Work Period Non-Sworn Personnel: The regular work week is defined as 40 hours of work during a calendar week, but subject to call at any time. Work periods are defined as 80 hours of work in a fourteen (14) day period, except that approved vacation hours will be considered "hours worked". All overtime shall be reviewed by the Police Chief prior to any work. The City Manager may review overtime prior to disbursement. All other provisions of Article VII, e.g., paragraphs B through F, are applicable to non-sworn employees, unless modified by paragraph (G).

H. Call-out and Standby Pay: Any employee placed on court standby on his or her day(s) off shall be compensated for all standby hours at twenty five (25%) percent of their regular rate of pay beginning at the hour noted on the subpoena and terminating at the time the employee departs his or her residence for court. Officers on court standby, if issued a pager, will be required to carry such while on standby. When contacted, the officer will respond to court within the time frame specified by Department policy. The Chief of Police may develop other reasonable procedures. Upon the employee's departure for court, he or she will be entitled to compensation at the overtime (time and one-half his or her regular rate of pay) rate, at a minimum of three (3) hours, or actual time spent, whichever is greater.

Any employee who is recalled to work one (1) hour after the conclusion of or prior to his or her normal shift is entitled to compensation at one and one-half times his or her normal hourly rate, at a minimum of three hours or actual time worked, whichever is greater. This minimum applies only to call back.

VIII - EMPLOYEE BENEFITS

A. Uniform Allowance and/or Uniform Provision: Regular full-time employees of the Police Department shall receive uniform allowance, paid quarterly with separate checks, of $1,100 per year ($275 per quarter).

B. Mileage: In the event an employee shall occasionally use his or her privately owned automobile for City business during the course of their employment, and meet the minimum requirements established in the Administrative Procedures Manual Personnel System Rules, said employee shall be compensated at the rate established by City per IRS standards cents per mile; provided that no City employee shall use his or her privately owned automobile for City business during the course of their employment without prior approval of the City Manager. The employee must demonstrate proof of auto liability insurance prior to such approval.

C. Education Reimbursement Any employee desiring special training within his City vocation may be reimbursed for partial tuition expense thereof, provided that said employee shall receive the prior recommendation of the Police Chief and approval therefore from the City Manager and shall complete the training course with a minimum grade of "C" or its equivalent. Any veteran's allowance or other education benefit payable to said employee with respect thereto shall be deducted from this reimbursement. In the event any employee receiving such reimbursement resigns his/her position, all reimbursement for tuition expenses paid to said employee within the past 12 months shall be returned to the City.

D. Holidays Employees are eligible for a maximum of 88 hours of paid holiday time. When a holiday falls on a Sunday, the following Monday will be observed as the holiday. When a holiday falls on a Saturday, the preceding Friday will be observed as the holiday. Any employee whose regular assignment requires work on a recognized City holiday shall receive compensation at straight time for that individual holiday equal to the actual holiday hours per the below schedule, in addition to regular pay. In lieu of compensation time-off an employee may request pay at straight time.. Said request shall be made during the work period in which holiday falls. It is understood that based on CalPERS requirements, the City will identify and report compensation for the pay period in which the compensation was earned regardless of when paid and that it not exceed compensation earnable per California Government Code Section 20630.

Credit for working a holiday will be based on whether a person's work shift started on the holiday. Holidays are specifically defined in the City Employee Handbook.

The City provides a maximum total of 88 hours paid holiday time per calendar year. This equals to eleven regular 8-hour work days.

The current agreed upon days recognized as holidays are:

1. New Year's Day, January 1
2. Martin Luther King holiday, Third Monday in January
3. Washington's Birthday, Third Monday in February
4. Memorial Day, Fourth Monday in May
5. Independence Day, July 4
6. Labor Day, First Monday in September
7. Veterans Day, November 11
8. Thanksgiving Day, Fourth Thursday in November
9. Day After Thanksgiving Day
10. Four (4) Hours -Christmas Eve Day, December 24
11. Christmas Day, December 25

Any days declared by the State or Federal government as national/state holidays may be recognized as compensable holidays only if the total holiday time in one calendar year does not exceed 88 hours. If such cases occur, the appropriate employee recognized representative or

agent may meet and confer with City Manager to select the day(s) to exchange in order that total does not exceed 88 hours/calendar year.

