

DRAFT ENVIRONMENTAL
IMPACT REPORT
(STATE CLEARINGHOUSE
#2024031008)

Del Norte Estates

September 2024

PREPARED FOR:

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Draft Environmental Impact Report
Del Norte Estates

State Clearinghouse #2024031008

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Executive Summary

EXECUTIVE SUMMARY

Introduction

This Draft Environmental Impact Report (Draft EIR or EIR) has been prepared consistent with the California Environmental Quality Act (CEQA) for the proposed Del Norte Estates Project. Its intent is to inform the public, regulatory agencies and the City of Kerman (City) decision makers of the potential environmental impacts the proposed Project would have on environmental factors as specified in the CEQA Guidelines. This Draft EIR, in its entirety, addresses and discloses potential environmental effects associated with construction and operation of the proposed Project, including direct, indirect, and cumulative impacts to the environmental resources identified in the CEQA Guidelines environmental checklist. The City of Kerman is the “Lead Agency” pursuant to CEQA and is responsible for the preparation and distribution of the Draft EIR.

CEQA Process

The City circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on March 27, 2024 for a 30-day public review period to trustee and responsible agencies, the State Clearinghouse, and the public. A scoping meeting (conducted virtually via a “Zoom” meeting) was held on April 3, 2024.

The next step in the process is circulation of this Draft EIR which will be distributed to the public for review and comment for at least 45 days. This EIR is organized as follows:

Executive Summary: Summarizes the analysis contained in the EIR.

Chapter 1 – Introduction: Provides a brief introduction to CEQA and the scope/contents of the DEIR.

Chapter 2 – Project Description: Describes the Project in detail. Includes Project location, objectives, environmental setting and regulatory context.

Chapter 3 – Environmental Analysis: Contains the CEQA checklist. Each topic discusses environmental/regulatory setting, Project impact analysis, mitigation measures and conclusions.

Chapter 4 – Alternatives: Describes and evaluates alternatives to the Project. The proposed Project is compared to each alternatives and potential environmental impacts are analyzed.

Chapter 5 – Other CEQA Sections: Describes other required sections such as environmental effects that cannot be avoided, social effects, growth inducement, etc.

Appendices: Following the text of the Draft EIR, several appendices and technical studies have been included as reference material.

Project Location

The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south (See Figure 2-1). The site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres (See Figure 2-2). The parcels are outside the City of Kerman limits, but within the City's Sphere of Influence. The Project site and the adjacent 23-acre parcel to the east are proposed to be annexed into the City of Kerman (See Figure 2-3).

Project Description Summary

The Project involved the entitlement and development of the subject property for the construction of up to 200 single family residential units (5,000 square- foot minimum), on approximately 38 acres of the subject site; a proposed R-3 zoned multiple family development that will yield up to 25 units per acre (for a total of up to 100 units on four acres) on approximately 4.0 acres of the subject site; and a proximate 6.0 acre parcel that will remain general commercial that may house a mid-major tenant of 15,000 square feet with additional pads which may be drive through facilities (See Figure 2-4).

The Project will require annexation into the City of Kerman. The annexation includes the proposed 48-acre mixed use development (Project Site) and the adjacent parcel to the east (23 acres). Development is not being proposed on the additional 23 acres included in the annexation. However, to allow for annexation, the land will be pre-zoned consistent with the planned land use of the City of Kerman General Plan. The total land area associated with the annexation is

approximately 71 acres, all of which are currently within the Sphere of Influence of the City of Kerman. These additional lands are being included in the annexation in order to prevent the creation of an “island” or “peninsula” as shown in Figure 2-3. Upon annexation, any future development projects associated with the additional 23 acres will require a separate site-specific environmental evaluation by the City of Kerman. For purposes of clarity, the term “Project Site” in this EIR analysis refers to the proposed development on approximately 48 acres. The additional annexation area is part of the proposed Project, however, for purposes of project-specific analysis, this EIR evaluates the 48 acre Project site.

Refer to Chapter Two – Project Description for the full description of the Project.

Project Objectives

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

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

Summary of Environmental Impacts

As described in Chapter 3, it was determined that all impacts were either less than significant, or could be mitigated to a less than significant level with the exception of the following:

- Agriculture - Loss of Farmland (project and cumulative level)
- Hydrology – Water Supply (cumulative level only)

Even with the mitigation measures described in Chapter 3, Environmental Setting, Impacts, and Mitigation Measures, of this Draft EIR, impacts in these issue areas would be significant and

unavoidable. Mitigation measures are listed in Table ES-1, Mitigation Monitoring and Reporting Program.

Summary of Project Alternatives

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

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

See Chapter 4 – Alternatives for a full description of potential environmental impacts associated with each alternative.

Mitigation Monitoring and Reporting Program

State law requires that a public agency adopt a monitoring program for mitigation measures that have been incorporated into the approved Project to reduce or avoid significant effects on the environment. The purpose of the monitoring program is to ensure compliance with environmental mitigation during Project implementation and operation. Since there are potentially significant impacts requiring mitigation associated with the Project, a Mitigation Monitoring Program will be included in the Project's Final EIR and is included herein on the following pages.

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

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
<p>area will encompass the site and accessible surrounding lands within ½ mile for nesting Swainson’s hawks, 500 feet for other nesting raptors (i.e., birds of prey), and 250 feet for nesting migratory birds.</p> <p><i>(Avoidance of Active Nests)</i>. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.</p>				
Cultural Resources				
<p>CUL – 1: In the event that historical or archaeological cultural resources are discovered during project construction-related activities, operations shall stop within 100 feet of the find, and a qualified archeologist shall determine whether the resource requires further study. The qualified archaeologist shall determine the measures that shall be implemented to protect the discovered resources including, but not limited to, excavation of the finds and evaluation of the finds in accordance with § 15064.5 of the CEQA Guidelines. Measures may include, but are not limited to, avoidance, preservation in-place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related activities within the project area shall be recorded on</p>	Project Applicant	Prior to issuance of grading or building permits / ongoing	City of Kerman	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
<p>appropriate Department of Parks and Recreation forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified archaeologist.</p> <p>The Lead Agency, along with other relevant or tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the Lead Agency.</p>				
<p>CUL – 2: In order to ensure that the proposed Project does not impact buried human remains during Project construction, the Project proponent shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, the Project proponent shall provide the City with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall be halted until the Fresno County coroner is contacted and the coroner has made the determinations and notifications required pursuant to Health and Safety Code Section 7050.5. If the coroner determines that Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by</p>	Project Applicant	During construction	City of Kerman	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
<p>Health and Safety Code Section 7050.5(c). In that event, the NAHC will conduct the notifications required by Public Resources Code Section 5097.98. Until the consultations described below have been completed, the landowner shall further ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices where Native American human remains are located, is not disturbed by further development activity until the landowner has discussed and conferred with the Most Likely Descendants on all reasonable options regarding the descendants' preferences and treatments, as prescribed by Public Resources Code Section 5097.98(b). The NAHC will mediate any disputes regarding treatment of remains in accordance with Public Resources Code Section 5097.94(k). The landowner shall be entitled to exercise rights established by Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable.</p>				
Geology and Soils				
<p>GEO – 1 In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate best management</p>	Project Applicant	Prior to issuance of grading or building permits	City of Kerman	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
<p>practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley RWQCB. If earth disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion related impacts. Additional erosion control measures may be implemented in consultation with the City of Kerman. Prior to the issuance of any permit, the Project proponent shall submit detailed plans to the satisfaction of the City of Kerman. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by the City of Kerman. Erosion control measures may include, but not be limited to, the following:</p> <ul style="list-style-type: none"> i. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction; ii. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads; iii. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds; iv. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and 				

Mitigation Measure		Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
v. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures.					
Hazards and Hazardous Materials					
HAZ-1	Prior to the issuance of grading or building permits, the Project proponent shall conduct a subsurface investigation of the Project site to evaluate the potential for residual concentrations above established thresholds of agricultural chemicals on the site. If remedial action is required, the Project will be responsible for cleanup and any remedial actions in accordance with current rules, regulations and guidelines. Evidence of compliance shall be submitted to the City of Kerman Community Development Department.	Project Applicant	Prior to issuance of grading or building permits	City of Kerman	
HAZ – 2	Prior to the issuance of grading or building permits, the Project proponent or contractor shall properly dispose of the following: existing gasoline and diesel aboveground storage tanks; existing water well; and existing septic system on site in accordance with current rules, regulations and guidelines.	Project Applicant	During construction	City of Kerman	

Mitigation Measure		Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
Evidence of compliance shall be submitted to the City of Kerman Community Development Department.					
Noise					
NOI - 1:	Noise levels from new commercial stationary noise sources may be effectively mitigated by incorporating appropriate noise mitigation measures into the project design that consider the geographical relationship between the noise sources of concern and potential receptors, the noise-producing characteristics of the sources and the path of transmission between noise sources and sensitive receptors. When specific uses within the study area are proposed that could result in a noise-related conflict between a commercial or other stationary noise source and existing or proposed noise-sensitive receptor, an acoustical analysis shall be required by the City that quantifies project-related noise levels and recommends appropriate mitigation measures to achieve compliance with the City's noise standards.	Project Applicant	Prior to issuance of grading or building permits	City of Kerman	
NOI - 2:	Noise levels from transportation noise sources may be effectively mitigated by incorporating noise mitigation measures into the project design that consider the geographical relationship between the noise sources of concern and potential receptors, the noise-producing characteristics of the sources and the path of transmission between noise sources and sensitive receptors. The	Project Applicant	Prior to issuance of grading or building permits	City of Kerman	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
<p>calculations indicated that a sound wall along W. Whitesbridge Avenue (at the residential lots adjacent to the roadway) shall be constructed to a minimum height of seven-and-a-half (7.5) feet above project site grade, which would result in exterior noise levels of approximately 59 dB Ldn within the closest proposed backyards to W. Whitesbridge Avenue. It should be noted that the sound wall would be effective at first-floor receiver locations only. Second story residential buildings are prohibited for properties abutting Whitesbridge Avenue unless a sound study is provided to the City of Kerman demonstrating that the proposed design will not result in noise impacts exceeding 60 dB Ldn at any second-floor balconies facing the roadway. Evidence of compliance shall be submitted to the City of Kerman Community Development Department.</p>				
<p>NOI - 3: The project shall implement the following measures pertaining to construction noise:</p> <ul style="list-style-type: none"> ▪ Per the City of Kerman Code of Ordinances, construction activities shall not occur outside the hours of 7:00 a.m. to 10:00 p.m. unless otherwise authorized by the Code of Ordinances. ▪ All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source. ▪ Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor. 	Project Applicant	During construction	City of Kerman and contractor	

Mitigation Measure	Party responsible for Implementing Mitigation	Timing	Party responsible for Monitoring	Verification (name/ date)
<ul style="list-style-type: none"> ▪ All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses. ▪ Locate construction staging areas, to the extent possible, at the greatest possible distances from any noise-sensitive land uses. ▪ Signs shall be posted at the construction site and near adjacent sensitive receptors displaying hours of construction activities and providing a contact phone number of a designated noise disturbance coordinator. 				

Chapter 1

INTRODUCTION

1.0 INTRODUCTION

This Environmental Impact Report (EIR or Draft EIR) has been prepared on behalf of the City of Kerman (City) in accordance with the California Environmental Quality Act (CEQA). This chapter outlines the purpose of and overall approach to the preparation of the EIR for the proposed Project. The Project Applicant is proposing entitlement and development of 48 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs. The proposed Project is proposing a General Plan Amendment, Rezone, cancellation or termination of a Williamson Act Contract, and Tentative Subdivision Map to accommodate the Project. The Project site and the adjacent parcel to the east are proposed to be annexed into the City of Kerman. The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The subject site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south and will require annexation to the City of Kerman. Refer to Chapter Two – Project Description for the full description of the Project.

For purposes of clarity, the term “Project Site” in this EIR analysis refers to the proposed development on approximately 48 acres. The additional 23-acre annexation area is part of the proposed Project, however, for purposes of project-specific analysis, this EIR evaluates the 48 acre Project site. Upon annexation, any future development projects associated with the additional 23 acres will require a separate site-specific environmental evaluation by the City of Kerman.

An EIR responds to the requirements of CEQA as set forth in Sections 15126, 15175, and 15176 of the CEQA Guidelines. The Planning Commission and City Council will use the EIR during the public review process in order to understand the potential environmental implications associated with implementing the Project.

1.1 Purpose of EIR

The City of Kerman, as Lead Agency, determined that the proposed activities constitute a “project” within the definition of CEQA. The preparation of an EIR is required by CEQA prior to approving any project that may have a significant impact on the environment. For the purposes of CEQA, the term “project” refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]).

This Draft EIR has been prepared according to CEQA requirements to evaluate the potential environmental impacts associated with the implementation of the proposed Project. The Draft EIR also discusses alternatives to the Project, and proposes mitigation measures that will offset, minimize, or otherwise avoid significant environmental impacts. This Draft EIR has been prepared in accordance with CEQA, California Resources Code Section 21000 et seq.; the Guidelines for the California Environmental Quality Act (California Code of Regulations, Title 14, Chapter 3); and the rules, regulations, and procedures for implementing CEQA as adopted by the City of Kerman.

An EIR must disclose the expected direct and indirect environmental impacts associated with a project, including impacts that cannot be avoided, growth-inducing effects, impacts found not to be significant, and significant cumulative impacts, as well as identify mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts. CEQA requires government agencies to consider and, where feasible, minimize environmental impacts of proposed development.

1.2 Type of EIR

The State CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Project-level EIR pursuant to CEQA Guidelines Section 15161. A Project-level EIR is described in State CEQA Guidelines § 15161 as: “The most common type of EIR (which) examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation. The project-level analysis considers the broad environmental effects of a proposed project.

1.3 Intended Uses of the EIR

The City of Kerman, as the Lead Agency, has prepared this EIR to provide the public and responsible and trustee agencies with an objective analysis of the potential environmental impacts resulting from implementation of the proposed Project. The environmental review process enables interested parties to evaluate the proposed project in terms of its environmental consequences, to examine and recommend methods to eliminate or reduce potential adverse impacts, and to consider a reasonable range of alternatives to the project. While CEQA requires

that consideration be given to avoiding adverse environmental effects, the lead agency must balance adverse environmental effects against other public objectives, including the economic and social benefits of a project, in determining whether a project should be approved.

This EIR will be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the Project. This EIR may also be used by other agencies within the area, including the Air District, which may use this EIR during the permitting process.

1.4 Known Responsible and Trustee Agencies

The term “Responsible Agency” includes all public agencies other than the Lead Agency that have discretionary approval power over the project or an aspect of the project (CEQA Guidelines Section 15381). For the purpose of CEQA, a “Trustee” agency has jurisdiction by law over natural resources that are held in trust for the people of the State of California (CEQA Guidelines Section 15386). The Project may require permits and approvals from Trustee and Responsible Agencies, which may include, but not be limited, to the following:

- Fresno County LAFCO (annexation)
- San Joaquin Valley Air Pollution Control District – approval of construction and/or operational air quality permits
- Regional Water Quality Control Board (Storm Water Pollution Control Plan)
- California Department of Transportation (Caltrans)

1.5 Environmental Review Process

The review and certification process for the EIR has involved, or will involve, the following general procedural steps:

Notice of Preparation

The City of Kerman circulated a Notice of Preparation (NOP) of an EIR for the proposed project from March 22, 2024 through April 22, 2024 to trustee and responsible agencies, the State Clearinghouse, and the public.

Draft EIR

This document constitutes the Draft EIR. The Draft EIR contains a description of the project, description of the environmental setting, identification of the project's direct and indirect impacts on the environment, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. This Draft EIR identifies issues determined to have no impact or a less than significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in this EIR. Upon completion of the Draft EIR, the City of Kerman will file the Notice of Completion (NOC) with the State Clearinghouse of the Governor's Office of Planning and Research to begin the public review period.

Public Notice/Public Review

Concurrent with the NOC, the City of Kerman will provide a public notice of availability for the Draft EIR, and invite comment from the general public, agencies, organizations, and other interested parties. Consistent with CEQA requirements, the review period for this Draft EIR is forty-five (45) days. Public comment on the Draft EIR will be accepted in written form. All comments or questions regarding the Draft EIR should be addressed to:

Community Development Director
City of Kerman
850 S. Madera Ave.
Kerman, CA 93630
(559) 846-6199

Responses to Comments/Final EIR

Following the public review period, a Final EIR will be prepared. The Final EIR will respond to written comments received during the public review period and to oral comments during such review period. Prior to taking action to approve the project, the City of Kerman will review and consider the Final EIR. If the City finds that the Final EIR is "adequate and complete," the City Council may certify the Final EIR in accordance with CEQA. As set forth by CEQA Guidelines Section 15151, the standards of adequacy require an EIR to provide a sufficient degree of analysis

to allow decisions to be made regarding the proposed project that intelligently take account of environmental consequences.

Upon review and consideration of the Final EIR, the City Council may take action to approve, revise, or reject the project. A decision to approve the proposed project, for which this EIR identifies significant environmental effects, must be accompanied by written findings in accordance with State CEQA Guidelines Sections 15091 and 15093. A Mitigation Monitoring and Reporting Program (MMRP) would also be adopted in accordance with Public Resources Code Section 21081.6(a) and CEQA Guidelines Section 15097 for mitigation measures that have been incorporated into or imposed upon the project to reduce or avoid significant effects on the environment. The Mitigation Monitoring and Reporting Program will be designed to ensure that these measures are carried out during project implementation, in a manner that is consistent with the EIR.

1.6 Organization and Scope

Sections 15122 through 15132 of the State CEQA Guidelines identify the content requirements for Draft and Final EIRs. An EIR must include a description of the environmental setting, an environmental impact analysis, mitigation measures, alternatives, significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. Discussion of the environmental issues addressed in the Draft EIR was established through review of environmental and planning documentation developed for the project, environmental and planning documentation prepared for recent projects located within the City of Kerman, and responses to the NOP. This Draft EIR is organized in the following manner:

Executive Summary

The Executive Summary summarizes the characteristics of the proposed project, known areas of controversy and issues to be resolved, and provides a concise summary matrix of the project's environmental impacts and possible mitigation measures. This chapter identifies alternatives that reduce or avoid at least one significant environmental effect of the proposed project.

Chapter 1.0 – Introduction

Chapter 1.0 briefly describes the proposed project, the purpose of the environmental evaluation, identifies the lead, trustee, and responsible agencies, summarizes the process associated with preparation and certification of an EIR, identifies the scope and organization of the Draft EIR, and summarizes comments received on the NOP.

Chapter 2.0 – Project Description

Chapter 2.0 provides a detailed description of the proposed project, including the location, intended objectives, background information, the physical and technical characteristics, including the decisions subject to CEQA, subsequent projects and activities, and a list of related agency action requirements.

Chapter 3.0 – Environmental Setting, Impacts and Mitigation Measures

Chapter 3.0 contains an analysis of environmental topic areas as identified below. Each subchapter addressing a topical area is organized as follows:

Environmental Setting. A description of the existing environment as it pertains to the topical area.

Regulatory Setting. A description of the regulatory environment that may be applicable to the project.

Impacts and Mitigation Measures. Identification of the thresholds of significance by which impacts are determined, a description of project-related impacts associated with the environmental topic, identification of appropriate mitigation measures, and a conclusion as to the significance of each impact.

The following environmental topics are addressed in this Draft EIR:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils

- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Services
- Wildfire
- Mandatory Findings of Significance

Chapter 4.0 – Project Alternatives

Chapter 4.0 provides a comparative analysis between the merits of the proposed project and the selected alternatives. State CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project, which could feasibly attain the basic objectives of the project and avoid and/or lessen any significant environmental effects of the project.

Chapter 5.0 – Other CEQA-Required Topics

Chapter 5.0 evaluates and describes the following CEQA required topics: growth-inducing effects, significant and irreversible effects, significant and unavoidable impacts, substantial adverse effects on protected fish, wildlife, and plant species, substantial adverse effects on human beings, and effects not found to be significant.

Chapter 6.0 – Report Preparers

Chapter 6.0 lists all authors and agencies that assisted in the preparation of the Draft EIR, by name, title, and company or agency affiliation.

Appendices

This section includes the NOP and responses to the NOP in addition to biological, cultural, air quality/GHG, noise and traffic technical studies.

Incorporation by Reference

In compliance with CEQA Guidelines Section 15150, this Draft EIR has incorporated by reference the *Kerman General Plan - Environmental Impact Report*, certified in 2020 (State Clearinghouse #2019049018). Individual citations are included within this Draft EIR. That document is available for review at the City of Kerman, 850 S. Madera Ave., Kerman, CA 93630.

Chapter 2

PROJECT DESCRIPTION

Project Description

2.1 Project Location and Surrounding Land Use

The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south (See Figure 2-1). The site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres (See Figure 2-2). The parcels are outside the City of Kerman limits, but within the City's Sphere of Influence. The Project site and the adjacent 23-acre parcel to the east are proposed to be annexed into the City of Kerman (See Figure 2-3). The Project site is located in an area with a mix of urban and rural residential, and agricultural areas. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east. The Project site itself consists of an almond orchard, a disked field, and a small residential area and has been used for agricultural purposes since at least 1998. The additional annexation area to the east of the Project site consists of orchard land.

2.2 Project Description

The Project involved the entitlement and development of the subject property for the construction of up to 200 single family residential units (5,000 square-foot minimum), on approximately 38 acres of the subject site; a proposed R-3 zoned multiple family development that will yield up to 25 units per acre (for a total of up to 100 units on four acres) on approximately 4.0 acres of the subject site; and a proximate 6.0 acre parcel that will remain general commercial that may house a mid-major tenant of 15,000 square feet with additional pads which may be drive through facilities (See Figure 2-4).

The Project will require annexation into the City of Kerman. The annexation includes the proposed 48-acre mixed use development (Project Site) and the adjacent parcel to the east (23 acres). Development is not being proposed on the additional 23 acres included in the annexation. However, to allow for annexation, the land will be pre-zoned consistent with the planned land use of the City of Kerman General Plan. The total land area associated with the annexation is

approximately 71 acres, all of which are currently within the Sphere of Influence of the City of Kerman. These additional lands are being included in the annexation in order to prevent the creation of an “island” or “peninsula” as shown in Figure 2-3. Upon annexation, any future development projects associated with the additional 23 acres will require a separate site-specific environmental evaluation by the City of Kerman. For purposes of clarity, the term “Project Site” in this EIR analysis refers to the proposed development on approximately 48 acres. The additional annexation area is part of the proposed Project, however, for purposes of project-specific analysis, this EIR evaluates the 48 acre Project site.

The following applications are being proposed:

- **General Plan Amendment:** This would require an amendment of the Land Use Map of the 2040 Kerman General Plan to change the land use designation of the subject property from 15.0 acres of “General Commercial” planned land use to 6.0 acres of General Commercial planned land use and 4.0 acres of High Density Residential planned land use. The amount of medium density residential planned land use will increase by 3 acres from 35 acres to 38 acres.
- **Rezone Application (Prezone):** This would require an amendment to the current zoning from Fresno County Agricultural Zoning (AE-20, Exclusive Agriculture 20 acre minimum) to the following City of Kerman zone districts: 38 acres of R-1 zoning (Single Family Residential), 4.0 acres of R-3 zoning (High Density Residential), and 6.0 acres of General Commercial zoning. These zone districts are consistent with the proposed General Plan land use designations listed above. The proposed additional annexation area (23 acres) will also be prezoned to match the City’s General Plan designations.
- **Reorganization (Annexation):** This would require annexation of the subject 48 acres into the City of Kerman and detach it from the Kings River Conservation District. This request may be expanded to include an adjacent property to the east. This inclusion would be for annexation purposes only. Any future development of this additional property would require separate applications from the adjacent property owner.
- **Tentative Subdivision:** This would subdivide the site into a 38-acre parcel that will accommodate up to 200 single family residential lots (which contains area for a potential storm drainage basin), a 4.0-acre lot for multi-family residential development up to 25 units per acre; and a 6.0-acre lot for general commercial development. Exhibit 1 shows the proposed subdivision design.

- **Development Agreement**
- **Williamson Act Contract Cancellation or Termination:** The subject property is currently in an Agricultural Preserve Contract (Williamson Act) Nos. AP-8116 and AP-8119. It is the intent of the project applicant to have these contracts cancelled or terminated.

Figure 2-1
Regional Location Map

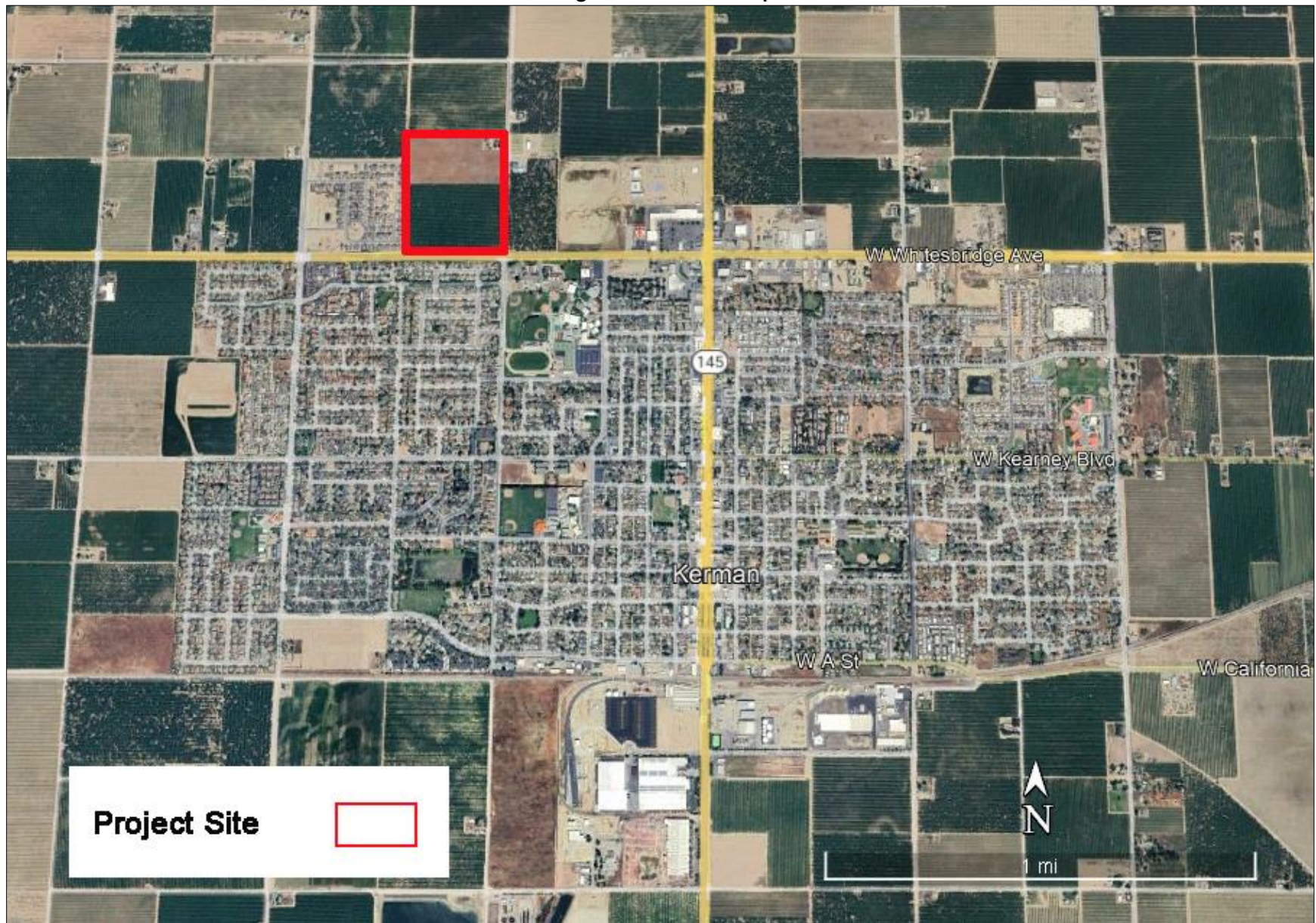
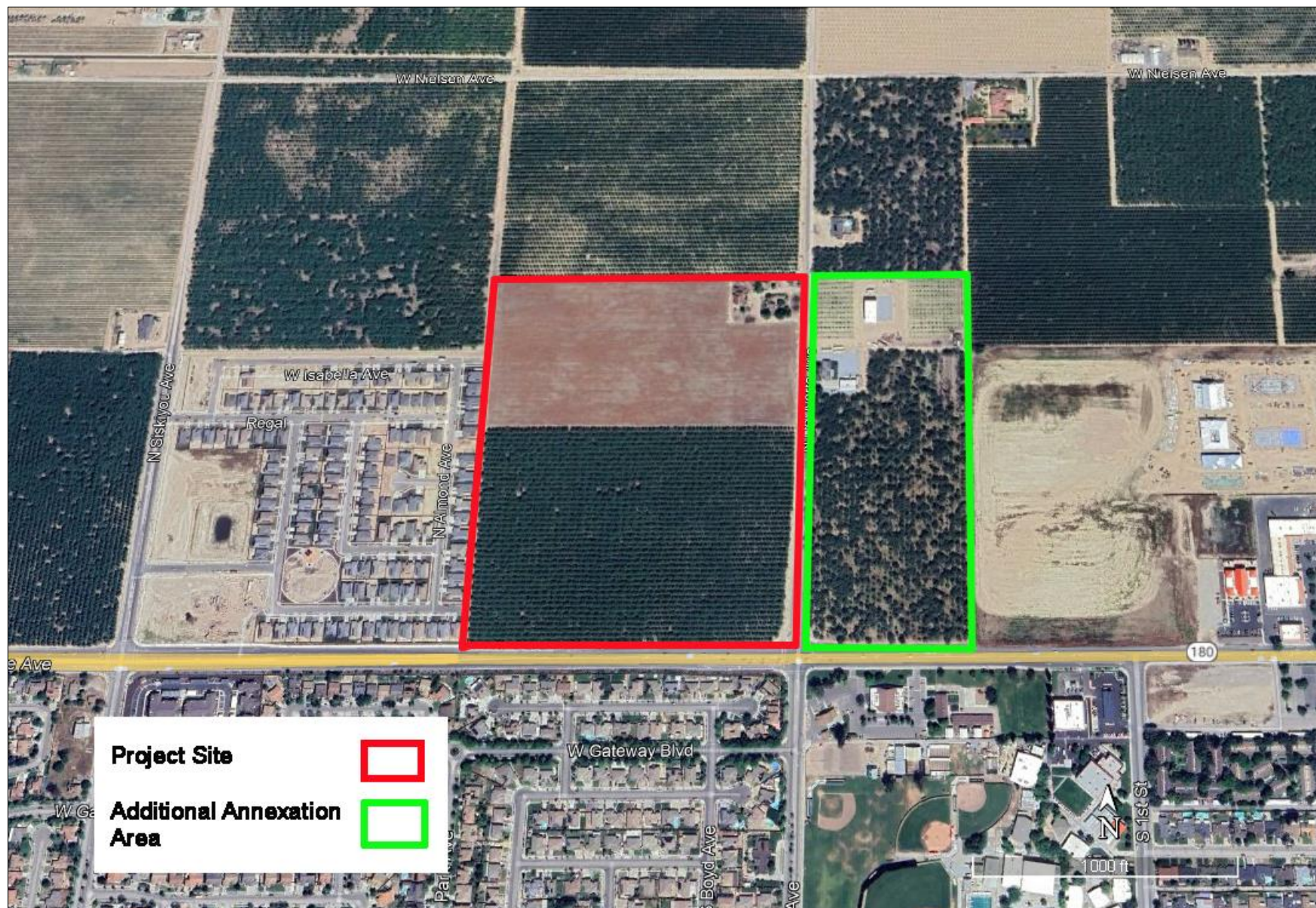


Figure 2-2
Project Site Boundaries



**Figure 2-3
Annexation Area**





VINCENT
 COMPANY
 ARCHITECTS, INC.
 1500 West Shaw, Ste. 300
 N. VINELAND AVE.
 PROJECT SITE
 180 NORTH AVE.
 180 NORTH AVE.

USE DEVELOPMENT

NORTE ATES

EDGE ROAD & N. DEL NORTE AVENUE
CALIFORNIA

ASSESSOR'S PARCELS

00-079-006 ROAD AND CROWN GILBERT AVENUE, KIRKMAN, CALIFORNIA
000-20-386 & 251

☐ OTHER INTERESTING
☒ FARM CHUCK
☐ RANCH

A REPORT LIST DEVELOPMENT TO A COUNTY

REFER TO
PARTIAL PLAN

[illegible]

Preliminary
 Site Plan
 $1" = 30'-0"$

 PA1
 Date: _____ Drawn by: _____

2.3 Project Objectives

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

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

2.4 Required Approvals

City of Kerman

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

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

Other Public Agencies Approval and Consultation

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

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

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

Chapter 3

ENVIRONMENTAL SETTING, IMPACTS & MITIGATION

3.1 Aesthetics

This section of the DEIR identifies potential impacts of the proposed Project on visual character, scenic resources, views, scenic highways and sources of light and glare. No NOP comment letters were received pertaining to Aesthetics.

Environmental Setting

Project Site and Surrounding Areas

The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The subject site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south. The site has historically been used for agricultural purposes; however, the site is within the City of Kerman's Planning Area. The site is bordered by residential development to the west and south, and agricultural lands to the east and north.

Kerman is part of the Central Valley province, one of several geomorphic provinces in California. The Central Valley is in a basin bounded by the Sierra Nevada foothills and mountains to the east and the Coast Ranges to the west, and is filled with deep layers of sediment from the Sierra Nevada.

Regulatory Setting

Federal Regulations

There are no applicable federal regulations, plans or policies pertaining to aesthetics that are applicable to the proposed Project.

State Regulations

Title 24 Outdoor Lighting Standards

The 2019 Title 24 Outdoor Lighting Standards were adopted by the State of California Energy Commission (CEC) (Title 24, Parts 1 and 6, Building Energy Efficiency Standards (Standards) went into effect on January 1, 2020. The changes included modified standards to reflect an industry shift to LED lighting, and other changes.

Scenic Highway Program

The California Scenic Highway Program was established by the state Legislature in 1963 for the purpose of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. The state laws governing the scenic highways program are found in the Streets and Highways Code Sections 260-263.

State Scenic Highways

According to the California Department of Transportation Scenic Highway Program, there are no designated State Scenic Highways within the Project area or in the City of Kerman¹.

Local Regulations

Kerman General Plan

The City of Kerman General Plan includes specific goals and policies related to aesthetics and scenic resources. Those that apply to the proposed project are listed below.

Land Use Element

LU-2.1 Attractive Community: The City shall continue to promote a clean, well-maintained community.

LU-2.3 Neighborhood Atmosphere: The City shall continue to actively preserve Kerman's single-family residential neighborhood atmosphere.

LU-2.4 Architectural Character: During the development review process, the City shall review new projects and major renovations to ensure that the project design and architectural character complements the character of the surrounding neighborhood.

LU-2.5 High-Quality Design: During the development review process, the City shall encourage new projects to incorporate high-quality site, architectural and landscape design.

¹ California State Scenic Highways. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>. Accessed March 2024.

LU-2.8 Dark Skies Protection: The City shall protect dark/night skies by requiring outdoor lighting to be shielded and/or directed downward to limit overspill and glare, without compromising the safety and security of the community.

LU-2.9 Utility Service Line Placement: During the development review process, the City shall require that new development projects place utility service lines underground or parallel to existing utility rights-of-way, wherever feasible, to minimize their visual impact.

Conservation, Open Space and Recreation Element

COS-1.2 Visual Resource Protection: The City shall reserve the existing scenic qualities of the community by regulating entryways, view preservation, and landscaping.

COS-1.3 Night Skies Protection: The City shall protect dark/night skies by encouraging measures that direct outdoor lighting downward away from open space areas, without compromising the safety and security of the community.

COS-1.4 Landscaping Buffers: The City shall integrate landscaping buffers that contribute to neighborhood character to increase safety at the park, and to reduce negative impacts on adjacent residences.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Appendix G Checklist:

- Have a substantial adverse effect on a scenic vista?
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Impacts and Mitigation Measures

Impact 3.1-1: *Have a substantial adverse effect on a scenic vista? OR*

Impact 3.1-2: *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Less than Significant Impact. A scenic vista is defined as a viewpoint that provides expansive views of highly valued landscape for the benefit of the general public. The Sierra Nevada Mountains and Coastal Range Mountains are the only natural and visual resources in the Project area. Views of these distant mountains are afforded only during clear conditions due to poor air quality in the valley. Distant views of the mountains would largely be unaffected by the development of the Project because of distance from the mountains and limited visibility of these features under current conditions. In addition, the Project would not substantially impede these existing views of the mountains from adjacent viewpoints because of the low-profile nature of the development (two-story maximum) and because of the lack of existing urban development adjacent to the site that currently have views of the mountains. The City of Kerman does not identify views of these features as required to be “protected.”

The Project site is within a developing area planned to be part of Kerman. There are no scenic vistas or other protected scenic resources on or near the site. In addition, there are no scenic highways impacted by the Project. Therefore, the Project has a *less than significant impact* on scenic vistas.

Visual character of the site is addressed further in Response 3.1-3 below.

Mitigation Measures: None are required.

Impact 3.1-3: *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Less Than Significant. The proposed Project would alter the existing visual character of public views of the site from vacant land to fully developed with residential and commercial development. The Project design is subject to the City’s Design Guidelines adopted for the City’s General Plan which apply to site layout, building design, landscaping, interior street design,

lighting, parking and signage. Per the City's Design Guidelines, detailed architectural plans, color palettes and building materials as well as landscaping plans will be submitted by the Project developer to the City of Kerman. The plans shall be required prior to issuance of any building permits.

However, the site has historically been used for agricultural purposes and is currently undeveloped. Implementation of the proposed Project will alter the visual character of the Project site from historically agricultural uses to urban development. This includes residential housing (up to two stories in height) and commercial components. New development would incrementally reduce views to open agricultural land now available to some residents and travelers on adjacent roadways. Visual changes caused by a project are evaluated in terms of their visual contrast with the area's predominant landscape elements and features, their dominance in views relative to other existing features, and the degree to which they could block or obscure views of aesthetically pleasing landscape elements. Although this land use conversion could be perceived by some as a negative aesthetic impact in comparison with the Project site's current pastoral appearance, based upon the subjective nature of aesthetics, the City does not anticipate that the development of the proposed Project with residential and commercial uses will create a substantially degraded visual character or quality to the Project site or to the properties near and around the Project site. The improvements such as those proposed by the Project are typical of City urban areas and are generally expected from residents of the City. The proposed Project would be similar in visual appearance to existing developments found throughout the City. Therefore, the impact is determined to be less than significant.

Mitigation Measures: None are required.

Impact 3.1-4: *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less Than Significant Impact. Nighttime lighting is necessary to provide and maintain safe, secure, and attractive environments; however, these lights have the potential to produce spillover light and glare and waste energy, and if designed incorrectly, could be considered unattractive. Light that falls beyond the intended area is referred to as "light trespass." Types of light trespass include spillover light and glare. Minimizing all these forms of obtrusive light is an important environmental consideration. A less obtrusive and well-designed energy efficient fixture would face downward, emit the correct intensity of light for the use, and incorporate energy timers.

Spillover light is light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited. Spillover light can adversely affect light-sensitive uses, such as residential neighborhoods at nighttime. Because light dissipates as it travels from the source, the intensity of a light fixture is often increased at the source to compensate for the dissipated light. This can further increase the amount of light that illuminates adjacent uses. Spillover light can be minimized by using only the level of light necessary, and by using cutoff type fixtures or shielded light fixtures, or a combination of fixture types.

Glare results when a light source directly in the field of vision is brighter than the eye can comfortably accept. Squinting or turning away from a light source is an indication of glare. The presence of a bright light in an otherwise dark setting may be distracting or annoying, referred to as discomfort glare, or it may diminish the ability to see other objects in the darkened environment, referred to as disability glare. Glare can be reduced by design features that block direct line of sight to the light source and that direct light downward, with little or no light emitted at high (near horizontal) angles, since this light would travel long distances. Cutoff-type light fixtures minimize glare because they emit relatively low-intensity light at these angles.