E. Vacation An employee may accrue no more than the maximum vacation hours shown in the following schedule as of his or her anniversary date:

1. 1-5 years 112 hours
2. 6-15 years 150 hours
3. 16 or more years 200 hours

When maximum vacation hours have been accrued, no additional vacation hours will be earned until the vacation hours have been reduced to less than the maximum allowed. The employee will not be given retroactive credit for any period of time when vacation did not accrue

An employee may make a written request for permission to accrue hours in excess of the maximum to permit a scheduled surgery, extended vacation or leave, or other extraordinary circumstance. Such requests may be granted only if the Chief of Police and the City Manager determine that such accrual will not have a detrimental effect upon the operations of the City or the Police Department.

The above schedule is applicable only to completed years of full time regular service. Partial years, or part time service, or types of employment other than full time regular service will not be considered in calculating maximum vacation hours.

F. Vacation Earned: Subject to the accrual limits set forth in the previous paragraph, all vacation time shall be earned and credited to the employee on a monthly basis.

Employees covered by this Agreement shall earn vacation per the following:

1. Up to and including five years of service -ten (10) working days.
2. Six years through fifteen years of service -fifteen (15) working days.
3. Sixteen years of service or more -twenty (20) working days.

G. Vacation Cash Out: Employees who reach the cap for vacation are entitled to cash out excess vacation leave twice each fiscal year provided that they retain at least an 80 hour balance of leave after each cash-out.

H. Sick Leave: Upon termination, sick leave earned will be paid to the employee based up the following schedule:

1. An employee must complete five (5) years of employment prior to any sick leave cash-out eligibility.
2. An employee serving a total of 6-15 years may cash out forty (40%) percent of his or her sick leave hours at his or her current rate of pay.
3. An employee who retires or terminates after 16-20 years of service may cash out seventy five (75%) percent of his or her sick leave hours at his or her current rate of pay.
4. An employee who retires or terminates after 20 years of service may cash out ninety (90%) percent of his or her sick leave hours at his or her current rate of pay. An employee upon retirement and in lieu of cash-out of sick leave time may convert unused/unpaid sick leave to time-in service per the conditions of the Sick Leave Conversion Benefits of the City's PERS retirement plan.

I. Personal Leave: Each employee is entitled to three (3) 8-hour days of personal leave each fiscal year. This time will be taken from earned sick leave. Personal leave does not accumulate from year to year and must be scheduled in the same manner as vacation time.

J. Health Insurance: The City Council shall determine the group health and life insurance provider. All employees covered by the Agreement are eligible for coverage. The City's contribution to the selected plan is as follows:

Employees' coverage for medical, vision, dental and life ($25,000) insurance per City related plan shall be paid by City. For employees who select to cover dependents for health insurance the employee contribution shall be:

Employee shall contribute minimum of 30% of total premium of selected level of dependent coverage. City will continue the existing Long-Term Disability program for sworn employees. The costs will be shared equally by the City and each employee. The City plan applicable to miscellaneous employees, non-sworn employees in this bargaining unit will participate on the same basis as other miscellaneous employees and share the costs with City.

The capped 2017-2018 rates paid by the City on health insurance for those employee hired after July 1, 2017 are rescinded.

Each employee shall include eligible premium payments for his or her share of dependent coverage in the City's section 125 Program for tax credit purposes.

1. Cash for Termination of Health Insurance Coverage: If employee provides satisfactory evidence of health insurance coverage from another source and elects to drop all City-provided Health Insurance, City will pay employee as compensation an additional $100/month; if dental and vision are declined as well, the compensation will be a total of $150/month. As permitted by the Insurer,

employee may elect to re-enter the City's Health Insurance to obtain insurance for employee and eligible family members.

2. Life Insurance Optional Increase: If permitted by the insurance plan, employee may elect to pay additional premiums to obtain additional life insurance coverage.

K. Retirement: The City and KPOA agree with the following Cost Share contributions:

1. CalPERS Classic Member (hired prior to July 1, 2012) - retirement benefit formula is 2% @ 60 retirement benefit formula, three year average, with employee paying three percent (3%) of their salary as a contribution toward CalPERS retirement (City pays four percent (4%).