Currently the sources of light in the Project area are from streetlights, vehicles traveling along adjacent roadways, and lights from housing in the area. The Project would include nighttime lighting such as streetlights, residential outdoor lighting, vehicle lights, commercial facility lighting, and other similar lighting sources. Additional night lighting sources on the Project site, especially any unshielded light, could result in spillover light that could impact surrounding properties. This would create new sources of light that could potentially have a significant impact on nighttime light levels in the area. Such lighting would be shielded so as not to spill onto adjacent properties and would be subject to City standards.

During the entitlement process, the Project will be required to comply with the City's policies (LU-2.8 Dark Skies Protection) pertaining to light and glare and City staff will review lighting plans to ensure that lighting plans will minimize spill-over light on neighboring properties. Thus, the Project will have a *less than significant impact* on light and glare.

Mitigation Measures: None are required.

Cumulative Impacts

Would the project make a cumulatively considerable contribution to a significant cumulative impact related to scenic vistas, scenic resources, or the existing visual character of the area, including the introduction of light and glare?

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to aesthetics includes the viewshed of the proposed Project and the areas surrounding the Project site from which the Project could be visible to viewers in the area. As described above, the Project will not result in significant aesthetic impacts with respect to the existing visual character of the project site. The landscape in Kerman has been changing over the years from one of generally rural residential and agricultural uses to urban uses. Construction of future projects in the area allowed under Kerman and Fresno County General Plans would be required to be in compliance with the numerous policies and programs related to the preservation and enhancements of viewsheds and the protection of scenic resources, which will help ensure that projects are consistent with the character envisioned for these areas.

Although the urban environment that is ultimately built could be aesthetically pleasing to many, these cumulative changes will modify the existing visual character and quality of the area. However, it is determined that the cumulative impacts of the proposed project and related projects are *less than cumulatively considerable*, and the project's development would not make a cumulatively considerable contribution to this impact considering the project's size, scope and setting.

3.2 Agricultural Resources

This section of the DEIR identifies potential impacts of the proposed Project pertaining to Agricultural Resources. A California Agricultural Land Evaluation and Site Assessment (LESA) Model was used to aid in the evaluation (See Appendix A).

Environmental Setting

The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south. The site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres. The parcels are outside the City of Kerman limits, but within the Sphere of Influence. The Project site and the 23 acre parcel immediately to the east are proposed to be annexed into the City of Kerman. The Project site is located in an area with a mix of urban and rural residential, and agricultural areas. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east. The Project site itself consists of an almond orchard, a disked field, and a small residential area and has been used for agricultural purposes since at least 1998. The 23-acre annexation area consists of orchard land.

The proposed site contains land under Williamson Act Contract, AP-8116 and AP-8119, which will be cancelled or terminated as part of the Project. The majority of the Project site is designated as Prime Farmland by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), with the northwest portion of the site designated as Farmland of Statewide Importance.¹ There are no Williamson Act Contracts associated with the additional 23-acre annexation area.

According to the City of Kerman General Plan, there are no forest lands in or adjacent to the Kerman Planning Area. Accordingly, there are not timber resources used for timber production or processing.²

¹ California Department of Conservation. California Important Farmland Finder. <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed April 2024.

² Section 6. Conservation, Open Space, Parks, and Recreation. City of Kerman General Plan.

Regulatory Setting

Federal Regulations

Farmland Protection Policy Act

The federal Farmland Protection Policy Act, part of the Agriculture and Food Act of 1981, was passed in response to the National Agricultural Land Study of 1980-1981, which found that millions of acres of farmland were being converted in the U.S. each year and a related report which found that much of this conversion was the result of programs funded by the federal government. The intent of the Act is to minimize the impact that federal programs have on unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that – to the extent possible – federal programs are administered to be compatible with state and local government and private programs and policies to protect farmland.

State of California Regulations

Farmland Mapping and Monitoring Program

The California Department of Conservation uses the Natural Resources Conservation Service soil classifications to classify agricultural lands under the Farmland Mapping and Monitoring Program (FMMP). The FMMP was established in 1982 to assess the location, quality, and quantity of agricultural lands and the conversion of these lands. These designated agricultural lands are included in the farmland maps used in planning for the present and future of California's agricultural resources. The California Department of Conservation has a minimum mapping unit of 10 acres, with parcels that are smaller than 10 acres being absorbed into the surrounding classifications. The categories are described below. In addition to mapping existing farmland, the FMMP provides analysis of agricultural land use changes throughout California.

California Public Resources Code Section 21060.1 defines agricultural land for the purposes of assessing environmental impacts. Collectively, land classified as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance is referred to as "agricultural land." These same classifications of farmland are described as Important Farmland under the FMMP and are also used in CEQA Guidelines Appendix G as the farmland classifications on which impacts on agricultural resources are to be evaluated.

Prime Farmland. This farmland has the best combination of physical and chemical features able to sustain long-term agricultural production. This land has the soil quality, growing season, and moisture supply necessary to produce sustained high yields. To be classified as Prime Farmland,

the land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Unique Farmland. This is farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated but may include non-irrigated orchards or vineyards as found in some climatic zones in California. The land must have been cropped at some time during the four years prior to the mapping date.

Farmland of Statewide Importance. This is farmland similar to Prime Farmland but with minor shortcomings, such as greater slopes or less ability to store soil moisture. The land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Farmland of Local Importance. This is farmland of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

Grazing Land. Grazing land is land on which the existing vegetation is suited to the grazing of livestock. This category was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. The minimum contiguous mapping area for Grazing Land is 40 acres.

Urban and Built-up Land. Land occupied by structures with a building density of at least one building unit to 1.5 acres, or approximately six structures to a 10-acre parcel. This land is used for residential, industrial, commercial, institutional, public and transportation uses, and other developed purposes.

Other Land. Land not included in any other mapping category, including low density rural developments; brush, timber, wetland, and riparian areas not suitable for livestock grazing; animal confinement facilities; mines; and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres is mapped as Other Land.

Williamson Act

The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use as a means of preserving California's prime agricultural lands from urbanization. Prime Farmland under the Williamson Act includes land that qualifies as Class I and II under the Natural Resources Conservation Service classification of land. Through the voluntary contracts between landowners

and a city or county, the owners agree to retain their lands in agricultural or other open space uses for a minimum of 10 years.

In return for entering into a Williamson Act contract, landowners receive property tax relief on the lands under contract. This relief is provided through the assessment of lands based upon their income-producing value rather than their market value, which may be considerably higher. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971. The Project site contains lands that are subject to the Williamson Act Contract.

Local Regulations

City of Kerman General Plan

LU-4 To protect agricultural resources in Kerman, particularly prime agricultural land.

- LU-4.1 Agricultural Land Preservation. The City shall preserve and protect agricultural lands by directing development to areas within City limits that are designated for urban-level development, and away from agriculturally designated land to preserve open space and agricultural areas.
- LU-4.2 Agricultural Conservation Easements. The City shall consider purchasing agricultural conservation easements to mitigate the loss of agricultural land to urban development within the SOI. These easements must be on land of at least equal quality and size to the land being developed.
- LU-4.5 Right-to-Farm Disclosure. The City shall require that property owners and applicants within 1,000 feet of agricultural land or agricultural operations sign and record a deed of notification to document that they were informed of the potential agricultural operations and agricultural conditions in the area.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Appendix G Checklist. Would the project:

- Convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

- Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code section 12220(g)), timberland as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- Result in the loss of forest land or conversion of forest land to non-forest use?
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Impacts and Mitigation Measures

Impact 3.2-1: *Convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Significant and Unavoidable. The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south. The site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres. The parcels are outside the City of Kerman limits, but within the Sphere of Influence. The Project site and the adjacent 23-acre parcel to the east are proposed to be annexed into the City of Kerman. The Project includes a General Plan Amendment, Rezone, cancellation or termination of a Williamson Act Contract, and Tentative Subdivision Map to accommodate the Project.

The Project site is located in an area with a mix of urban and rural residential, and agricultural areas. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east.

According to the FMMP, the majority of the Project site is designated as Prime Farmland, with the northwest portion of the site designated as Farmland of Statewide Importance.³ The City has

³ California Department of Conservation. California Important Farmland Finder. <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed April 2024.

evaluated the Project's farmland conversion impacts utilizing the California Agricultural Land Evaluation and Site Assessment Model (LESA)⁴, which the California Department of Conservation developed to provide lead agencies with a methodology to ensure that significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process. (See Public Resources Code §21095.)

The LESA is composed of six different factors, which are divided into two sets: Land Evaluation (LE) and Site Assessment (SA) factors. Two LE factors (Land Capability Classification Rating and Storie Index Rating) are based upon measures of soil resources quality and intended to measure the inherent, soil-based qualities of land as they relate to agricultural suitability. Four SA factors (Project Size Rating, Water Resource Availability Rating, Surrounding Agricultural Lands Rating, and Surrounding Protected Resource Lands Rating) are intended to measure social, economic, and geographic attributes that also contribute to the overall value of agricultural land.

The two sets of factors are evenly weighted, meaning the two LE factors and four SA factors are of equal importance; however, for a given project, each of these six factors is separately rated in a 100-point scale. The factors are then weighted relative to one another and combined, resulting in a single numeric score for a given project, with a maximum attainable score of 100 points. This final project score becomes the basis for making a determination of the potential impact's level of significance for the project, based upon a range of established scoring thresholds.

Land Evaluation Factors

The LESA includes two LE factors, discussed below, that are separately rated.

The Land Capability Classification Rating (LCC): The LCC indicates the suitability of soils for most kinds of crops. Groupings are made according to the limitations of the soils when used to grow crops and the risk of damage to soils when used in agriculture. Soils are rated from Class I to Class VIII, with soils having the fewest limitations receiving the highest rating (Class I). Specific subclasses are also utilized to further characterize soils.

The Storie Index Rating: The Storie Index provides a numeric rating (based upon a zero to 100 scale) of the relative degree of suitability or value of a given soil for intensive agriculture. The rating is based upon soil characteristics only. Four factors that represent the inherent characteristics and qualities of the soil are considered in the Storie Index rating: profile characteristics, texture of the surface layer, slope, and other factors such as drainage or salinity.

⁴ California Department of Conservation, Division of Land Resource Protection. Accessible at http://www.conservation.ca.gov/dlrp/Pages/qh_lesa.aspx. Accessed November 2022.

In some situations, only the United States Department of Agriculture's LCC information may be available. In those cases, the Storie Index ratings can be calculated from information contained in soil surveys by qualified soil scientists; however, if limitation of time and/or resources restrict the derivation of the Storie Index rating for a given project, it may be possible to adapt the Land Evaluation by relying solely upon the LCC rating.

Site Assessment Factors

The four SA factors that are separately rated and included in the LESA are discussed below.

The Project Size Rating: The Project Size rating is based upon identifying acreage figures for three separate groupings of soil classes within the project site, and then determining what grouping generates the highest Project Size score. The Project Size Rating relies upon acreage figures that were tabulated under the Land Capability Classification Rating.

The Water Resources Availability Rating: The Water Resources Availability rating is based upon identifying the various water sources that may supply a given property, and then determining whether different restrictions in supply are likely to take place in years that are characterized as being periods of drought and non-drought.

The Surrounding Agricultural Land Rating: Determination of the Surrounding Agricultural Land rating is based upon identification of a project's Zone of Influence (ZOI), which is defined as that land near a given project, both directly adjoining and within a defined distance away, that is likely to influence, and be influenced by, the agricultural land use of the subject project site. The Surrounding Agricultural Land rating is designed to provide a measurement of the level of agricultural land use for lands close to a given project. The LESA rates the potential significance of the conversion of an agricultural parcel that has a large proportion of surrounding land in agricultural production more highly than one that has relatively small percentage of surrounding land in agricultural production. The definition of the ZOI that accounts for surrounding lands (up to a minimum of 0.25 mile from the project boundary) is the result of several iterations during model development for assessing an area that will generally be a representative sample of surrounding land use.

The Surrounding Protected Resource Land Rating: The Surrounding Protected Resource Land rating is essentially an extension of the Surrounding Agricultural Land rating, and it is scored in a similar manner. Protected resource lands are those lands with long-term use restrictions that are compatible with or supportive of agricultural uses of land. Included among them are the following:

- Williamson Act contracted lands

- Publicly owned lands maintained as a park, forest, or watershed resources
- Lands with agricultural, wildlife habitat, open space, or other natural resource easements that restrict the conversion of such land to urban and industrial uses

Final LESA Scoring

A single LESA score is generated for a given project after all the individual LE and SA factors have been scored and weighted. The LESA is weighted so that 50 percent of the total LESA score of a given project is derived from the LE factors and 50 percent is derived from the SA factors. The final LESA score was determined for the proposed Project and the modeling results are described in Table 3.2-1. The information in the table includes both the 48-acre Project site and the proposed 23-acre annexation area.

**Table 3.2-1
Land Evaluation and Site Assessment Model Scoring Summary**

Category	Factor	Factor Scores	Factor Weight	Weighted Factor Points
Land Evaluation	Land Capability Classification	61.38	0.25	15.35
	Storie Index	84.44	0.25	21.11
	LE Subtotal		0.50	36.46
Site Assessment	Project Size	60	0.15	9.0
	Water Resource Availability	100	0.15	15
	Surrounding Agricultural Land	50	0.15	7.5
	Surrounding Protected Resource Lands	0	0.05	0
	SA Subtotal		0.50	31.5
Final LESA Score				67.96

LESA Thresholds of Significance

The LESA is designed to make determinations of the potential significance of a project's conversion of agricultural lands during the CEQA process. Scoring thresholds are based upon both the total LESA score and the component LE and SA separate subscores. In this manner, the

scoring thresholds are dependent upon the attainment of a minimum score for the LE and SA subscores so that a single threshold is not the result of heavily skewed subscores (i.e., a site with a very high LE score but a very low SA score, or vice-versa). The LESA scoring thresholds are described in Table 3.2-2.

**Table 3.2-2
LESA Scoring Thresholds**

Total LESA Score	Scoring Decision
0 to 39 points	Not considered significant
40 to 59 points	Considered significant only if LE and SA subscores are each greater than or equal to 20 points
60 to 79 points	Considered significant unless either LE or SA subscore is less than 20 points
80 to 100 points	Considered significant

LESA Results and Impact Determination

According to the LESA Threshold of Significance, the total score of 60.05 for the proposed Project site is considered significant.

The General Plan identifies the need for the conversion of agricultural land to urban development. Buildout of the 2040 General Plan would result in the conversion of active agricultural land, but this conversion would be offset by a policy requirement to preserve an equal amount of like agricultural land as identified below:

LU-4.2 Agricultural Conservation Easements. The City shall consider purchasing agricultural conservation easements to mitigate the loss of agricultural land to urban development within the SOI. These easements must be on land of at least equal quality and size to the land being developed.

The General Plan's Implementation Program directs the City to develop an Agricultural Mitigation Program to mitigate the loss of prime agricultural land to urban development within the SOI. This program shall be consistent with the California Department of Conservation's recommendations for the development of an Agricultural Mitigation Program to mitigate for the loss of prime agricultural land at a ratio of 1:1.⁵

⁵ Program H, Section 3.10 Implementation Programs, City of Kerman General Plan 2040.

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

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

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

Mitigation Measures

There is no feasible mitigation.

Impact 3.2-2: *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Significant and Unavoidable.

Williamson Act Contract

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

contracts pursuant to Government Code Section 51243.5, resulting in the termination of the contract. Nevertheless, the Project site is currently under Williamson Act contracts and there is no feasible mitigation measures available to reduce impacts associated with a project's conflict with an existing Williamson Act contract. Therefore, the proposed Project's conflicts with Williamson Act contracts would be *significant and unavoidable*.

Agricultural Zoning

The proposed Project includes land use designation change from 15.0 acres of "General Commercial" planned land use to 6.0 acres of General Commercial planned land use and 4.0 acres of High Density Residential planned land use. The amount of medium density residential planned land use will increase by 3 acres from 35 acres to 38 acres. The Project also includes amendment of the current zoning from Fresno County Agricultural Zoning (AE-20, Exclusive Agriculture 20 acre minimum) to the following City of Kerman zone districts; 38 acres of R-1 zoning (Single Family Residential), 4.0 acres of R-3 zoning (High Density Residential), and 6.0 acres of General Commercial zoning. These zone districts, as described in Section 2.2 – Project Description, are consistent with the proposed General Plan land use designations. The adjacent 23-acre parcel that is also being annexed will be pre-zoned according to the City's General Plan. However, no development is planned to occur on the 23 acres and site specific CEQA analysis will be required for that site if it is developed in the future.

The new zoning would accommodate the proposed Project and as such, there would be no impact resulting from a zoning conflict. However, in order to ensure that existing agricultural operations in the area can be maintained, a Right-to-Farm Covenant will be required as identified in Mitigation Measure AG – 1. The impact is determined to be *less than significant with mitigation*.

Mitigation Measures

AG – 1 Reduce Conflicts Between Urban and Agricultural Uses

In order to reduce potential conflicts between urban and agricultural uses, the following measures shall be implemented:

- Potential residents shall be notified about possible exposure to agricultural chemicals at the time of purchase / lease of property within the development.
- A Right-to-Farm Covenant shall be recorded on each residential tract map or be made a condition of each tract map to protect continued agricultural practices in the area.

- Potential residents shall be informed of the Right-to-Farm Covenant at the time of purchase / lease of property within the development.

Impact 3.2-3: *Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code section 12220(g)), timberland as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)), or result in the loss of forest land or convert forest land to non-forest use?*

No Impact. The proposed Project site lies in the central/eastern portion of the Central Valley floor, where there is no forest land. The Project is not zoned for forestland, timberland, or timberland zoned Timberland Production and does not propose any zone changes related to forest or timberland. As such, there are *no potential impacts* resulting from forest or timber land conflicts or conversion of forest land to non-forest use.

Mitigation Measures

None are required.

Impact 3.2-4: *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

Less Than Significant. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south and will require annexation to the City of Kerman. The Project site is located in an area with a mix of urban and rural residential, and agricultural areas. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east.

According to the LESA prepared for the Project, the site is substantially surrounded by Prime Farmland and Farmland of Statewide Importance to the north, east and west. The area to the south is part of the City of Kerman and consists of single-family residential subdivisions. However, the requested General Plan Amendment and annexation is site specific and does not apply to any properties other than the proposed Project site. Therefore, it is unlikely that the Project would result in the conversion of other farmland or forest land. In addition, Mitigation Measure AG – 1 will ensure that agricultural operations can be maintained on adjacent sites. The Mitigation Measure includes a Right-to-Farm Covenant, which will further reduce the likelihood

of additional conversion of farmland. Therefore, the impact is *less than significant after mitigation*.

Mitigation Measures

Implementation of Mitigation Measure AG – 1.

Cumulative Impacts

Significant, Unavoidable and Cumulatively Considerable. The proposed project would have a significant effect on the environment if it – in combination with other projects – would contribute to a significant cumulative impact related to agriculture and forestry. The geographic area of this cumulative analysis is the entire State of California. This cumulative analysis is based on the Statewide FMMP map. As discussed above, the Project includes the significant impact related to the conversion of protected farmland to urban uses. Although the City has identified several areas to encourage infill development to occur before agricultural lands develop, the full buildout of the City would include permanent loss of agricultural lands. As a result, a cumulative impact related to the conversion of agricultural land would result in significant and unavoidable impacts. Mitigation is not feasible as discussed above. Therefore, the Project would have a *significant and unavoidable and cumulatively considerable impact* on agricultural resources.

3.3 Air Quality

This section of the DEIR evaluates the potential air quality impacts associated with the implementation of the proposed Project. This assessment was conducted within the context of the California Environmental Quality Act (CEQA, California Public Resources Code Sections 21000, et seq.). The methodology follows the Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) prepared by the San Joaquin Valley Air Pollution Control District (District or SJVAPCD) for quantification of emissions and evaluation of potential impacts to air resources. The information and analysis presented in this Section are based on the Air Quality and Greenhouse Gas/Energy Analysis Report (AQGGEA) prepared for this Project by Johnson, Johnson & Miller Air Quality Consulting. The full AQGGEA can be reviewed in Appendix B.

Environmental Setting

San Joaquin Valley Air Basin

Topography

The topography of a region is important for air quality because mountains can block airflow that would help disperse pollutants and can channel air from upwind areas that transports pollutants to downwind areas. The Air Basin is generally shaped like a bowl. It is open in the north and is surrounded by mountain ranges on all other sides. The Sierra Nevada mountains are along the eastern boundary (8,000 to 14,000 feet in elevation), the Coast Ranges are along the western boundary (3,000 feet in elevation), and the Tehachapi Mountains are along the southern boundary (6,000 to 8,000 feet in elevation).

Climate

The climate is important for air quality because of differences in the atmosphere's ability to trap pollutants close to the ground, which creates adverse air quality; inversely, the atmosphere's ability to rapidly disperse pollutants over a wide area prevents high concentrations from accumulating under different climatic conditions. The Air Basin has an "inland Mediterranean" climate and is characterized by long, hot, dry summers and short, foggy winters. Sunlight can be a catalyst in the formation of some air pollutants (such as ozone); the Air Basin averages over 260 sunny days per year.¹

¹ San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. Revised March 19, 2015. Website: <https://www.valleyair.org/transportation/GAMAQI.pdf>. Accessed June 2024.

Inversion layers are significant in determining pollutant concentrations. Concentration levels can be related to the amount of mixing space below the inversion. Temperature inversions that occur on the summer days are usually encountered 2,000 to 2,500 feet above the valley floor. In winter months, overnight inversions occur 500 to 1,500 feet above the valley floor.

Dominant airflows provide the driving mechanism for transport and dispersion of air pollution. The mountains surrounding the Air Basin form natural horizontal barriers to the dispersion of air contaminants. The wind generally flows south-southeast through the valley, through the Tehachapi Pass and into the Mojave Desert Air Basin portion of Kern County. As the wind moves through the Air Basin, it mixes with the air pollution generated locally, generally transporting air pollutants from the north to the south in the summer and in a reverse flow in the winter.

The winds and unstable air conditions experienced during the passage of winter storms result in periods of low pollutant concentrations and excellent visibility. Between winter storms, high pressure and light winds allow cold moist air to pool on the San Joaquin Valley floor. This creates strong, low-level temperature inversions and very stable air conditions, which can lead to Tule fog. Wintertime conditions favorable to fog formation are also conditions favorable to high concentrations of PM_{2.5} and PM₁₀.

Attainment Status

The EPA and the ARB designate air basins where ambient air quality standards are exceeded as “nonattainment” areas. If standards are met, the area is designated an “attainment” area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered “unclassified.” National nonattainment areas are further designated marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

Each standard has a different definition, or “form” of what constitutes attainment, based on specific air quality statistics. For example, the federal 8-hour CO standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring values exceeds the threshold per year. In contrast, the federal annual PM_{2.5} standard is met if the three-year average of the annual average PM_{2.5} concentration is less than or equal to the standard.

The current attainment designations for the Air Basin are shown in **Error! Reference source not found..** The Air Basin is designated nonattainment for ozone, PM₁₀, and PM_{2.5}.

Table 3.3-1
San Joaquin Valley Air Basin Attainment Status²

Pollutant	State Status	National Status
Ozone—One Hour	Nonattainment/Severe	Revoked
Ozone—Eight Hour	Nonattainment	Nonattainment/Extreme
Carbon monoxide	Attainment/Unclassified	Merced, Madera, and Kings Counties are unclassified; others are in Attainment
Nitrogen dioxide	Attainment	Attainment/Unclassified
Sulfur dioxide	Attainment	Attainment/Unclassified
PM ₁₀	Nonattainment	Attainment
PM _{2.5}	Nonattainment	Nonattainment
Lead	Attainment	No Designation/Classification
Source of State status: California Air Resources Board (ARB 2013). ³		
Source of National status: U.S. Environmental Protection Agency (EPA 2021). ⁴		
Source of additional status information (SJVAPCD 2023). ⁵		

Regulatory Setting

Federal Regulations

Clean Air Act

² JJM Air Quality Consulting Services. Air Quality, Greenhouse Gas, and Energy Analysis Report for the Kerman 48-Acre Mixed Use Development in Fresno County, California. June 20, 2024. See Appendix B.

³ California Air Resources Board (ARB). 2013. Area Designation Maps/State and National. 2012 State Area Designations. Page last reviewed October 18, 2017. Website: <https://ww2.arb.ca.gov>. Accessed June 2024.

⁴ U.S. Environmental Protection Agency (EPA). 2021. Green Book Nonattainment Areas for Criteria Pollutants as of September 30, 2021. Website: <https://www.epa.gov/green-book>. Accessed June, 2024.

⁵ San Joaquin Valley Air Pollution Control District (SJVAPCD). 2023. Ambient Air Quality Standards & Valley Attainment Status. Website: <https://www.valleyair.org/aqinfo/attainment.htm>. Accessed June, 2024.

Congress established much of the basic structure of the Clean Air Act (CAA) in 1970 and made major revisions in 1977 and 1990. Six common air pollutants (also known as criteria pollutants) are addressed in the CAA: particulate matter, ground-level ozone, carbon monoxide (CO), sulfur oxides (SO_x), nitrogen oxides (NO_x), and lead. The EPA labels these pollutants as criteria air pollutants because they are regulated by developing human health-based and/or environmentally based criteria (science-based guidelines), which sets permissible levels. The set of limits based on human health are called primary standards. Another set of limits intended to prevent environmental and property damage are called secondary standards.⁶ The federal standards are called National Ambient Air Quality Standards (NAAQS). The air quality standards provide benchmarks for determining whether air quality is healthy at specific locations and whether development activities will cause or contribute to a violation of the standards. The criteria pollutants are:

- Ozone
- Nitrogen dioxide (NO₂)
- Lead
- Particulate matter (PM₁₀ and PM_{2.5})
- Carbon monoxide (CO)
- Sulfur dioxide

The federal standards were set to protect public health, including that of sensitive individuals; thus, the EPA is tasked with updating the standards as more medical research is available regarding the health effects of the criteria pollutants. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health.⁷

State of California Regulations

California Clean Air Act

The California Legislature enacted the California Clean Air Act (CCAA) in 1988 to address air quality issues of concern not adequately addressed by the federal CAA at the time. California's air quality problems were and continue to be some of the most severe in the nation, and required additional actions beyond the federal mandates. The California Air Resources Board (ARB) administers California Ambient Air Quality Standards (CAAQS) for the 10 air pollutants designated in the CCAA. The 10 state air pollutants are the six federal standards listed above as well visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride. The EPA authorized California to adopt its own regulations for motor vehicles and other sources that are

⁶ U.S. Environmental Protection Agency (EPA). 2014. Clean Air Act Requirements and History. Website: <https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history>. Accessed June 2024.

⁷ California Air Resources Board (ARB). 2016. <https://ww2.arb.ca.gov/sites/default/files/2020-07/aaqs2.pdf>. Accessed June 2024.

more stringent than similar federal regulations implementing the CAA. The federal and state ambient air quality standards, relevant effects, properties, and sources of the pollutants are summarized in Table 1 of Appendix B. Additional discussion related to air pollutants and health effects is provided in Tables 2 and 3 of Appendix B.

Air Quality Plans and Regulations

Air pollutants are regulated at the national, state, and air basin or county level, and each agency has a different level of regulatory responsibility: the EPA regulates at the national level, the ARB at the state level, and the District at the air basin level.

San Joaquin Valley Air Pollution Control District (SJVAPCD)

The San Joaquin Valley Air Pollution Control District (District or SJVAPCD) is responsible for controlling emissions primarily from stationary sources. The District, in coordination with eight countywide transportation agencies, is also responsible for developing, updating, and implementing air quality plans for the Air District.

SJVAPCD Rules and Regulations

The SJVAPCD rules and regulations that may apply to projects that will occur during buildout of the project include but are not limited to the following:

Rule 4102—Nuisance. The purpose of this rule is to protect the health and safety of the public, and applies to any source operation that emits or may emit air contaminants or other materials. This rule is enforced on a complaint basis.

Rule 4601—Architectural Coatings. The purpose of this rule is to limit Volatile Organic Compounds (VOC) emissions from architectural coatings. Emissions are reduced by limits on VOC content and providing requirements on coatings storage, cleanup, and labeling. Only compliant components are available for purchase in the San Joaquin Valley.

Rule 4641—Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. If asphalt paving will be used, then the paving operations will be subject to Rule 4641. This regulation is enforced on the asphalt provider.

Regulation VIII—Fugitive PM₁₀ Prohibitions. Rules 8011–8081 are designed to reduce PM₁₀ emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads,

carryout and trackout, etc. All development projects that involve soil disturbance are subject to at least one provision of the Regulation VIII series of rules.

Rule 9510—Indirect Source Review. This rule reduces the impact of NO_x and PM₁₀ emissions from growth within the Air Basin. The rule places application and emission reduction requirements on development projects meeting applicability criteria in order to reduce emissions through on-site mitigation, off-site District-administered projects, or a combination of the two. This project is subject to Rule 9510.

CEQA

The SJVAPCD has three roles under CEQA:

1. **Lead Agency:** Responsible for preparing environmental analyses for its own projects (adoption of rules, regulations, or plans) or permit projects filed with the SJVAPCD where the SJVAPCD has primary approval authority over the project.
2. **Responsible Agency:** The discretionary authority of a responsible agency is more limited than a lead agency; having responsibility for mitigating or avoiding only the environmental effects of those parts of the project which it decides to approve, carry out, or finance. The SJVAPCD defers to the lead agency for preparation of environmental documents for land use projects that also have discretionary air quality permits, unless no document is prepared by the lead agency and potentially significant impacts related to the permit are possible. The SJVAPCD regularly submits comments on documents prepared by lead agencies to ensure that the SJVAPCD's concerns are addressed.
3. **Commenting Agency:** The SJVAPCD reviews and comments on air quality analyses prepared by other public agencies (such as the proposed Project).

The SJVAPCD also provides guidance and thresholds for CEQA air quality and GHG analyses. The result of this guidance, as well as state regulations to control air pollution, is an overall improvement in the Air Basin. In particular, the SJVAPCD's 2015 GAMAQI states the following:

1. The District's Air Quality Attainment Plans include measures to promote air quality elements in county and city general plans as one of the primary indirect source programs. The general plan is the primary long-range planning document used by cities and counties to direct development. Since air districts have no authority over land use decisions, it is up to cities and counties to ensure that their general plans help achieve air quality goals. Section 65302.1 of the California

Government Code requires cities and counties in the San Joaquin Valley to amend appropriate elements of their general plans to include data, analysis, comprehensive goals, policies, and feasible implementation strategies to improve air quality in their next housing element revisions.

2. The Air Quality Guidelines for General Plans (AQGGP), adopted by the District in 1994 and amended in 2005, is a guidance document containing goals and policy examples that cities and counties may want to incorporate into their General Plans to satisfy Section 65302.1. When adopted in a general plan and implemented, the suggestions in the AQGGP can reduce vehicle trips and miles traveled and improve air quality. The specific suggestions in the AQGGP are voluntary. The District strongly encourages cities and counties to use their land use and transportation planning authority to help achieve air quality goals by adopting the suggested policies and programs.

Local

The City of Kerman 2040 General Plan was updated in July 2020. The City's applicable air quality goals and policies are listed below.

City of Kerman Air Quality Goals and Policies

The City of Kerman 2040 General Plan⁸ lists the following policies that are supportive of improved air quality. Policies that are directly related to the project are listed below:

Land Use

LU-1.4: Limit Residential Development Along Highways - The City shall limit residential development from fronting State Highway 145 and State Highway 180 to ensure public safety. Residential development along these facilities shall be designed and buffered to reduce noise and air pollutant impacts to the maximum extent reasonably feasible and consistent with CEQA review.

⁸ City of Kerman. 2020. City of Kerman 2040 General Plan. Jule. Website: <https://www.cityofkerman.net/DocumentCenter/View/1225/Kerman-2040-General-Plan?bidId=> . Accessed June 2024.

LU-2.5: High Quality Design - During the development review process, the City shall encourage new projects to incorporate high quality site, architectural, and landscape design.

LU-5.3: The City shall consider potential adverse health and safety impacts associated with land use to reduce negative impacts upon residents from hazardous materials, industrial activities, agricultural operations using pesticides applied by spray techniques, facility locations, design features, and other aspects that may negatively impact health or quality of life for affected county residents.

LU-5.4: The City shall prohibit the introduction of new incompatible land uses and environmental hazards into existing residential areas.

LU-5.5: The City shall consider and mitigate potential adverse health and safety impacts associated with the establishment of new residential and other sensitive land uses near industrial land uses, agricultural operations using pesticides applied by spray techniques, the wastewater treatment plant, landfills waste treatment facilities, and other existing land uses that would be incompatible with residential uses.

LU-5.6: The City shall work to reduce or prevent negative impacts associated with environmental hazards, including industrial, agricultural operations using pesticides applied by spray techniques, and roadway-generated pollution.

Circulation

CIRC-1.1: The City shall ensure land use and transportation planning are cohesive, consistent, mutually supportive, and strive to reduce vehicle miles traveled (VMT). This will include:

- Maintaining land use patterns that encourage people to walk, bicycle, or use public transit, routinely for a significant number of their daily trips;
- Using the City's provision of public services to direct development to the most appropriate locations; and
- Promoting the infill of vacant land and redevelopment sites.

CIRC-1.2: The City shall plan a multimodal transportation system that provides safe, comfortable, and convenient access that accommodates various vehicle types and users, including automobiles, agricultural equipment, public transit, bicyclists, and pedestrians.

CIRC-1.6: The City shall encourage the construction of facilities and provision of programs that ensure children, families, and caretakers can walk, bike, and take public transit to school safely.

CIRC-2.3: The City shall require new development projects to demonstrate LOS reductions for any project associated intersection to a LOS E or F or worsen an existing LOS F. If this requirement is not met, a project-specific CO Hotspot analysis shall be conducted using a protocol developed by the Institute of Transportation Studies at University of California, Davis entitled Transportation Project-Level Carbon Monoxide Protocol. If the results demonstrate that the project will potentially have a significant effect on any intersection, the City shall conduct a CO Hot Spot analysis. If the CO analysis shows levels above current SJVAPCD ambient air quality standards, the project proponent shall be required to make intersection improvements to reduce CO emissions at the intersection, alter the project to reduce the impact, or implement other programs that can demonstrate a reduction in CO Hot Spot emissions below SJVAPCD ambient air quality standards at the impacted intersection(s). The Project did not result in any reductions in LOS to level E or F.

CIRC-2.4: The City shall continue to improve the street network to be efficient and provide multiple routes that are efficient to reduce trip length, travel time, idling time, intersection delays, and other emissions producing activities.

CIRC-2.5: The City shall strive to achieve VMT reductions consistent with the California Air Resources Board (CARB) 2017 Scoping Plan statewide greenhouse gas (GHG) emission reduction goals of 40 percent below 1990 emissions levels by 2030, or the latest guidance from CARB, as updated.

CIRC-2.7: The City shall require projects having potentially significant VMT transportation impacts under CEQA to implement feasible mitigation measures necessary to reduce the VMT for or induced by the project to the applicable performance metrics. Such mitigation measures may include, but are not limited to:

- Provide infrastructure and facilities for walking and bicycling, particularly those that connect with and ensure access to existing active transportation infrastructure and transit;
- Include on-site EV charging capabilities;
- Incorporate traffic-calming measures;
- Unbundle parking (separate/optional cost) from residential units in multifamily housing developments;
- Provide incentives to carpool or use active transportation; and/or

- Provide payment into an in-lieu fee program to reduce VMT.

Conservation, Open Space, Parks and Recreation

COS-1.1: The City shall strive to improve and provide community access to open space, while environmentally responsible and economically viable.

COS-1.4: The City shall integrate landscaping buffers that contribute to neighborhood character to increase safety at the park, and to reduce negative impacts on adjacent residences.

Hazardous Materials

PH-6.1: The City shall require that uses generating hazardous materials and wastes do not contaminate air, water, or soil resources.

Air Quality

PH-7.1: The City shall continue to participate in regional planning efforts to meet air quality goals.

PH-7.2: The City shall encourage agricultural operations to incorporate Best Management Practices to reduce particulate emissions consistent with State and Federal regulations, such as organic composting, using enhanced efficiency fertilizers, paving roads, limited- or no-tilling, cover-cropping, and to electric or alternatively-fueled agricultural equipment in place of gasoline or diesel equipment. The City shall require industrial facilities to incorporate economically feasible Best Management Practices and control technology to reduce PM₁₀ and PM_{2.5} emissions consistent with State and Federal regulations.

PH-7.4: The City shall require new projects to incorporate economically feasible SJVAPCD construction best management practices as conditions of approval, if the project exceeds the most recent SJVACPD SPAL screening levels at the time of preparation.

PH-7.5: The City shall require new development projects that produce Toxic Air Contaminants (TACs) or other health risks to retain a qualified professional to complete a SJVAPCD-compliant evaluation of all stationary source developments near sensitive receptors to determine if a project-specific Health Risks Assessment (HRA) would be required prior to approval. If required, the City shall require all identified TAC risks from the HRA to be mitigated to meet current SJVAPCD TAC thresholds.

PH-7.6: The City shall provide incentives for new projects, particularly new multifamily residential buildings and other sensitive land uses, to incorporate design features that achieve good indoor air quality above and beyond State and Federal requirements.

PH-7.7: The City shall support programs that educate the public on climate change and encourage residents and businesses to become involved in activities and lifestyle changes that will aid in reduction of greenhouse gas emissions.

Existing Sources of Toxic Emissions

No existing sources were identified that exceed ARB recommendations in its Air Quality Land Use Handbook for siting sensitive land uses impact the project.

Thresholds of Significance

The CEQA Guidelines define a significant effect on the environment as “a substantial, or potentially substantial, adverse change in the environment.” To determine if a project would have a significant impact on air quality, the type, level, and impact of emissions generated by the project must be evaluated.

The following air quality significance thresholds are contained in Appendix G of the CEQA Guidelines. A significant impact would occur if the Project would:

- a) Conflict with or obstruct implementation of the applicable air quality plan;
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable national or state ambient air quality standard;
- c) Expose sensitive receptors to substantial pollutant concentrations; or
- d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people).

While the final determination of whether a project is significant is within the purview of the lead agency pursuant to Section 15064(b) of the CEQA Guidelines, the District recommends that its quantitative air pollution thresholds be used to determine the significance of project emissions. If the lead agency finds that the project has the potential to exceed these air pollution thresholds, the project should be considered to have significant air quality impacts. The applicable District thresholds and methodologies are contained under each impact statement below.

Impacts and Mitigation Measures

Impact 3.3-1: *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

Less Than Significant Impact. The CEQA Guidelines indicate that a significant impact would occur if the project would conflict with or obstruct implementation of the applicable air quality plan. The GAMAQI indicates that projects that do not exceed SJVAPCD regional criteria pollutant emissions quantitative thresholds would not conflict with or obstruct the applicable air quality plan (AQP). An additional criterion regarding the project's implementation of control measures was assessed to provide further evidence of the project's consistency with current AQPs. This document proposes the following criteria for determining project consistency with the current AQPs:

1. Will the project result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs?
2. Will the project comply with applicable control measures in the AQPs? The primary control measures applicable to development projects include Regulation VIII—Fugitive PM₁₀ Prohibitions and Rule 9510 Indirect Source Review.

Contribution to Air Quality Violations

A measure for determining if the project is consistent with the air quality plans is if the project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the air quality plans. Regional air quality impacts and attainment of standards are the result of the cumulative impacts of all emission sources within the air basin. Individual projects are not large enough to contribute measurably to an existing violation of air quality standards. Therefore, the cumulative impact of the project is based on its cumulative contribution. Because of the region's nonattainment status for ozone, PM_{2.5}, and PM₁₀—if project-generated emissions of either of the ozone precursor pollutants (ROG and NO_x), PM₁₀, or PM_{2.5} would exceed the SJVAPCD's significance thresholds—then the project would be considered to contribute to violations of the applicable standards and conflict with the attainment plans.

As discussed in Impact 3.3-2 below, emissions of ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5} associated with the proposed Project would not exceed the SJVAPCD's significance thresholds during the

construction phase (see Table 3.3-2). Similarly, emissions of ROG, NO_x, CO, SO_x, PM_{2.5} or PM₁₀ during operations would not exceed any applicable threshold of significance (see

Table 3.3-33). Therefore, regarding this criterion, the Project would be considered less than significant. Further, the proposed Project would provide residential uses that will be designed to satisfy existing and future demand for quality housing in the area and would provide conveniently located commercial development to serve Kerman residents. Several goals and policies contained in the City of Kerman's General Plan promote walkable mixed-use development. As a mixed-use Project located adjacent to develop areas of a built-up city, the proposed project would create a considerable amount of internal capture among its components to reduce VMT compared to the same level of development built with land uses geographically separated from each other. As previously stated, regarding this criterion, the project would be considered less than significant.