2. CalPERS Classic Member (hired after July 1, 2012) - retirement benefit formula is 2% @ 60% retirement benefit formula, three year average and employee pays seven percent (7%) contribution amount of their salary as a contribution toward CalPERS retirement.

3. CalPERS New Members (hired after January 1, 2013 –Post PEPRA) - retirement benefit formula is 2% @ 62% retirement benefit formula, three year average and employee pays current 11% employee contribution amount.

   Note: Pension formulas are determined based on provisions of the California Public Employees' Pension Reform Act of 2013 (PEPRA) and the contribution amount is subject to adjustment annually by CalPERS.

L. Take Home Vehicles: All employees who have individually assigned patrol vehicles and live within the boundaries of the Kerman Unified School District will be provided with a take home vehicle and will follow Police Department guidelines as to the care, parking and maintenance of such units.

ARTICLE IX – SALARIES

A. Salary: Salary ranges for all unit classifications will be increased 4% effective the first full pay period following City Council approval of the new MOU, but no sooner than the pay period that includes July 1, 2024; 4% effective the pay period that includes July 1, 2025; and 4% effective the pay period that includes July 1, 2026.

B. One-Time Payment: The City will provide a One-Time Payment of Five Hundred Dollars ($500) as soon as possible after the first full pay period following City Council approval of the new MOU and Five Hundred Dollars ($500) on July 1, 2025 and July 1, 2026 to KPOA members who are employed at such time.

C. Special Assignment Pay: Effective July 1, 2000, in addition to any other pay specified in this Agreement, sworn employees except sergeants assigned to any of the following special details are

entitled to an additional two percent (2) increase over his or her regular rate of pay during such time as he or she is assigned to perform said detail:

1. Detective
2. Evidence and Property
3. Crime Prevention
4. Training Officer

Any employee who is assigned to two (2) of the above details simultaneously shall receive an additional three percent (3%) increase over his or her regular rate during the time when s/he is performing work in both details.

All assignments to which this section refers are within the discretion of the Chief of Police, subject to approval of the City Manager, and no employee has, or may claim, any property right to any of the foregoing assignments.

Bargaining Unit employees who qualify for, and participate in, the City of Kerman bilingual program shall be entitled to a two and one-half (2 1/2%) percent increase over their regular rate of pay, pursuant to the provisions of said program.

E. Educational Incentive: Commencing July 1, 2018, employees shall receive $50.00 per month for having an A.A./A.S. degree, an additional $75.00 per month for having a B.A./B.S. degree, and an additional $25.00 per month for a Master's degree if the degrees benefit the Police Department. Educational majors that are automatically considered as benefitting the Police Department are: Criminology, Computer, Business, English, Psychology, Sociology, Kinesiology, and Liberal Arts. The Liberal Arts major will only be recognized with an A.A. All other majors will be considered on a case by case basis by Human Resources.

F. Longevity Pay: Employees who have been employed on a full time basis with the City for a continuous period of ten years shall receive a 2.5% salary increase which shall be effective on the pay period following the employee's qualifying anniversary date. Employees who have been employed on a full-time basis with the City for a continuous period of 15 years shall receive a second 2.5% salary increase which shall be effective on the pay period following the employee's qualifying anniversary date. Employees who have been employed on a full-time basis with the City for a continuous period of 20 years shall receive a third 2.5% salary increase which shall be effective on the pay period following the employee's qualifying anniversary date.

G. POST Certification Pay: Public safety employees shall receive additional compensation for attaining POST certificates as follows:

a. 2.5% for Intermediate POST Certificate
b. 2.5% pay for Advanced POST Certificate
c. The maximum additional compensation for POST certificate is 5%

H. Additional Pay for 1800-0600: Effective July 1, 2024, employees scheduled the shift of 1800-0600 shall receive an additional one dollar ($1) differential in salary. This additional pay also applies to employees scheduled to work an overtime shift of 1800-0600.

ARTICLE XII - GENERAL PROVISIONS

A. Nothing in this MOU shall abrogate any portion of any existing Agreement hiring or appointing or establishing conditions of employment for the employees of the City of Kerman. However, when in conflict this Agreement supersedes the City of Kerman Personnel Rules and Regulations.