Compliance with Applicable Control Measures

The AQP contains a number of control measures, which are enforceable requirements through the adoption of rules and regulations. A description of rules and regulations that apply to this Project is provided below.

SJVAPCD Rule 9510—Indirect Source Review (ISR) is a control measure in the 2006 PM₁₀ Plan that requires NO_x and PM₁₀ emission reductions from development projects in the San Joaquin Valley. The NO_x emission reductions help reduce the secondary formation of PM₁₀ in the atmosphere (primarily ammonium nitrate and ammonium sulfate) and reduce the formation of ozone. Reductions in directly emitted PM₁₀ reduce particles such as dust, soot, and aerosols. Rule 9510 is also a control measure in the 2016 Plan for the 2008 8-Hour Ozone Standard. Developers of projects subject to Rule 9510 must reduce emissions occurring during construction and operational phases through on-site measures or pay off-site mitigation fees. The proposed Project is required to comply with Rule 9510.

Regulation VIII—Fugitive PM₁₀ Prohibitions is a control measure that is one main strategies from the 2006 PM₁₀ for reducing the PM₁₀ emissions that are part of fugitive dust. Residential projects over 10 acres and non-residential projects over 5 acres are required to file a Dust Control Plan (DCP) containing dust control practices sufficient to comply with Regulation VIII. The project, or individual developments contemplated under the proposed Project, will be required to prepare a DCP to comply with Regulation VIII.

Other control measures that apply to the project are Rule 4641—Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operation that requires reductions in VOC

emissions during paving and Rule 4601—Architectural Coatings that limits the VOC content of all types of paints and coatings sold in the San Joaquin Valley. These measures apply at the point of sale of the asphalt and the coatings, so project compliance is ensured without additional mitigation measures.

The Project would comply with all applicable SJVAPCD rules and regulations. Therefore, the Project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan under this criterion.

Conclusion

The proposed Project would comply with all applicable ARB and SJVAPCD rules and regulations. Therefore, the Project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan with regards to this criterion.

The Project's regional operational emissions would not exceed any applicable SJVAPCD prior to the incorporation of mitigation measures (see Impact 3.3-2). Therefore, the Project would be considered consistent with the existing AQPs.

Based on the findings above, the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan. The impact would be *less than significant*.

Mitigation Measures

None Required.

Impact 3.3-2: *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Less Than Significant Impact. To result in a less than significant impact, the following must be met:

To result in a less than significant impact, emissions of nonattainment pollutants must be below the SJVAPCD's regional significance thresholds. This is an approach recommended by the SJVAPCD in its GAMAQI.

To result in a less than significant impact, the following criteria must be met:

1. Regional analysis: emissions of nonattainment pollutants must be below the SJVAPCD's regional significance thresholds. This is an approach recommended by the SJVAPCD in its GAMAQI.
2. Summary of projections: the project must be consistent with current air quality attainment plans including control measures and regulations. This is an approach consistent with Section 15130(b) of the CEQA Guidelines.

Criterion 1: Regional Emissions

Air pollutant emissions have both regional and localized effects. This analysis assesses the regional effects of the project's criteria pollutant emissions in comparison to SJVAPCD thresholds of significance for short-term construction activities and long-term operation of the Project. Localized emissions from project construction and operation are assessed under Impact 3.3-3.

The primary pollutants of concern during construction and operation of implementation of the proposed Project are ROG, NO_x, PM₁₀, and PM_{2.5}. The SJVAPCD GAMAQI adopted in 2015 contains thresholds for CO, NO_x, ROG, SO_x, PM₁₀, and PM_{2.5}.

Ozone is a secondary pollutant that can be formed miles from the source of emissions, through reactions of ROG and NO_x emissions in the presence of sunlight. Therefore, ROG and NO_x are termed ozone precursors. The Air Basin often exceeds the state and national ozone standards. Therefore, if the project emits a substantial quantity of ozone precursors, the project may contribute to an exceedance of the ozone standard. The Air Basin also exceeds air quality standards for PM₁₀, and PM_{2.5}; therefore, substantial project emissions may contribute to an exceedance for these pollutants. The SJVAPCD's annual emission significance thresholds used for the project define the substantial contribution for both operational and construction emissions as follows:

100 tons per year CO	27 tons per year SO _x
10 tons per year NO _x	15 tons per year PM ₁₀
10 tons per year ROG	15 tons per year PM _{2.5}

The Project does not contain sources that would produce substantial quantities of SO_x emissions during construction and operation. Modeling conducted for the project demonstrates that SO_x emissions are well below the SJVAPCD GAMAQI thresholds, as shown in the modeling results contained in Appendix B. No further analysis of SO_x is required.

Construction Emissions

Construction emissions were modeled using the CalEEMod version 2022.1. The results of the modeling are presented in Table . For plan areas, individual residential tracts and commercial projects are constructed gradually with the various construction activities happening throughout the buildout period. The specific timing of individual development projects contemplated under the proposed 48-acre mixed-use project is unknown and are dependent on market demand and other factors; therefore, the annual average construction emissions were calculated for comparison to the annual threshold of significance (see Table). In addition, the highest annual emissions are also presented and compared to the applicable thresholds in Table .

The emissions reflect compliance with SJVAPCD regulations that apply to construction activities. For assumptions in estimating the emissions, please see Appendix B. As shown in Table , the annual construction emissions are below the SJVAPCD significance thresholds in both annual average emissions scenario and the highest annual emissions scenario.

Table 3.3-2
Construction Air Pollutant Emissions Summary – Annual Average (Unmitigated)

Construction Year	Emissions (tons per construction period)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Total Annual Emissions (2025)	0.36	3.06	3.35	0.88	0.29
Total Annual Emissions (2026)	0.21	1.44	2.30	0.26	0.08
Total Annual Emissions (2027)	0.20	1.37	2.25	0.26	0.08
Total Annual Emissions (2028)	1.71	0.46	0.76	0.11	0.03
Grand Total for All Construction Activities	2.48	6.33	8.66	1.51	0.48
Annual Average Emissions (Tons/Year)					
Average Annual Construction Emissions*	0.74	1.88	2.57	0.45	0.14
Maximum Annual Emissions	1.71	3.06	3.35	0.88	0.29
Significance threshold (tons/year)	10	10	100	15	15

Construction Year	Emissions (tons per construction period)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Exceed threshold in either scenario?	No	No	No	No	No
<p>Notes:</p> <p>PM₁₀ and PM_{2.5} emissions reflect compliance with Regulation VIII—Fugitive PM₁₀ Prohibitions.</p> <p>* Calculated using 3.37 years, consistent with the assumptions used to estimate emissions (see Appendix B).</p> <p>Source: CalEEMod output (Appendix B).</p>					

As shown in Table , annual emissions are below the applicable SJVAPCD significance thresholds under both scenarios presented. Therefore, regional construction emissions would have a less-than-significant impact on a project basis.

Operational Emissions

Operational emissions occur over the lifetime of the project and are from four main sources: area sources, energy consumption, motor vehicles (or mobile sources) and permitted sources. Area and mobile sources are non-permitted sources, while gasoline fueling activities are permitted sources. The SJVAPCD considers construction and operational emissions separately when making significance determinations. Furthermore, the SJVAPCD considers permitted and non-permitted emission sources separately when making significance determinations related to criteria pollutants. For assumptions in estimating the emissions, please see Appendix B. Emissions resulting from non-permitted and permitted sources during Project operations are discussed separately below.

Non-permitted Sources

The emissions modeling results for non-permitted sources from project operation are summarized in

Table 3.3-3.

Table 3.3-3
Operational Air Pollutant Emissions (Non-permitted Sources)

Phase and Year	Emissions (tons per year)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Area	2.35	0.12	1.66	0.01	0.01
Energy	0.03	0.54	0.25	0.04	0.04
Mobile	3.78	2.66	18.31	3.03	0.79
Project Land Uses Total	6.16	3.32	20.22	3.08	0.84
Significance threshold	10	10	100	15	15
Exceed threshold—significant impact?	No	No	No	No	No
Notes: ROG = reactive organic gases NO _x = nitrogen oxides PM ₁₀ and PM _{2.5} = particulate matter Area source emissions include emissions from natural gas, landscape, and painting. Source: CalEEMod output (Appendix B).					

As shown in

Table **3.3-3**, the operational emissions for full buildout of the proposed Project in the earliest operational year would not exceed the SJVAPCD thresholds for ROG, NO_x, CO, PM₁₀, or PM_{2.5}. Therefore, the regional impact from operations of the Project would be less than significant.

Permitted Sources

The SJVAPCD GAMAQI recommends assessing the emissions from permitted sources of emissions separate from non-permitted sources. The SJVAPCD's permitting process ensures that emissions of criteria pollutants from permitted equipment and activities at stationary sources are reduced or mitigated to below the SJVAPCD's thresholds of significance. SJVAPCD

implementation of New Source Review (NSR) ensures that there is no net increase in emissions above specified thresholds from new and modified Stationary Sources subject to the rule for all nonattainment pollutants and their precursors. Permitted sources emitting more than the NSR Offset Thresholds for any criteria pollutant must, in general, offset all emission increases in excess of the thresholds.

No stationary sources are currently included as part of the Project. Any future stationary sources to support Project operations would require SJVAPCD permits and would be subject to further evaluation. The SJVAPCD prepares engineering evaluations of all permitted equipment to determine the controls required to achieve best available control technology (BACT) requirements. The permitted emissions are dependent on the control technology selected and any process limits included in the permit conditions.

Therefore, any permitted sources will be required to comply with SJVAPCD BACT requirements. Compliance with regulations would ensure that the project's stationary sources would not exceed SJVAPCD thresholds of significance; therefore, the Project's estimated permitted emissions would be less than significant.

Criterion 2: Plan Approach

Section 15130(b) of the CEQA Guidelines states the following:

The following elements are necessary to an adequate discussion of significant cumulative impacts: 1) Either: (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.

In accordance with CEQA Guidelines 15130(b), this analysis of cumulative impacts is based on a summary of projections analysis. The SJVAPCD attainment plans are based on a summary of projections that account for projected growth throughout the Air Basin, and the controls needed to achieve ambient air quality standards. This analysis considers the current CEQA Guidelines. The Air Basin is in nonattainment or maintenance status for ozone and particulate matter (PM₁₀ and PM_{2.5}), which means that concentrations of those pollutants currently exceed the ambient air quality standards for those pollutants, or that the standards have recently been attained in the case of pollutants with maintenance status. When concentrations of ozone, PM₁₀, or PM_{2.5} exceed the ambient air quality standard, then those sensitive to air pollution (such as children, the elderly, and the infirm) could experience health effects such as: decrease of pulmonary function

and localized lung edema in humans and animals; increased mortality risk; and risk to public health, implied by altered connective tissue metabolism, altered pulmonary morphology in animals after long-term exposures, and pulmonary function decrements in chronically exposed humans. See Appendix B for additional correlation of the health impacts with the existing pollutant concentrations experienced in the Kerman area.

Under the CEQA Guidelines, cumulative impacts may be analyzed using other plans that evaluate relevant cumulative effects. The geographic scope for cumulative criteria pollution from air quality impacts is the Air Basin because that is the area in which the air pollutants generated by the sources within the Air Basin circulate and are often trapped. The SJVAPCD is required to prepare and maintain air quality attainment plans and a State Implementation Plan to document the strategies and measures to be undertaken to reach attainment of ambient air quality standards. While the SJVAPCD does not have authority over land use decisions, it is recognized that changes in land use and circulation planning would help the Air Basin achieve clean air mandates. The SJVAPCD evaluated emissions from land uses and transportation in the entire Air Basin when it developed its attainment plans. Emission inventories used to predict attainment of NAAQS must be based on the latest planning assumptions for mobile sources.

The project site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south and will require annexation to the City of Kerman. The project site is 48 acres of property located on the northwest corner of West Whitesbridge Road (Freeway 180) and North Del Norte Avenue near the northwest border of the City of Kerman, California. It is the intent of the applicant to entitle and develop the subject property for the construction of up to 200 single family residential units, 5,000 square-foot minimum, on 38 acres of the subject site; a proposed R-3 zoned multiple family development that will yield up to 25 units per acre; and an approximately 6.0-acre parcel that will remain general commercial that may house a mid-major tenant of 15,000 square feet with additional pads which may be drive-through facilities.

The City of Kerman proposes a 2040 General Plan Amendment to change the land use designation of the subject property from 15.0 acres of “General Commercial” planned land use to 6.0 acres of General Commercial planned land use and 4.0 acres of High Density Residential planned land use. The amount of medium density residential planned land use will increase by 3 acres from 35 acres to 38 acres.

In accordance with CEQA Guidelines Section 15064, subdivision (h)(3), a lead agency may determine that a project’s incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program.

The SJVAPCD's 2007 8-Hour Ozone Plan contains measures to achieve reductions in emissions of ozone precursors and sets plans towards attainment of ambient ozone standards by 2023. The 2012 PM_{2.5} Plan and the 2015 PM_{2.5} Plan for the 1997 PM_{2.5} Standard require fewer NO_x reductions to attain the PM_{2.5} standard than the Ozone Plan, so the Ozone Plan is considered the applicable plan for reductions of the ozone precursors NO_x and ROG. The 2012 PM_{2.5} Plan requires reductions in directly emitted PM_{2.5} from combustion sources, such as diesel engines and fireplaces, and from fugitive dust to attain the ambient standard and is the applicable plan for PM_{2.5} emissions. PM_{2.5} is also formed in secondary reactions in the atmosphere involving NO_x and ammonia to form nitrate particles. Reductions in NO_x required for ozone attainment are also sufficient for PM_{2.5} attainment. As discussed in Impact 3.3-1, the proposed Project is consistent with all applicable control measures in the air quality attainment plans. The proposed project would comply with any SJVAPCD rules and regulations that may pertain to implementation of the AQPs. Therefore, impacts would be less than significant regarding compliance with applicable rules and regulations.

In conclusion, the growth resulting from the project is accounted for in the applicable AQP; the project will comply with applicable rules and regulations implementing the AQP; and the project would not exceed SJVAPCD thresholds for ROG, NO_x, CO, PM₁₀ and PM_{2.5} during construction or operations. Therefore, the Project is considered significant for this criterion.

Conclusion

The proposed Project would incorporate design features and required mitigation measures that reduce air quality impacts. In addition, regulations adopted by the SJVAPCD and the State of California provide emission reductions that would align with requirements of the mitigation measures included in the EIR and relevant General Plan policies. For example, Rule 9510 ISR, adopted in 2006, requires projects subject to the Rule to reduce operational NO_x emissions by 33 percent and PM₁₀ emissions by 50 percent through the implementation of design features or payment of off-site mitigation fees. Rule 4901 regulates the installation of wood burning devices in project residences. Rule 9401 Employee Trip Reduction requires large employers to prepare plans to reduce employee trips with measures listed in the mitigation measure, among others. Title 24 Building Energy Efficiency Standards are updated every three years and require increasingly stringent energy efficiency measures over time. Solar panels continue to be required under 2022 Title 24 standards that became effective on January 1, 2023. Individual development projects will be subject to the most recent Title 24 in effect that building permits are issued, which will ensure that building energy consumption would not be wasteful or inefficient. The buildout of the proposed project would provide future residents, visitors, and employees connectivity

within the project site and to adjoining land uses through pedestrian and bicycle connections. The proximity of the proposed new development to existing buildout in the City of Kerman, coupled with the design features of the proposed project, would improve mobility and connectivity within the project area. Overall, the proposed project would create a considerable amount of internal capture between its components to reduce VMT compared to the same level of development built with land uses geographically separated from each other. Any impacts are *less than significant*.

Mitigation Measures

None Required.

Impact 3.3-3: *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Less Than Significant Impact.

Sensitive Receptors

Those who are sensitive to air pollution include children, the elderly, and people with pre-existing respiratory or cardiovascular illnesses. The SJVAPCD considers a sensitive receptor a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The closest off-site sensitive receptors include existing residences located within approximately: 25 feet from the project site boundary to the west, 78 feet to the east, 128 feet to the south, and 226 feet to the north. Residences are the main sensitive receptors within ¼-mile of the jobsite but there are three schools in the nearby area: a designated site for a future elementary school is 0.30 miles (1,584') east of the project site, Kerman Christian School is 400' southeast and Kerman High School is 560' southeast of the project site. There are no hospitals, daycare, convalescent facilities or other sensitive receptors within ¼-mile of the Project site.

Depending on the order of buildout of development contemplated under the proposed Project, the nearest sensitive receptors for project activities are expected to change as newly developed uses included as part of the project may begin to be occupied prior to full buildout.

The ARB Air Quality and Land Use Handbook contains recommendations that will “help keep California’s children and other vulnerable populations out of harm’s way with respect to nearby

sources of air pollution” (ARB 2005), including recommendations for distances between sensitive receptors and certain land uses. In the *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal.4th 369 (2015) (Case No. S213478) the California Supreme Court held that “agencies subject to CEQA are not required to analyze the impact of existing environmental conditions on a project’s future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project’s impact on the environment—and not the environment’s impact on the project—that compels an evaluation of how future residents or users could be affected by exacerbated conditions.” Although the Court ruled that impacts from the existing environment on projects are not required to be addressed under CEQA, land uses such as gasoline stations, dry cleaners, distribution centers, and auto body shops can expose residents to high levels of TAC emissions if they are close to sensitive receptors.

Localized Air Pollutant Emissions and Toxic Air Contaminants

Localized Pollutant Screening Analysis

Maximum Daily Construction Emissions

Construction activities are expected to occur over several years as the Project area is built out. For each area, most emissions are expected to occur during the initial site preparation and grading activities and to a lesser extent during ground-up construction. Emissions occurring at or near the Project site have the potential to create a localized impact, also referred to as an air pollutant hotspot. Localized emissions are considered significant if, when combined with background emissions, they would result in exceedance of any health-based air quality standard.

The SJVAPCD’s GAMAQI includes screening thresholds for identifying projects that need detailed analysis for localized impacts. Projects with on-site emission increases from construction activities or operational activities that exceed the 100 pounds per day screening level of any criteria pollutant after compliance with Rule 9510 and implementation of all enforceable mitigation measures would require preparation of an ambient air quality analysis. The criteria pollutants of concern for localized impact in the SJVAB are PM₁₀, PM_{2.5}, NO_x, and CO. There is no localized emission standard for ROG and most types of ROG are not toxic and have no health-based standard; however, ROG was included for informational purposes only.

The highest daily emissions occur during project grading activities except for ROG emissions, which are highest during application of architectural coatings. The construction screening analysis uses on-site emissions. To account for on-site travel and idling from on-road construction

vehicle trips, emissions from construction vehicle trips were included after a 0.5-mile trip length was applied. The results of the construction screening analysis are presented in

Table 3.3-4. Project maximum daily construction emissions would be less than the screening threshold for all pollutants; therefore, no additional analysis is required for localized criteria pollutant impacts regarding the project's potential to create an ambient air quality impact from construction.

Table 3.3-4
Maximum Daily Air Pollutant Emissions during Construction (Unmitigated)

Maximum Daily Emissions by Year	Emissions (pounds per day)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Maximum Daily Emissions (2025)	3.44	33.39	31.55	16.81	5.98
Maximum Daily Emissions (2026)	1.65	10.51	15.23	1.19	0.44
Maximum Daily Emissions (2027)	1.57	10.02	15.06	1.15	0.40
Maximum Daily Emissions (2028)	61.56	10.87	16.71	1.90	0.46
Highest Daily Emissions from Construction	61.56	33.39	31.55	16.81	5.98
Screening Thresholds	—	100	100	100	100
Exceeds Threshold (Yes or No)	—	No	No	No	No
Notes: NO _x = nitrogen oxides CO = carbon monoxide PM ₁₀ and PM _{2.5} = particulate matter N/A = Not applicable Emissions shown are from the winter model output. There is no ambient air quality standard for ROG. Source: CalEEMod output (Appendix B).					