B. Nothing in this MOU shall be construed to deny any person or employee the rights granted by Federal and State law and/or City ordinances. The provisions of this Agreement shall be subject to all current and future applicable Federal and State laws and existing City ordinances, rules and regulations.

C. The rights, powers and authority of the City Council in all matters, including the right to maintain any legal action, shall not be modified or restricted by this MOU.

D. The enactment of this MOU shall not be construed as making the provision of Section 923 of the California Labor Code applicable to employees of the City.

E. The provisions of this MOU are not intended to conflict with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Section 3500 *et seq*.) as amended.

ARTICLE XIII - SEVERABILITY

If any provision of this MOU, or the application of such provisions to any person or circumstance, shall be held invalid, the remainder of this MOU or the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

ARTICLE XIV - PRIOR ACTIONS SUPERSEDED

This agreement is intended as a Memorandum of Understanding setting forth the full and entire agreement of the City and its employees regarding the matters covered hereby. All other prior enactments and agreements relating to the subject matter hereof are superseded and terminated in their entirety.

/////

ARTICLE XV – REOPENER

During the negotiations for this MOU, KPOA requested that "Employees using compensatory time off during a pay period may count that time as "hours worked" for purposes of computing overtime entitlement during that pay period." The parties were unable to reach agreement. However, the parties agree to reopen negotiations on this item only within ninety (90) days from the City Council's approval of this MOU.

ARTICLE XVI – MODIFICATION

This Memorandum of Understanding shall be effective as of July 1, 2024, and shall remain in full force and effect through June 30, 2027. During the life of this Memorandum of Understanding, should either party desire to modify its terms or to meet and confer as to matters within the scope of representation, not addressed in this Memorandum of Understanding, such party shall request in writing to meet and confer on the item, which shall be specified in writing. Meeting and conferring shall not be required on any matter preempted or specifically provided for by state or federal law, including, without limitation, the Americans with Disabilities Act. No changes in this Agreement shall be made without the mutual consent of both the Association and the City of Kerman, and any such changes shall be in writing and signed by both parties.

IN WITNESS WHEREOF, KPOA and the City of Kerman have executed this MOU as set forth below.

KERMAN PEACE OFFICERS ASSOCIATION	**CITY OF KERMAN**
_____	_____
Brenden Barra, President	John Jansons, City Manager
Date: _____, 2024	Date: _____, 2024

STAFF REPORT

MEETING DATE: September 25, 2024

PRESENTER: John Jansons, City Manager and Hilda Cantu Montoy, City Attorney

SUBJECT: Second Reading and Adoption of Ordinance to Increase City Council and Mayor's Compensation within allowable limits set forth by Government Code Section 36516 (JAJ & HCM)

RECOMMENDATION: That Council conduct the second reading and adopt ordinance amending Section 2.40.010 of Title 2, Chapter 2.40 of the Kerman Municipal Code to increase the City Council and Mayor's compensation within allowable limits set forth by Government Code Section 36516.

EXECUTIVE SUMMARY:

On September 11, 2024, the Council considered an ordinance to modify the compensation for the Council and Mayor in conformance with state law. After a staff presentation, request for public comments, and deliberations, the Council waived the full reading and introduced the ordinance. At this meeting, the Council is asked to conduct the second reading and adopt the ordinance.

BACKGROUND and DISCUSSION:

At its meeting of August 28, 2024, the Council directed staff to prepare an ordinance increasing City Council compensation. The discussion and ability of Council to make such changes is governed by Senate Bill 329, which became effective on January 1, 2024. SB 329 amended Section 36516 of the Government Code to now allow for Council compensation for a city with a population under 35,000, such as Kerman, to be set in an amount up to $950 per month.

On September 11, 2024, City Council waived the full reading and introduced the ordinance by Title only. Under the ordinance, the base compensation is set at $250 for Council Members and $350 for the Mayor for each regular meeting. This meets the direction of August 28th to set the compensation at $500 per month for Council Members and $700 per month for the Mayor. Consistent with the current ordinance an additional amount of $100 is set should there be a third meeting in any month. The cap per month is $600 for Council Members and $800 for the Mayor.

The proposed ordinance compensation amounts are within allowable limits set forth by Government Code Section 36516.