Maximum Daily Operational Emissions

An analysis of maximum daily emissions during operation was conducted to determine if emissions would exceed 100 pounds per day for any pollutant of concern. Project emissions were modeled for full buildout in the earliest operational year (2026), which presents a conservative analysis compared to using later operational year. Using earlier operational years constitutes a

conservative analysis because emissions decline over time as older, high-emitting vehicles are replaced with new low-emitting vehicles compliant with current emission standards. Operational emissions include emissions generated on-site by area sources such as natural gas combustion and landscape maintenance, and off-site by motor vehicles accessing the project. Most motor vehicle emissions would occur distant from the site and would not contribute to a violation of ambient air quality standards; therefore, only emissions from vehicles operating within 0.5 mile of the site were included in the assessment. The results of the screening analysis are presented in **Error! Reference source not found..**

Table 3.3-5
Maximum Daily Air Pollutant Emissions during Operations

Maximum Daily Emissions from Operations	Emissions (pounds per day)				
	ROG	NO _x	CO	PM ₁₀	PM _{2.5}
Area	13.82	2.49	19.03	0.21	0.21
Energy	0.17	2.94	1.36	0.24	0.24
Mobile	24.30	9.60	56.03	2.72	0.73
Localized Maximum Daily Emissions	38.29	15.03	76.42	3.17	1.18
Screening threshold	—	100	100	100	100
Exceed screening threshold?	—	No	No	No	No
Notes: NO _x = nitrogen oxides CO = carbon monoxide PM ₁₀ and PM _{2.5} = particulate matter N/A = Not applicable There is no ambient air quality standard for ROG. Source: CalEEMod output (Appendix B).					

As shown in **Error! Reference source not found.**, the Project would not exceed SJVAPCD screening thresholds for localized operational criteria pollutant impacts for NO_x, CO, PM₁₀, or PM_{2.5}. Therefore, based on the SJVAPCD's guidance, the operational emissions would not cause an ambient air quality standard violation. As such, impacts would be less than significant.

Toxic Air Contaminants and Health Risk Impacts

Construction

Project construction would involve the use of diesel-fueled vehicles and equipment that emit DPM, which is considered a Toxic Air Contaminant (TAC). The SJVAPCD's current threshold of significance for TAC emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million (formerly 10 in a million). The SJVAPCD's 2015 GAMAQI does not currently recommend analysis of TAC emissions from project construction activities, but instead focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years. In addition, the most intense construction activities of the Project's construction would occur during site preparation and grading phases over a short period. There are no conditions unique to the project site that would require more intense construction activity compared to typical development. Examples of situations that would warrant closer scrutiny may include sites that would require extensive excavation and hauling due to existing site conditions. Building construction typically requires limited amounts of diesel equipment relative to site clearing activities. Nonetheless, a construction Health Risk Assessment (HRA) was prepared as part of this analysis. In addition, the analysis includes an evaluation of potential health impacts from construction and operations of the Project considered together, over a 70-year exposure scenario.

The results of the HRA prepared for Project construction for cancer risk and long-term chronic cancer risk are summarized below. Construction emissions were estimated assuming adherence to all applicable rules, regulations, and project design features. The construction emissions were assumed to be distributed over the project area with a working schedule of eight hours per day and five days per week. Emissions were adjusted by a factor of 4.2 to convert for use with a 24-hour-per-day, 365 day-per-year averaging period. Health risk calculations were completed using HARP2. Detailed parameters and complete calculations are included in Appendix B.

The estimated health and hazard impacts at the Maximally Exposed Receptor (MER) from the project's construction emissions are provided in Table 3.3-6.

Table 3.3-6
Summary of the Health Impacts from Unmitigated Project Construction

Exposure Scenario	Maximum Cancer Risk (Risk per Million)	Chronic Non-Cancer Hazard Index	Acute Non-Cancer Hazard Index
Risks and Hazards at the MER from Project Construction	10.23	0.0052	0.0000
Applicable Threshold of Significance	20	1	1
Exceeds Individual Source Threshold at the MER?	No	No	No
Notes: MER = Maximally Exposed Receptor Kerman Mixed-use Project Unmitigated Construction MER: Receptor #275 at 36°44'04.4"N 120°04'11.7"W Source: Appendix B.			

As shown in Table, the estimated health risk metrics resulting from the proposed Project's construction DPM emissions would not exceed the cancer risk significance threshold or non-cancer hazard index significance threshold at the MER. Therefore, the proposed Project would not result in a significant impact on nearby sensitive receptors from TACs during construction.

Operations

Unlike warehouses or distribution centers, the daily vehicle trips generated by the proposed mixed-use Project consisting of commercial and residential uses would be primarily generated by passenger vehicles. Passenger vehicles typically use gasoline engines rather than the diesel engines that are found in heavy-duty trucks. Gasoline-powered vehicles do emit TACs in the form of toxic organic gases, some of which are carcinogenic. Compared to the combustion of diesel, the combustion of gasoline had low emissions of TACs. Thus, residential and typical commercial development produce limited amounts of TAC emissions during operation. Nonetheless, it is anticipated that there would be some heavy-duty trucks visiting the project site

during operations. Consistent with SJVAPCD guidance, an operational prioritization screening analysis was completed for the proposed Project.

Operational DPM emissions from diesel trucks were estimated using emission factors from Air Resources Board's Emission Factor (EMFAC) and estimated truck travel and idling at the project site based on average daily trips and the SJVAPCD-approved residential fleet mix. The emissions were entered into the SJVAPCD Prioritization Screening Tool to determine the risk scores, with complete calculations and assumptions included as part of Appendix B. The results of the screening analysis are provided in Table .

Table 3.3-7
Prioritization Tool Health Risk Screening Results

Exposure Scenario	Maximum Cancer Risk (Risk per Million)	Chronic Non-Cancer Hazard Index	Acute Non-Cancer Hazard Index
Diesel Trucks (Prioritization Screening)	21.01	0.0061	0.0000
Total Risk from Project Operations	21.01	0.0061	0.0000
Screening Risk Score Threshold	10	1	1
Screening Thresholds Exceeded?	Yes	No	No
Source: Appendix B.			

As shown in Table 3.3-7, the Project would exceed the SJVAPCD's applicable cancer risk screening level. Therefore, further analysis is required to determine the Project's potential to expose sensitive receptors to elevated levels of TACs during operations.

An analysis of TACs (including Diesel Particulate Matter (DPM)) was performed using the EPA-approved AERMOD model, which is an air dispersion model accepted by the SJVAPCD for preparing HRAs. AERMOD version 23132 was used for this analysis. Consistent with SJVAPCD guidance, the health risk computation was performed to determine the risk of developing an excess cancer risk calculated on a 70-year exposure scenario. Results of the HRA are summarized in Table . The complete HRA prepared for the proposed project, including calculations, AERMOD output data, and HARP2 files, are included in Appendix B.

Table 3.3-8
Summary of the Health Impacts from Operations of the Proposed Project and Combined Construction and Operations (70-year Scenarios)

Exposure Scenario	Maximum Cancer Risk (Risk per Million)	Chronic Non-Cancer Hazard Index	Acute Non-Cancer Hazard Index
70-Year Exposure at the MER starting in the Third Trimester (from DPM Emissions)	4.12	0.0008	0.0000
Combined 70-Year Exposure Scenario for Construction plus Operations at the MER ^{1,2}	12.82	0.0060	0.0000
Applicable Threshold of Significance	20	1	1
Threshold Exceeded in Any Scenario?	No	No	No
<p>Notes:</p> <p>MER = Maximally Exposed Receptor</p> <p>DPM = Diesel Particulate Matter</p> <p>Operational MER: Receptor #275 at 36°44'04.4"N 120°04'11.7"W</p> <p>Construction MER: Receptor #275 at 36°44'04.4"N 120°04'11.7"W</p> <p>¹ For the combined scenario, operations were assumed to begin immediately following construction, at age 3.373 (see Appendix B).</p> <p>² The combined cancer risk at the MER is 12.82 in a million (10.23/million from project construction + 2.59/million from operations starting at age 3.373).</p> <p>Source: Appendix B.</p>			

As shown in Table , the project would not exceed the cancer risk, chronic risk, or acute risk threshold levels in any scenario analyzed. The primary source of the emissions responsible for chronic risk are from diesel trucks during operations and off-road diesel equipment during construction. DPM does not have an acute risk factor, resulting in an acute non-cancer hazard index of zero (0) for all receptors. Since Project emissions do not exceed the applicable SJVAPCD thresholds for cancer risk, acute risk, or chronic risk, the impact related to the project's potential

to expose sensitive receptors to substantial pollutant concentrations would be less than significant.

Valley Fever

Valley fever, or coccidioidomycosis, is an infection caused by inhalation of the spores of the fungus, *Coccidioides immitis* (*C. immitis*). The spores live in soil and can live for an extended time in harsh environmental conditions. Activities or conditions that increase the amount of fugitive dust contribute to greater exposure, and they include dust storms, grading, and recreational off-road activities.

The San Joaquin Valley is considered an endemic area for Valley fever. During 2000–2018, a total of 65,438 coccidioidomycosis cases were reported in California; median statewide annual incidence was 7.9 per 100,000 population and varied by region from 1.1 in Northern and Eastern California to 90.6 in the Southern San Joaquin Valley, with the largest increase (15-fold) occurring in the Northern San Joaquin Valley. Incidence has been consistently high in six counties in the Southern San Joaquin Valley (Fresno, Kern, Kings, Madera, Tulare, and Merced counties) and Central Coast (San Luis Obispo County) regions. California experienced 6,490 new cases of Valley fever in 2020. A total of 624 Valley fever cases were reported in Fresno County in 2023.

The distribution of *C. immitis* within endemic areas is not uniform and growth sites are commonly small (a few tens of meters) and widely scattered. Known sites appear to have some ecological factors in common suggesting that certain physical, chemical, and biological conditions are more favorable for *C. immitis* growth. Avoidance, when possible, of sites favorable for the occurrence of *C. immitis* is a prudent risk management strategy. Listed below are ecologic factors and sites favorable for the occurrence of *C. immitis*:

- 1) Rodent burrows (often a favorable site for *C. immitis*, perhaps because temperatures are more moderate and humidity higher than on the ground surface)
- 2) Old (prehistoric) Indian campsites near fire pits
- 3) Areas with sparse vegetation and alkaline soils
- 4) Areas with high salinity soils
- 5) Areas adjacent to arroyos (where residual moisture may be available)

- 6) Packrat middens
- 7) Upper 30 centimeters of the soil horizon, especially in virgin undisturbed soils
- 8) Sandy, well-aerated soil with high water-holding capacities

Sites within endemic areas less favorable for the occurrence of *C. immitis* include:

- 1) Cultivated fields
- 2) Heavily vegetated areas (e.g. grassy lawns)
- 3) Higher elevations (above 7,000 feet)
- 4) Areas where commercial fertilizers (e.g. ammonium sulfate) have been applied
- 5) Areas that are continually wet
- 6) Paved (asphalt or concrete) or oiled areas
- 7) Soils containing abundant microorganisms
- 8) Heavily urbanized areas where there is little undisturbed virgin soil

The proposed Project includes urbanization of a site that was formerly used for agricultural purposes.

Construction activities would generate fugitive dust that could contain *C. immitis* spores. Development contemplated under the proposed Project will minimize the generation of fugitive dust during construction activities by complying with the District's Regulation VIII. Therefore, this regulation, combined with the relatively low probability of the presence of *C. immitis* spores, would reduce Valley fever impacts to less than significant.

During operations, dust emissions are anticipated to be negligible because most of the developed Project area would be occupied by buildings, pavement, and landscaped areas. This condition would preclude the possibility of individual projects providing habitat suitable for *C. immitis* spores and for generating fugitive dust that may contribute to Valley fever exposure. Impacts would be less than significant.

Naturally Occurring Asbestos

According to a map of areas where naturally occurring asbestos in California are likely to occur there are no such areas in the Project site. Ultramafic rock that contains asbestos is located at

various locations in the foothills of Fresno County but are not near the project site. Therefore, development of the proposed Project is not anticipated to expose receptors to naturally occurring asbestos. Impacts would be less than significant.

Conclusion

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

Mitigation Measures

None Required.

Impact 3.3-4: *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Less Than Significant. Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc. warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas.

Two situations create a potential for odor impact. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing source of odor. According to the *CBIA v. BAAQMD* ruling, impacts of existing sources of odors on the Project are not subject to CEQA review. The SJVAPCD has determined the common land use types that are known to produce odors in the Air Basin. These types are shown in Table 3.3-9.

**Table 3.3-9
Screening Levels for Potential Odor Sources⁹**

⁹ San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015a. Guidance for Assessing and Mitigating Air Quality Impacts. Revised March 19, 2015. <https://ww2.valleyair.org/permitting/ceqa/>. Accessed June 2024.

Odor Generator	Screening Distance
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile

According to the SJVAPCD's GAMAQI, analysis of potential odor impacts should be conducted for the following two situations:

- **Generators:** projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate, and
- **Receivers:** residential or other sensitive receptor projects or other projects built for the intent of attracting people located near existing odor sources.

Project Analysis

Project as a Generator

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

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

Project as a Receiver

The buildout of the proposed project would include the development of sensitive receptor land uses, including residential uses. With the *CBIA v. BAAQMD* ruling, analysis of odor impacts on receivers is not required for CEQA compliance unless the project would exacerbate an existing impact. As noted above, the proposed project would not result in odors that would adversely affect a substantial number of people. Therefore, no further analysis of the proposed Project as a receiver is required and impacts would be *less than significant*.

Mitigation Measures

None Required.

Cumulative Impacts

In analyzing cumulative impacts from the proposed Project, the analysis must specifically evaluate a project's contribution to the cumulative increase in pollutants of concern for the San Joaquin Valley Air Basin (Air Basin). A project would be considered to have a significant cumulative impact if its contribution accounts for a significant proportion of the cumulative total emissions (i.e., it represents a "cumulatively considerable contribution" to the cumulative air quality impact). The geographic context for the analysis of cumulative impacts related to air quality is the Air Basin. The SJVAPCD's attainment statuses are a result of cumulative emissions from all sources of these air pollutants and their precursors within the Air Basin. For pollutants that the Air Basin is designated as non-attainment for the California Ambient Air Quality Standards and National Ambient Air Quality Standards, a cumulative impact exists regardless of the project's incremental contribution. Significance thresholds established by the SJVAPCD are used to manage total regional and local emissions within the Air Basin based on the Air Basin's attainment status for criteria pollutants.

Cumulative impacts from the proposed Project are as follows:

- As identified in Impact 3.3-1, the Project would not conflict with the applicable air quality plans and impacts were demonstrated to be less than significant. Because the Project-level impacts were determined to be less than significant, the impact is *less than cumulatively significant*.
- Cumulative criteria pollutant impacts are discussed in Impact 3.3-2 and, within that analysis, the Project's contribution to cumulative impacts were demonstrated to be less

than significant. As such, cumulative impacts are considered *less than cumulatively significant*.

- As identified in Impact 3.3-3, the Project would not expose sensitive receptors to substantial concentrations of TACs from construction and/or operations of the Project and would not expose sensitive receptors to substantial levels of CO during Project operations. As such, cumulative impacts are considered *less than cumulatively significant*.
- As identified in Impact 3.3-4, the Project would not result in other emissions such as odors. Therefore, evaluation of the information supports a finding that the Project's contribution would be *less than cumulatively considerable* under this impact because the proposed Project's local impact would be less than significant.

3.4 Biological Resources

This section of the DEIR addresses the biological resources present within the proposed Project area. The section includes a discussion of the special-status species that may potentially occur within the proposed Project area as well as any sensitive habitats in the area. It also recognizes the potential impacts of implementing the proposed Project on such resources and identifies mitigation measures, where appropriate. No NOP comment letters were received pertaining to this topic. The information and analysis presented in this Section are based on the desktop review and reconnaissance site survey conducted by Live Oak Associates, Inc. (Live Oak). The full biological evaluation is provided in Appendix C.

Environmental Setting

The project site is located in California's San Joaquin Valley. The San Joaquin Valley is a large, nearly flat alluvial plain bordered by the Sierra Nevada to the east, the Tehachapi Mountains to the south, the California coast ranges to the west, and the Sacramento-San Joaquin Delta to the north.

The site lies immediately outside the northern city limits of the City of Kerman, in an area heavily influenced by urban and intensive agricultural uses. It is bordered by an orchard to the north, North Del Norte Avenue and orchard land to the east, California State Route 180 (West Whitesbridge Avenue) and residential uses to the south, and an orchard and residential area to the west.

The project site consists of an almond orchard, a disked field, and a small residential area and has been used for agricultural purposes since at least 1998. The site is relatively flat with an elevation of approximately 220 feet National Geodetic Vertical Datum (NGVD).

Desktop Review

The California Natural Diversity Data Base (CNDDB) was queried for special status plant and animal occurrences in the nine USGS 7.5-minute quadrangles containing and surrounding the project site: *Madera, Gregg, Lanes Bridge, Biola, Herndon, Fresno North, Kerman, Kearney Park*, and

Fresno South. A number of special status plants and animals were returned in the query and are summarized below in Table 1 of Appendix C.¹

Field Survey

A field survey of the project site was conducted on December 12, 2023 by LOA biologist Natalie Neff. The survey consisted of a walk through the project site while identifying the principal land uses of the project site and the constituent plants and animals of each land use. The field survey conducted for this study was sufficient to assess the significance of possible biological impacts associated with the development plans for the project site.²

Land Use and Habitats

The project site contained two biotic habitats, characterized as agricultural and residential. An aerial view of the site is presented in Figure 3 of Appendix C. A list of vascular plants identified on the site is presented in Appendix A of Appendix C. A list of terrestrial vertebrates using or potentially using the project site is presented in Appendix B of Appendix C. Representative photos of the site are presented in Appendix C of Appendix C.

Observed Species

Agricultural Land

At the time of Live Oak's field survey, the majority of the project site consisted of agricultural land. The southern portion of the site consisted of an almond (*Prunus dulcis*) orchard and the northern portion contained a disked field from which the orchard trees had recently been removed per Google Earth aerial imagery. The most prevalent herbaceous vegetation within the orchard and on associated agricultural roads included common weeds such as common chickweed (*Stellaria media*), henbit (*Lamium amplexicaule*), large crabgrass (*Digitaria sanguinalis*) and bearded sprangletop (*Leptochloa fusca*). The disked field contained herbaceous species typical of a disturbed environment including cheeseweed (*Malva parviflora*), red-stemmed amaranth (*Amaranthus retroflexus*), flax-leaf fleabane (*Erigeron bonariensis*), and prickly lettuce (*Lactuca serriola*).

¹ Biological Evaluation – Kerman Mixed Use Project (Live Oak), January 2023, page 11.

² Ibid, page 5.

The site's orchard habitat may be used by a number of native wildlife species that have adapted to make use of agricultural lands. A variety of birds could nest in the orchard including mourning doves (*Zenaidura macroura*), northern mockingbirds (*Mimus polyglottos*), Brewer's blackbirds (*Euphagus cyanocephalus*), and American robins (*Turdus migratorius*), among others. Ground nesting birds like killdeer (*Charadrius vociferus*) are highly disturbance tolerant and could nest in the dirt roads that line and run through the orchard. This biotic land type does not provide suitable nesting habitat for large raptors, though it does provide some foraging habitat as evidenced by a Cooper's hawk (*Accipiter cooperii*) seen foraging in the mature portion of the almond orchard during the December survey. Other avian species likely to forage in the site's orchard include the California scrub jay (*Aphelocoma californica*) and American crow (*Corvus brachyrhynchos*). Reptile species like side-blotched lizard (*Uta stansburiana*), gopher snake (*Pituophis melanoleucus*), and Pacific gopher snake (*Pituophis catenifer catenifer*) may forage in the orchard as well.

The disked field provides relatively low wildlife value due to the high amount of disturbance it receives and general lack of vegetation; however, some common species are expected to utilize this portion of the site. Brewer's blackbirds and American crows may forage in the disked field from time to time while the disturbance-tolerant killdeer could nest in the field. The same reptiles found in the orchard could utilize the disked field as well.

Small mammal use of the site's agricultural lands may include the Botta's pocket gopher (*Thomomys bottae*), deer mouse (*Peromyscus maniculatus*), and California ground squirrel (*Otospermophilus beecheyi*). California ground squirrel burrows and Botta's pocket gophers were found in the orchard, though only a few active burrows were present.