FISCAL IMPACT:

The proposed increase would raise Council compensation to approximate $36,362 annually and an increase of up to additional $6000 per year if a third meeting is needed each month which is unlikely. The City General Fund is adequate to absorb the increase in proposed Council Member compensation and will be adjusted for at the Mid-Year Budget review and annually thereafter.

ATTACHMENTS:

A. Ordinance

Attachment 'A'

ORDINANCE NO. 24-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KERMAN, CALIFORNIA AMENDING SECTION 2.40.010 OF TITLE 2, CHAPTER 2.40 OF THE KERMAN MUNICIPAL CODE REGARDING CITY COUNCIL COMPENSATION

WHEREAS, Sections 36516 and 36516. 5 of the California Government Code authorizes the setting of salary for the Council Members and the Mayor based on population; and

WHEREAS, pursuant to Kerman Municipal Code §2.40.101, the monthly salary for Members of the Council was previously adjusted in 2008; and

WHEREAS, in 2023, the State Legislature passed and the Governor signed into law Senate Bill 329; and

WHEREAS, Senate Bill 329 was adopted to "reset" City Council salaries to reflect the important work done by city council members, to take into account the impacts of inflation and economic realities on those who serve as city council members, and to encourage more persons to consider service as council members by making the compensation more reflective of the time and work being performed; and

WHEREAS, the City has grown from a population of approximately 12,000 in 2008 and now has a population of over 17,000; and

WHEREAS, there has been a significant increase in the work of City staff and the City Council since Council compensation was last adjusted; and

WHEREAS, the City Council reviewed and discussed the purpose and impacts of Senate Bill 329 on the future governance of the City of Kerman at its meeting of August 28, 2024; and

WHEREAS, the ceiling salary for cities with a population of 35,000 or less is $950.00, and

WHEREAS, the Council has determined to adjust salary within the allowable amounts set forth in SB 329.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KERMAN DOES ORDAIN AS FOLLOWS:

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

SECTION 2. This Ordinance is adopted in conformance with the authority granted under Government Code Section 36516 and 36516. 5.

SECTION 3. Section 2.40.101 of the Kerman Municipal Code is amended to read as follows:

2.40.101

Commencing with and effective upon any person beginning a new term as Mayor or as a City Council Member after the general election in November, 2024, the salary of each City Council Member shall be two hundred fifty dollars per meeting and the salary of the Mayor shall be three hundred fifty dollars per meeting.

No compensation will be awarded for a meeting to the Mayor or any Council Member who fails to attend that meeting, regardless of the reason, and the compensation paid shall not exceed six hundred dollars per month for Council Members and eight hundred dollars per month for the Mayor in the aggregate in the event of a Special Meeting(s) in a given month.

In the year prior to a general election for the election of members of the City Council, the City Manager shall ask the City Council to consider whether the compensation of the Council, and Planning Commissioners should be changed, with any such change to become effective upon the commencement of new terms of any of said officers.

SECTION 4. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 5. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Kerman, pursuant to all legal requirements.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Kerman on September 11, 2024, and was passed and adopted at a regular meeting of the City Council of the City of Kerman on September 25, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing ordinance is hereby approved.

_____
Maria Pacheco
Mayor

ATTEST:

_____
Josie Camacho
City Clerk

STAFF REPORT

MEETING DATE: September 25, 2024

PRESENTER: Jesus Gonzalez, City Engineer

SUBJECT: Consider Rejecting All Bids Received for the Hart Ranch Community Park Project and Authorizing Advertisement of Revised Bid Documents (JG)

RECOMMENDATION: Council by motion adopt resolution rejecting all bids for the Hart Ranch Community Park Project and authorizing staff to advertise revised bid documents.

EXECUTIVE SUMMARY:

The City recently opened bids for the Hart Ranch Community Park Project. The lowest bid received came in under the Engineer's Estimate. The City received a protest by the third lowest bidder against the two lowest bidders and by the second lowest bidder against the first. The basis of the protests pertained to the bidders' responsiveness due to perceived omissions in the submitted bid documents and responsibility based on perceived lack of licensure and work experience outlined as requirements in the Project's specifications. The review by staff and the City Engineer determined there was a lack of clarity in the bid documents as to licensure, qualifications, and the "allowance" aspect of the lake portion of the Project. Review also reflected that many of the requirements may limit competition. Based on the foregoing staff is recommending the rejection of the bids and a re-bid of the project.

DISCUSSION

The project was advertised in the Business Journal on June 28, 2024, the Kerman News on July 3, 2024, and the Mid-Valley Times on July 4, 2024. Additionally, the Project was posted on the City of Kerman website and listed on Builders Exchanges. Four bids were received and publicly opened on August 7, 2024 at 2:00 P.M. at Kerman City Hall. The results are as follows:

Hart Ranch Community Park	Base Bid
Avison Construction, Inc.	$11,859,665.00
American Paving Co.	$12,412,283.10
Kya Services, LLC	$13,771,165.00
Caliber Contracting Services	$16,963,829.00

The Project Engineer's Estimate was $12,255,000 and bids came in between $11,859,665.00 million and $16,963,829.00.

On August 9, 2024, following the opening of bids, the City received a bid protest from the third low-bidder, KYA Services, LLC (KYA). The basis of KYA's protest is that neither American Paving Co. (APC) nor Avison Construction, Inc. (Avison) had submitted the requisite documentation regarding experience relating to the lake. Later that same day, the City also received a bid protest from the second low bidder, APC. The basis of APC's Protest is that Avison did not possess a Qualified Applicator License (QAL) Category F, as required by the Bid Specifications, nor did it list a subcontractor possessing such license. On August 13, 2024, the City received a supplemental protest from APC contending Avison's bid was nonresponsive for failure to have the principal's signature notarized on the bid bond.

Review of Bids

The review of the specifications reflected a lack of clarity as to the qualifications for the water feature. This lack of clarity included: (i) lack of clarity as to what the lake "allowance" meant; (ii) stating that the QAL license was to be possessed "during the course of construction and commissioning" which implied it was not required when the bid was submitted, (iii) the term "eight (8) years prior experience constructing lakes of similar size and complexity" was not clear, and (iv) the required listing of comparable projects was unclear. There were other requirements in the specifications such as "Contractor Maintenance License" that were overbroad. Based on this, it was difficult not only to ascertain responsiveness, but also responsibility. The manner in which the specifications were written may have also limited competition. Additionally, the language stating the lake was an "allowance" did not conform to the qualifications for the lake.

For these reasons staff, in consultation with the City Engineer and City Attorney, determined to recommend the rejection of all bids and did not complete its determination on the bid protests.

Rebidding the Project

Under California Public Contracts Code Section 20166, a public entity retains the discretion to reject all bids received on a given project. Based on the foregoing and potential continued issues with determining the lowest responsive and responsible bidder due to unclear bid specifications, staff believes that rebidding the project is in the best interest of the City. Moving forward staff and the City Engineer will review the specifications to revise and clarify language regarding the lake, requisite licensing, qualifications, experience, and other requirements. Once the language creating ambiguity is clarified, staff will advertise for bids which is likely within 30 days.

ATTACHMENTS:

A. Resolution

Attachment 'A'

RESOLUTION NO. 24-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN REJECTING BIDS FOR THE HART RANCH COMMUNITY PARK PROJECT AND AUTHORIZING THE RE-ADVERTISEMENT FOR BIDS

WHEREAS, the Invitation to Bid for the Hart Ranch Community Park Project, in the City of Kerman was published in the Business Journal on June 28, 2024, the Kerman News on July 3, 2024, the Mid-Valley Times on July 4, 2024 and was sent to Builders Exchanges; and

WHEREAS, bids for the project were publicly opened and read aloud at Kerman City Hall on August 7, 2024 at 2:00 p.m.; and

WHEREAS, after a review of the bids received and a review of the bid specifications, staff has recommended that all bids be rejected and that the Project be re-advertised; and

WHEREAS, pursuant to California Public Contracts Code Section 20166, a public entity retains the discretion to reject all bids on a given project.

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

Section 1. The foregoing recitals are deemed true and correct.

Section 2. All bids received by the City of Kerman on August 7, 2024 for the Hart Ranch Community Park Project are hereby rejected.

Section 3. Staff is authorized to revise the bids specifications and to re-advertise the project.

Section 4. 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 25th day of September 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

The foregoing resolution is hereby approved.

_____
Maria Pacheco
Mayor

ATTEST:

_____
Josie Camacho
City Clerk