Common mammalian predators such as coyotes (*Canis latrans*), raccoons (*Procyon lotor*), and striped skunks (*Mephitis mephitis*) may forage and pass through the site's agricultural lands as well. Various bats may forage over these lands, though roosting in the active almond orchard would be unlikely.³

Residential

In the northeast corner of the project site, approximately 1.4 acres can be categorized as residential. Five structures and associated residential infrastructure including cars and equipment occupy this section of the project site. Large ornamental trees such as English walnut

³ Biological Evaluation – Kerman Mixed Use Project (Live Oak), January 2023, page 9.

(*Juglans regia*), white mulberry (*Morus alba*), and orange (*Citrus x sinensis*) are scattered around this portion of the project site. Weedy species associated with disturbed soils such as mat amaranth (*Amaranthus blitoides*), red-stemmed filaree (*Erodium cicutarium*), and black nightshade (*Solanum nigrum*) were found here as well.

This habitat type provides habitat for nesting birds that may occur in the agricultural habitat type, and may also attract avian species associated with the built environment, such as the house finch (*Haemorhous mexicanus*) and black phoebe (*Sayornis nigricans*). The same reptiles and mammals expected to be found in the agricultural habitat are expected to be found here as well, though no California ground squirrel burrows were located in this area of the project site.

Nesting Birds

The project site has the potential to be used for nesting by a variety of birds and raptors protected by state and federal law. If project construction takes place during the nesting season, birds nesting on the site could be injured or killed by construction activities or disturbed such that they would abandon their nests. Significant construction-related disturbance is also a possibility for birds nesting adjacent to the project site, potentially including the Swainson's hawk (*Buteo swainsoni*), a California Threatened species. Construction-related mortality of nesting birds and disturbance leading to nest abandonment would violate state and federal laws and constitute significant impacts of the project. Moreover, such incidents would violate the Migratory Bird Treaty Act, California Fish and Game Code, and, in the case of Swainson's hawk, the California Endangered Species Act.

Swainson's hawks are not expected to be adversely affected by project -related loss of habitat. Orchards are not suitable foraging habitat for Swainson's hawks and the loss of approximately 24 acres of disked field in an area with many more acres of similar or more suitable foraging habitat is unlikely to substantially adversely affect individuals or populations of this species.⁴

Jurisdictional Waters

Jurisdictional waters are those rivers, streams, lakes, ponds, and wetlands that are subject to the authority of the U.S. Army Corps of Engineers (USACE), CDFW, and/or the Regional Water Quality Control Board (RWQCB). In general, the USACE regulates navigable waters, tributaries to navigable waters, and wetlands with a continuous surface connection to these waters, where wetlands are defined by the presence of hydric soils, hydrophytic vegetation, and wetland

⁴ Biological Evaluation – Kerman Mixed Use Project (Live Oak), January 2023, page 26.

hydrology. All waters under USACE jurisdiction are also regulated by the RWQCB as waters of the State. Additionally, the RWQCB asserts jurisdiction over certain isolated features disclaimed by the USACE. The CDFW has jurisdiction over natural features with a defined bed and bank, such as rivers, streams, and lakes.

Jurisdictional waters are absent from the site.⁵

Regulatory Setting

Federal Regulations

Federal Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act (16 U.S.C. 704)(MBTA) makes it unlawful to “take” (kill, harm, harass, etc.) any migratory bird listed in 50 Code of Federal Regulations 10, including their nests, eggs, or products. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and many other species.

Federal Endangered Species Act of 1973

Section 3 of the federal Endangered Species Act (ESA) defines an endangered species as any species or subspecies “in danger of extinction throughout all or a significant portion of its range.” A threatened species is defined as any species or subspecies of fish, wildlife, or plants “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Threatened or endangered species and their critical habitat are designated through publication of a final rule in the Federal Register. Designated endangered and threatened animal species are fully protected from “take” unless an applicant has an incidental take permit issued by the USFWS under Section 10 or incidental take statement issued under Section 7 of the ESA. A take is defined as the killing, capturing, or harassing of a species. Proposed endangered or threatened species, or their critical habitats, are those for which a proposed regulation, but no final rule, has been published in the Federal Register.

⁵ Biological Evaluation – Kerman Mixed Use Project (Live Oak), January 2023, page 16.

State of California Regulations

California Endangered Species Act

The California Endangered Species Act (CESA) declares that deserving plant or animal species will be given protection by the State because they are of ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of the State. CESA establishes that it is State policy to conserve, protect, restore, and enhance endangered species and their habitats. Under State law, plant and animal species may be formally designated as rare, threatened, or endangered through official listing by the California Fish & Game Commission. Listed species are given greater attention during the land use planning process by local governments, public agencies, including the California Department of Fish & Wildlife (CDFW) and landowners than are species that have not been listed.

On private property, endangered plants may also be protected by the Native Plant Protection Act (NPPA) of 1977. Threatened plants are protected by CESA, and rare plants are protected by the NPPA. However, CESA authorizes that “Private entities may take plant species listed as endangered or threatened under the ESA and CESA through a Federal incidental take permit issued pursuant to Section 10 of the ESA, if the CDFG certifies that the incidental take statement or incidental take permit is consistent with CESA.”

In addition, the California Environmental Quality Act (CEQA) requires disclosure of any potential impacts on listed species and alternatives or mitigation that would reduce those impacts.

California Environmental Quality Act—Treatment of Listed Plant and Animal Species

ESA and CESA protect only those species formally listed as threatened or endangered (or rare in the case of the State list). Section 15380 of the CEQA Guidelines independently defines “endangered” species of plants or animals as those whose survival and reproduction in the wild are in immediate jeopardy and “rare” species as those who are in such low numbers that they could become endangered if their environment worsens. Therefore, a project normally will have a significant effect on the environment if it will substantially affect a rare or endangered species of animal or plant or the habitat of the species. The significance of impacts to a species under CEQA must be based on analyzing actual rarity and threat of extinction despite legal status or lack thereof.

Section 1602 of the California Fish and Game Code

Streambeds and other drainages that occur within the Planning Area are subject to regulation by the CDFW. Please note that although the agency is now called the California Department of Fish & Wildlife, the State Code is still named the California Department of Fish and Game (CDFG) Code. For purposes of this document, these terms are interchangeable. The CDFW considers most drainages to be “streambeds” unless it can be demonstrated otherwise. A stream is defined as a body of water that flows at least periodically or intermittently through a bed or channel with banks and supports fish or other aquatic life. This includes watercourses having a surface or sub-surface flow that supports, or has supported, riparian vegetation. CDFW jurisdiction typically extends to the edge of the riparian canopy, and therefore, usually encompasses a larger area than Corps jurisdiction.

Porter-Cologne Act

The California State Water Resources Control Board (SWRCB) has determined in response to the U.S. Supreme Court decisions that reduce federal jurisdiction over Waters of the U.S., that the State would require that a Report of Waste Discharge be required for any discharge of waste, including fill, into “waters of the state”, other than those projects requiring a federal Clean Water Act (CWA) Section 404 permit and the State’s CWA Section 401 Certification of the federal permit, under the authority of the state Porter-Cologne Act. The Central Valley Regional Water Quality Control Board (Central Valley RWQCB) is responsible for issuing Waste Discharge Requirements (WDRs) to protect state surface and groundwater quality after reviewing a Report of Waste Discharge.

Sections 3503, 3503.5, and 3800 of the California Fish and Game Code

These sections of the Fish and Game Code prohibit the “take or possession of birds, their nests, or eggs.” Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a “take.” Such a take would also violate Federal law protecting migratory birds.

Incidental Take Permits (*i.e.*, Management Agreements) are required from the CDFW for projects that may result in the incidental take of species listed by the State of California as endangered, threatened, or candidate species. The permits require that impacts to protected species be minimized to the extent possible and mitigated to a level of insignificance.

Local Regulations

City of Kerman General Plan

According to the City's General Plan, there is no critical habitat designated for any special-status plant and animal species within the Kerman Planning Area. With implementation of the goals and policies in the 2040 General Plan, substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service would be avoided or minimized.⁶

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item. In accordance with Appendix G of the CEQA Guidelines, the proposed Project would have a significant environmental impact if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on state or federally-protected wetlands (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site;

⁶ Kerman General Plan (2040), page 6-2.

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Impacts and Mitigation Measures

Impact 3.4-1: *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?*

Less than Significant Impact with Mitigation Incorporated.

Potential Impacts to Special Status Plants

Sixteen (16) special status plant species have been documented in the project vicinity (see Table 2 of Appendix C). Although two special status plant species, alkali-sink goldfields (*Lasthenia chrysantha*) and California alkali grass (*Puccinellia simplex*), were once documented on or near the site, any suitable habitat that may have once been present on site or in the immediate vicinity would have been eliminated with the area's conversion to intensive agriculture and developed uses. Because these two species and the remaining fourteen species have no appreciable potential to occur on the site due to the absence of suitable habitat, no project-related impacts are anticipated. Therefore, impacts to special status plants are considered less than significant.⁷

Potential Impacts to Special Status Animal Species

Of the twelve (12) special status animal species that potentially occur in the general vicinity of the site, nine (9) are considered absent from or unlikely to occur within the project site due to the absence of suitable habitat and/or the project site being situated outside of the species' known distribution (see Table 2 of Appendix C). These comprise the valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), giant gartersnake (*Thamnophis gigas*), blunt-nosed leopard lizard (*Gambelia sila*), Fresno kangaroo rat (*Dipodomys nitratoideis exilis*), San Joaquin kit fox (*Vulpes macrotis mutica*), western spadefoot (*Spea hammondi*), San Joaquin coachwhip (*Masticophis*

⁷ Biological Evaluation – Kerman Mixed Use Project (Live Oak), January 2023, page 27.

flagellum ruddocki), burrowing owl (*Athene cunicularia*), and American badger (*Taxidea taxus*). The project is expected to have an insignificant effect or no effect on these species through construction mortality/disturbance or loss of habitat because there is little or no likelihood that they are present.

Two special status animal species, the tricolored blackbird (*Agelaius tricolor*) and mountain plover (*Charadrius montanus*), have the potential to forage on the site from time to time but would not nest on or near enough to the project site that they could be vulnerable to construction-related injury, mortality, or disturbance during this sensitive period (see Table 1 of Appendix C). Individuals of these species are unlikely to be injured or killed by construction activities because they are highly mobile while foraging and would be expected to simply avoid active work areas. The project would not adversely affect either of these species through loss of foraging habitat. The site does not offer unique habitat for these species, nor is it likely to represent an important part of any individual foraging range, given its disturbed nature and urban setting. For these reasons, impacts to the tricolored blackbird and mountain plover are considered less than significant under CEQA.

Potential Impacts to Nesting Birds

The project site has the potential to be used for nesting by a variety of birds and raptors protected by state and federal law. If project construction takes place during the nesting season, birds nesting on the site could be injured or killed by construction activities or disturbed such that they would abandon their nests. Significant construction-related disturbance is also a possibility for birds nesting adjacent to the project site, potentially including the Swainson's hawk (*Buteo swainsoni*), a California Threatened species. Construction-related mortality of nesting birds and disturbance leading to nest abandonment would violate state and federal laws and constitute significant impacts of the project. Moreover, such incidents would violate the Migratory Bird Treaty Act, California Fish and Game Code, and, in the case of Swainson's hawk, the California Endangered Species Act.

Swainson's hawks are not expected to be adversely affected by project -related loss of habitat. Orchards are not suitable foraging habitat for Swainson's hawks and the loss of approximately 24 acres of disked field in an area with many more acres of similar or more suitable foraging habitat is unlikely to substantially adversely affect individuals or populations of this species. Therefore the loss of habitat on site is not considered to be a significant impact. The following measures (Mitigation Measure BIO – 1) will be implemented for the protection of nesting birds and raptors, including the state-threatened Swainson's hawk.

Mitigation Measure:**BIO-1: Protect Nesting Birds and Raptors**

Prior to ground disturbance or construction activities, the following measures shall be implemented:

(Construction Timing). If feasible, the project will be implemented outside of the avian nesting season, typically defined as February 1 to August 31.

(Preconstruction Surveys). If construction must occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active bird nests within 10 days prior to the start of construction. The survey area will encompass the site and accessible surrounding lands within ½ mile for nesting Swainson's hawks, 500 feet for other nesting raptors (i.e., birds of prey), and 250 feet for nesting migratory birds.

(Avoidance of Active Nests). Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing and will be maintained until the biologist has determined that the young have fledged and are capable of foraging independently.

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

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

Wildlife Service. Therefore, the Project would have less than significant impacts to sensitive natural communities.⁸

Mitigation Measures

None are required.

Impact 3.4-3: *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery site?*

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

Mitigation Measure: Implement Mitigation Measure BIO – 1.

Impact 3.4-4: *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

No Impact. No Habitat Conservation Plans are in place in the project vicinity that would cover activities on the project site. The project area is outside sensitive biological resource areas identified in the Fresno County and City of Kerman general plans, which include riparian,

⁸ Biological Evaluation – Kerman Mixed Use Project (Live Oak), January 2023, page 29.

upland, and oak woodland habitat. Overall, the project appears to be in compliance with the General Plan policies pertaining to biological resources and is not subject to any local policies dealing with biological resource issues.⁹ There is *no impact*.

Mitigation Measure

None are required.

Cumulative Impacts

Would the Project make a cumulatively considerable contribution to a significant cumulative impact related to biological resources?

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to biological resources are the geographic areas covered by the City of Kerman General Plan / EIR and the County of Fresno General Plan / EIR. Mitigation measures associated with this topic are included to ensure that potential impacts to biological resources remains less than significant at a project level. Cumulative development would result in the conversion of existing potential habitat to urban uses. Both the City's and County's General Plan EIR, in addition to regional, state and federal regulations, include policies and measures that mitigate impacts to biological resources associated with future development. Implementing Mitigation Measures BIO-1 would reduce any impacts to less than significant, resulting in a less than considerable contribution to cumulative impacts. As development occurs in the region, the City and County will review projects on a case-by-case basis at the time each is considered for approval. Most projects in the region would generally occur within or around urban areas that have either been previously disturbed or are near existing urban development. However, some future projects may occur on undeveloped portions of the City and County that could result in potential impacts to biological resources. However, these projects would likely be required to implement mitigation measures in order to reduce these potential impacts to less than significant levels. Compliance with applicable state and federal permit requirements for these resources would be required for all future projects, which would ensure that these projects would not significantly affect sensitive biological resources or contribute to a cumulatively significant impact to such resources in the area.

⁹ Biological Evaluation – Kerman Mixed Use Project (Live Oak), January 2023, page 29.

Implementation of the proposed Project, with mitigation, would not make a cumulatively considerable contribution to any significant impact to biological resources.

3.5 Cultural Resources

This section of the DEIR identifies potential impacts of the proposed Project on cultural, archaeological and historical resources.

Cultural resources include prehistoric-era archaeological sites, historic-era archaeological sites, Native American traditional cultural properties, sites of religious and cultural significance, and historical buildings, structures, objects, and sites. The importance of any single cultural resource is defined by the context in which it was first created, current public opinion and modern yet evolving analysis. From the analytical perspective temporal and geographic considerations help to define the historical context of the Project area.

A Cultural Resources Survey was prepared for the Project by ASM Affiliates, Inc. (July 2024) and is the basis for analysis for the discussion herein (see Appendix D). Tribal consultations pursuant to SB 18 and AB 52 are addressed in Section 3.18 – Tribal Cultural Resources.

Environmental Setting

The project site is located in California's San Joaquin Valley. The San Joaquin Valley is a large, nearly flat alluvial plain bordered by the Sierra Nevada to the east, the Tehachapi Mountains to the south, the California coast ranges to the west, and the Sacramento-San Joaquin Delta to the north.

The site lies immediately outside the northern city limits of the City of Kerman, in an area heavily influenced by urban and intensive agricultural uses. It is bordered by an orchard to the north, North Del Norte Avenue and orchard land to the east, California State Route 180 (West Whitesbridge Avenue) and residential uses to the south, and an orchard and residential area to the west.

The project site consists of an almond orchard, a disked field, and a small residential area and has been used for agricultural purposes since at least 1998. The site is relatively flat with an elevation of approximately 220 feet National Geodetic Vertical Datum (NGVD).

Regulatory Setting

Federal Regulations

National Historic Preservation Act (1966)

The National Historic Preservation Act (NHPA) is the most prominent federal law dealing with historic preservation. The NHPA established guidelines to “preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice.” The NHPA includes regulations specifically for federal land-holding agencies, but also includes regulations (Section 106) which pertain to all projects that are funded, permitted, or approved by any federal agency and which have the potential to affect cultural resources. All projects that are subject to NEPA are also subject to compliance with Section 106 of the NHPA and the NEPA requirements concerning cultural resources can be addressed through compliance with Section 106 of the NHPA process.

Provisions of NHPA establish a National Register of Historic Places (The National Register) maintained by the National Park Service, the Advisory Council on Historic Preservation, State Offices of Historic Preservation, and grants-in-aid programs. At the federal level, the Office of Historic Preservation (OHP) carries out reviews under Section 106 of the National Historic Preservation of 1966, as amended.

State of California Regulations

In the State of California, the process of reviewing projects and decisions that may impact cultural resources including historic, archaeological, and paleontological resources is conducted under several different federal, state, and local laws. CEQA requires that public agencies consider the effects of their actions on historical resources eligible for listing on the California Register of Historical Resources.

Additionally, California Public Resources Code 5024 requires consultation with OHP when a project may impact historical resources located on State-owned land. California State law (SB 18) requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of protecting Traditional Tribal Cultural Places (“cultural places”).

California Register of Historic Resources (CRHR)

California State law also provides for the protection of cultural resources by requiring evaluations of the significance of prehistoric and historic resources identified in CEQA documents. Under

CEQA, a cultural resource is considered an important historical resource if it meets any of the criteria found in Section 15064.5(a) of the CEQA Guidelines. Criteria identified in the CEQA Guidelines are similar to those described under the NHPA. The State Historic Preservation Office (SHPO) maintains the CRHR. Historic properties listed, or formally designated for eligibility to be listed, on The National Register are automatically listed on the CRHR. State Landmarks and Points of Interest are also automatically listed.

The CRHR can also include properties designated under local preservation ordinances or identified through local historical resource surveys.

Health and Safety Code, Section 7050.5

Section 7050.5 of the California Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the county coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC). CEQA Guidelines (Public Resources Code Section 5097) specify the procedures to be followed in case of the discovery of human remains on non-federal land. The disposition of Native American burials falls within the jurisdiction of the NAHC.

California Government Code 65352.3-5, Local Government – Tribal Consultation California Government Code Sections 65092, 65351, 65352, 65352.3 and 65352.4, formally known as Senate Bill (SB) 18.

These regulations regulate the consultation with California Native American tribes having traditional lands located within the jurisdiction of applicable cities and counties. The intent of the underlying legislation was to provide all California Native American tribes that are on the contact list maintained by the Native American Heritage Commission, an opportunity to consult with specific local governments for the purpose of preserving and protecting their sacred places. Such consultations apply to the preparation, adoption and amendment of general plans.

The Notice of Preparation, which briefly describing the proposed Project, including a map of the Project area, was sent to the State Clearinghouse which notifies Native American representatives of the opportunity to comment on the proposed Project. To date, no comments or concerns have been received.

California Historical Resources Information System (CHRIS)

The California Historical Resources Information System (CHRIS) is a statewide system for managing information on the full range of historical resources identified in California. CHRIS is a cooperative partnership between the citizens of California, historic preservation professionals,

twelve Information Centers, and various agencies. This system bears the following responsibilities: integrate newly recorded sites and information on known resources into the California Historical Resources Inventory; furnish information on known resources and surveys to governments, institutions, and individuals who have a justifiable need to know; and supply a list of consultants who are qualified to do work within their area.

Typically, the initial step in addressing cultural resources in the project review process involves contacting the appropriate Information Center to conduct a record search. A record search should identify any previously recorded historical resources and previous archaeological studies within the project area, as well as provide recommendations for further work, if necessary. Depending on the nature and location of the project, the project proponent or lead agency may be required to contact appropriate Native American representatives to aid in the identification of traditional cultural properties.

If known cultural resources are present within the Project area, or if the Project area has not been previously investigated for the presence of such resources, the Information Center may recommend a survey for historical, archaeological, and paleontological sites. Cultural resources that may be adversely affected by an undertaking should be evaluated for significance. For archaeological sites, a significance evaluation typically involves conducting test excavations. For historical sites or standing structures, historical research should be conducted, and an architectural evaluation may be warranted. If significant, the resource should be protected from adverse impacts. Data recovery excavations may be warranted in the case of unavoidable damage to archaeological sites. If human burials are present, the appropriate coroner's office should be contacted. A professional archaeologist and appropriate Native American representatives should also be consulted.

When an initial study identifies the existence, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains, and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission.

California Environmental Quality Act (CEQA)

CEQA is applicable to discretionary actions by state or local lead agencies. Under CEQA, lead agencies must analyze impacts to cultural resources. Significant impacts under CEQA occur when

“historically significant” or “unique” cultural resources are adversely affected, which occurs when such resources could be altered or destroyed through project implementation. Historically significant cultural resources are defined by eligibility for or by listing in the California Register of Historical Resources (CRHR). In practice, the federal NRHP criteria for significance applied under Section 106 are generally (although not entirely) consistent with CRHR criteria (see PRC § 5024.1, Title 14 CCR, § 4852 and § 15064.5(a)(3)). In addition, pursuant to CEQA and Public Resources Code § 21084.1, historical resources included on a local register or otherwise determined locally to be historically significant shall also be considered.

Local Regulations

City of Kerman General Plan

The following lists goals and policies from the City of Kerman General Plan pertaining to cultural resources that are applicable to the proposed Project.

COS-3.1 Tribal Consultation Requirements Compliance: The City shall continue to comply with SB 18 and AB 52 by consulting with local California Native American tribes. If archaeological resources of Native American origin are identified during project construction, a qualified archaeologist shall consult with Kerman to begin native American consultation procedures. Appropriate Native American tribes shall be contacted by the City or qualified archaeologist. As part of this process, it may be determined that archaeological monitoring may be required; a Native American monitor may also be required in addition to the archaeologist. The project proponent shall fund the costs of the qualified archaeologist and Native American monitor (as needed) and required analysis and shall implement any mitigation determined to be necessary by the City, qualified archaeologist, and participating Native American tribe.

COS-3.5 Discretionary Development Review for Cultural Resources: The City shall review discretionary development projects, as part of any required CEQA review, to identify and protect important archaeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse. Consistent with CEQA findings, the City shall require project-level mitigation to include accurate site surveys, consideration of project alternatives to preserve archaeological and paleontological resources, provisions for resource recovery, and preservation measures when displacement is unavoidable.

Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, the project would have a significant impact on cultural resources if it would cause any of the following conditions to occur:

- Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5; or
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; or
- Disturb any human remains, including those interred outside of dedicated cemeteries.

Under CEQA, significant cultural resources are those archaeological resources and historical properties that:

- Are associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- Are associated with the lives of persons important in our past;
- Embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic values; or
- Have yielded, or may be likely to yield, information important in prehistory or history.

Unique resources under CEQA, in slight contrast, are those that represent:

An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC § 21083.2(g)).

Preservation in place is the preferred approach under CEQA to mitigating adverse impacts to significant or unique cultural resources.

Impacts and Mitigation Measures

Impact 3.5-1: *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? OR*

Impact 3.5-2: *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

Less Than Significant With Mitigation. A Cultural Resources Survey (see Appendix D) was prepared for the Project and is the basis for analysis for the discussion herein.

Archival Records Search

An archival records search conducted by the staff of the Southern San Joaquin Valley Information Center (SSJVIC), California State University Bakersfield, on January 8, 2024. The records search was completed to determine: (i) if prehistoric or historical archaeological sites had previously been recorded within the study areas; (ii) if the Project area had been systematically surveyed by archaeologists prior to the initiation of this field study; and/or (iii) whether the general area within which the Project lies was known to contain archaeological sites and to thereby be archaeologically sensitive. Records examined included archaeological site files and maps, the NRHP, Historic Property Data File, California Inventory of Historic Resources, and the California Points of Historic Interest.

According to the SSJVIC records search, three previous studies have been conducted within the Project study area and no cultural resources are known to exist within it.¹

Field Survey

A pedestrian survey within the API was completed by ASM Senior Architectural Historian Marilyn Novell, and ASM Associate Architectural Historian Madeline Gonzalez, who met with the owner at the property on January 23, 2024. During the survey, multiple photographs were taken of the buildings on the parcel, which are concentrated in an area in the northeast corner of the API. Architectural and landscape features and their condition were noted. The archaeologist intensively inspected all areas of exposed ground surface surrounding the buildings and accessible areas related to the proposed Project. The field methods employed included intensive pedestrian examination of the ground surface for evidence of archaeological sites in the form of

¹ Cultural Resources Technical Report for the Kerman 48-Acre Mixed-use Survey Project (July 2024), page 28.

artifacts, surface features (such as bedrock mortars or historical mining equipment), and archaeological indicators (e.g., organically enriched midden soil or burnt animal bone); the identification and location of any discovered sites, should they be present; tabulation and recording of surface diagnostic artifacts; site sketch mapping; preliminary evaluation of site integrity; and site recording, following the California Office of Historic Preservation (OHP) Instructions for Recording Historic Resources using California Department of Parks and Recreation (DPR) 523 forms. Parallel survey transects spaced at maximum intervals of 15 m apart were employed for pedestrian survey of the 48-acre API.

No prehistoric cultural or archaeological resources were identified within the Project area as a result of the intensive pedestrian survey.² However, there are existing buildings located at the northeast corner of the Project site that are proposed for demolition/removal. Those buildings were evaluated for historical/cultural status. According to the Cultural Report, the residence, milking barn, bunkhouse, machine shop, and shed, as well as the Souza/Couto Dairy Farm considered as whole, do not qualify as historical resources under the terms of CEQA, as they do not meet any of the definitions set forth by CEQA. The buildings are not listed in, or determined to be eligible for listing in, the CRHR; are not included in a local register or identified as significant in a historical resource; nor are they determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Determination

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

Mitigation Measures:

CUL – 1: In the event that historical or archaeological cultural resources are discovered during project construction-related activities, operations shall stop within 100 feet of the find, and a qualified archeologist shall determine whether the resource

² Cultural Resources Technical Report for the Kerman 48-Acre Mixed-use Survey Project (July 2024), page 61.

requires further study. The qualified archaeologist shall determine the measures that shall be implemented to protect the discovered resources including, but not limited to, excavation of the finds and evaluation of the finds in accordance with § 15064.5 of the CEQA Guidelines. Measures may include, but are not limited to, avoidance, preservation in-place, recordation, additional archaeological resting, and data recovery, among other options. Any previously undiscovered resources found during project-related activities within the project area shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance. No further ground disturbance shall occur in the immediate vicinity of the discovery until approved by the qualified archaeologist.

The Lead Agency, along with other relevant or tribal officials, shall be contacted upon the discovery of cultural resources to begin coordination on the disposition of the find(s). Treatment of any significant cultural resources shall be undertaken with the approval of the Lead Agency.

Impact 3.5-3: *Disturb any human remains, including those interred outside of formal cemeteries?*

Less Than Significant With Mitigation. California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98 mandate the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. Specifically, California Health and Safety Code Section 7050.5 requires that in the event that human remains are discovered within a project site, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Although soil-disturbing activities associated with development in accordance with the proposed project could result in the discovery of human remains, compliance with existing law would ensure that impacts to human remains would not be significant.

Project development would occur on existing disturbed lands; however, further disturbance could potentially uncover human remains. This would be a potentially significant impact.

However, mitigation measure CUL-2 included herein will reduce the impact to a *less than significant* level.

Mitigation Measures:

CUL – 2: In order to ensure that the proposed Project does not impact buried human remains during Project construction, the Project proponent shall be responsible for on-going monitoring of Project construction. Prior to the issuance of any grading permit, the Project proponent shall provide the City with documentation identifying construction personnel that will be responsible for on-site monitoring. If buried human remains are encountered during construction, further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall be halted until the Fresno County coroner is contacted and the coroner has made the determinations and notifications required pursuant to Health and Safety Code Section 7050.5. If the coroner determines that Health and Safety Code Section 7050.5(c) require that he give notice to the Native American Heritage Commission, then such notice shall be given within 24 hours, as required by Health and Safety Code Section 7050.5(c). In that event, the NAHC will conduct the notifications required by Public Resources Code Section 5097.98. Until the consultations described below have been completed, the landowner shall further ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices where Native American human remains are located, is not disturbed by further development activity until the landowner has discussed and conferred with the Most Likely Descendants on all reasonable options regarding the descendants' preferences and treatments, as prescribed by Public Resources Code Section 5097.98(b). The NAHC will mediate any disputes regarding treatment of remains in accordance with Public Resources Code Section 5097.94(k). The landowner shall be entitled to exercise rights established by Public Resources Code Section 5097.98(e) if any of the circumstances established by that provision become applicable.

Cumulative Impacts

Would the Project make a cumulatively considerable contribution to a significant cumulative impact related to cultural resources?

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to cultural resources is all of Fresno County. Development in Fresno County and the San Joaquin Valley has likely resulted in the loss or degradation of historic and/or archaeological resources. As discussed above, implementation of mitigation measures will ensure that Project implementation avoids and/or minimizes a cumulative loss of these resources if they are found during Project activities. Implementation of the proposed Project, with mitigation, would not make a cumulatively considerable contribution to any significant impact to cultural resources.

3.6 Energy

This section of the DEIR analyzes the Project's potential impacts on energy resources. The information and analysis presented in this section are based on the Air Quality and Greenhouse Gas Analysis Reports (AQGGA) prepared for this Project by Johnson Johnson & Miller Air Quality Consulting. The full AQGGA can be reviewed in Appendix B. No NOP comment letters were received pertaining to this topic.

Environmental Setting

Electricity

Electricity, a consumptive utility, is a man-made resource. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. The delivery of electricity involves a number of system components, including substations and transformers that lower transmission line power (voltage) to a level appropriate for on-site distribution and use. The electricity generated is distributed through a network of transmission and distribution lines commonly called a power grid. Conveyance of electricity through transmission lines is typically responsive to market demands.

Energy Usage

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy consumption in California was 6,923 trillion BTU in 2020 (the most recent year for which this specific data is available), which equates to an average of 175 million BTU per capita.¹ Of California's total energy usage, the breakdown by sector is 34 percent transportation, 24.6 percent industrial, 19.6 percent commercial, and 21.8 percent residential.² Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use.

While BTUs measure total energy usage, electricity is generally measured in kilowatt-hours (kWh) which is the standard billing unit for energy delivered to consumers by electrical utilities.

¹ U.S. Energy Information Administration, California State Profile and Energy Estimates.
<https://www.eia.gov/state/print.php?sid=CA>. Accessed June 2024.

² Ibid.

The electricity consumption attributable to Fresno County from 2012 to 2022 is shown in Table 3.6-1. As indicated, energy consumption in Fresno County varied approximately 13 percent over the last 10 years.

Table 3.6-1
Electricity Consumption in Fresno County 2012 – 2022³

Year	Electricity Consumption (in millions of kilowatt hours)
2012	7,338
2013	7,459
2014	7,626
2015	7,619
2016	7,555
2017	7,361
2018	7,575
2019	7,371
2020	7,935
2021	8,271
2022	8,384

Natural Gas

Natural gas is a combustible mixture of simple hydrocarbon compounds (primarily methane) that is used as a fuel source. Natural gas consumed in California is obtained from naturally occurring reservoirs, mainly located outside the State, and delivered through high-pressure transmission pipelines. The natural gas transportation system is a nationwide network, and, therefore, resource availability is typically not an issue. Natural gas provides almost one-third of the state's total energy requirements and is used in electricity generation, space heating, cooking, water heating, industrial processes, and as a transportation fuel.

³ California Energy Commission. Energy Reports. Electricity Consumption by County.
<https://ecdms.energy.ca.gov/elecbycounty.aspx>. Accessed June 2024.

Natural gas is provided to the Project area by Pacific Gas and Electric. The natural gas consumption attributable to Fresno County from 2011 to 2021 is provided in Table 3.6-2. Natural gas consumption in Fresno County varied approximately 21 percent over the 10-year span.

Table 3.6-2
Natural Gas Consumption in Fresno County 2012 – 2022⁴

Year	Natural Gas Consumption (in millions of Therms)
2012	306
2013	300
2014	295
2015	300
2016	285
2017	341
2018	347
2019	352
2020	326
2021	319
2022	319

Transportation Energy

According to the U.S. Energy Administration, transportation accounts for the largest share of the state's energy consumption. Californians have more registered motor vehicles and travel more vehicle miles than residents in any other state. California accounts for one-tenth of U.S. motor gasoline consumption and about one-seventh of the nation's jet fuel consumption. Overall, the state's transportation sector accounts for nearly two-fifths of California's total energy consumption.⁵

California has led the states in the most electric vehicles (EVs) and EV charging locations every year since 2016. California is part of the West Coast Green Highway, an extensive network of electric vehicle DC fast charging locations located along Interstate 5. The state has about 15,300

⁴ California Energy Commission. Energy Reports. Gas Consumption by County.
<http://www.ecdms.energy.ca.gov/gasbycounty.aspx> Accessed June 2024.

⁵ U.S. Energy Information Administration. California Profile Analysis. Updated May 2024.
<https://www.eia.gov/state/analysis.php?sid=CA>. Accessed June 2024

public charging locations. In 2022, California had about 783,000 registered battery electric vehicles, the most of any state. California also requires all public transit agencies to gradually transition to 100% zero-emission bus (ZEB) fleets. Beginning in 2029, all transit agency new bus purchases must be ZEBs.⁶

According to the Board of Equalization (BOE), statewide taxable sales figures estimate a total of 371 million gallons of gasoline and 85 million gallons of diesel fuel were sold in Fresno County in 2022.⁷

Regulatory Setting

Federal Regulations

Federal Energy Policy and Conservation Act

In 1975, Congress enacted the Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, the National Highway Traffic Safety Administration (NHTSA) is responsible for establishing additional vehicle standards.

Energy Independence and Security Act (EISA) of 2007

This Act set increased Corporate Average Fuel Economy (CAFE) standards for motor vehicles and includes the following provisions related to energy efficiency:

- Renewable fuel standards (RFS)
- Appliance and lighting efficiency standards
- Building energy efficiency

This Act requires increasing levels of renewable fuels to replace petroleum. The U.S. EPA is responsible for developing and implementing regulations to ensure transportation fuel sold into the US contains a minimum volume of renewable fuel.

⁶ U.S. Energy Information Administration. California State Energy Profile. <https://www.eia.gov/state/print.php?sid=CA>. Accessed June 2024.

⁷ California Energy Commission. California Retail Fuel Outlet Annual Reporting (CEC-A15) Results. <https://www.energy.ca.gov/media/3874> Accessed June 2024.

The RFS programs regulations were developed in collaboration with refiners, renewable fuel products, and other stakeholders and were created under the Energy Policy Act of 2005. The RFS program established the first renewable fuel volume mandate in the US. As required under the act, the original RFS program required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012. Under the Act, the RFS program was expanded in several key ways that laid the foundation for achieving significant reductions of GHG emissions through the use of renewable fuels, for reducing imported petroleum, and for encouraging the development and expansion of the nation's renewable fuels sector. The updated program is referred to as RFS2 and includes the following:

- EISA expanded the RFS program to include diesel, in addition to gasoline;
- EISA increase the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022;
- EISA established new categories of renewable fuel and set separate volume requirements for each one; and
- EISA required by the U.S. EPA to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.⁸

Additional provisions of the EISA address energy savings in government and public institutions, promoting research for alternate energy, additional research in carbon capture, international energy programs, and the creation of “green jobs.”

Federal Vehicle Standards

The CAFE law, first introduced in 1975, has become more stringent over time. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011; and, in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to

⁸ U.S. EPA. Renewable Fuel Standard Program. Overview for Renewable Fuel Standard. <https://www.epa.gov/renewable-fuel-standard-program/overview-renewable-fuel-standard>. Accessed December 2021.

achieve 163 grams per mile of carbon dioxide (CO₂) in model year 2025, on an average industry fleetwide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014 – 2018. The standards for CO₂ emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018-2027 for certain trailers, and model years 2021-2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO₂ emissions by approximately 1.1 billion MT and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.⁹

In August 2018, the USEPA and NHTSA released a notice of proposed rulemaking called Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks (SAFE Vehicles Rule). This rule would modify the existing CAFE standards and tailpipe carbon dioxide emissions standards for passenger cars and light trucks, and establish new standards covering model years 2021-2026. SAFE standards are expected to uphold model year 2020 standards through 2026.¹⁰

State of California Regulations

Integrated Energy Policy Report

Senate Bill 138 (Bowen Chapter 568, Statutes of 2002) requires the California Energy Commission (CEC) to prepare a biennial integrated energy policy report that assesses major energy trends and

⁹ U.S. Department of Transportation. Briefing Room. EPA and DOT Finalize Greenhouse Gas and Fuel Efficiency Standards for Heavy-Duty Trucks. <https://www.transportation.gov/briefing-room/epa-and-dot-finalize-greenhouse-gas-and-fuel-efficiency-standards-heavy-duty-trucks>. Accessed January 2023.

¹⁰ U.S. Department of Transportation. SAFE. The Safer Affordable Fuel-Efficient 'SAFE' Vehicles Rule. <https://www.nhtsa.gov/corporate-average-fuel-economy/safe>. Accessed June 2024.

issues facing the state's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the state's economy; and protect public and safety (Public Resources Code §25301(a)).

The 2021 Integrated Energy Policy Report (IEPR) was adopted in March 2022, and continues to work towards improving electricity, natural gas, and transportation fuel energy use in California.¹¹ The IEPR provides the results of the CEC's assessments of energy issues facing the state. The IEPR discusses building decarbonization, energy reliability, decarbonizing California's gas system, and the state's energy demand forecast.

State of California Energy Plan

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental end energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators and encouragement of urban designs that reduce vehicle miles traveled and accommodate pedestrian and bicycle access.

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)

Part 6 of the Title 24 refers to California's Energy Efficiency Standards for Residential and Nonresidential Buildings which was first adopted in 1978 in response to a legislative mandate to reduce energy consumption in California. Although not originally intended to reduce GHG emissions, increased energy efficiency and reduced consumption of electricity, natural gas, and other fuels would result in fewer GHG emissions from residential and nonresidential buildings subject to the standard. The standards are updated periodically to allow for the consideration and inclusion of new energy efficiency technologies and methods. The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. The 2022 Standards went into effect January 1, 2023, replacing the 2019 standards.

¹¹ California Energy Commission. 2021 Integrated Energy Policy Report Update. <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2021-integrated-energy-policy-report>. Accessed June 2024.

Part 11 of the Title 24 Building Standards Code is referred to as the California Green Building Standards Code (CALGreen Code). The purpose of the CALGreen Code is to “improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) planning and design; (2) energy efficiency; (3) water efficiency and conservation; (4) material conservation and resource efficiency; and (5) environmental air quality.” The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC).

CALGreen contains both mandatory and voluntary measures. For nonresidential land uses, there are 39 mandatory measures including, but not limited to, exterior light pollution reduction, wastewater reduction by 20 percent, and commissioning of projects over 10,000 square feet. Two tiers of voluntary measures apply to nonresidential land uses, for a total of 36 additional elective measures.

Executive Order B-30-15

Executive Order B-30-15, 2030 Carbon Target and Adaptation, issued by Governor Brown in April 2015, set a target of reducing GHG emissions by 40 percent below 1990 levels in 2030. To achieve this ambitious target, Governor Brown identified five key goals for reducing GHG emissions in California through 2030:

- Increase the amount of renewable electricity provided state-wide to 50 percent;
- Double energy efficiency savings achieved in existing buildings and make heating fuels cleaner;
- Reduce petroleum use in cars and trucks by up to 50 percent;
- Reduce emissions of short-lived climate pollutants; and
- Manage farms, rangelands, forests, and wetlands to increasingly store carbon.

Executive Order B-55-18

In 2018, Governor Brown signed EO B-55-18 to achieve carbon neutrality by moving California to 100 percent clean energy by 2045. This Executive Order also includes specific measures to reduce GHG emissions via clean transportation, energy efficient buildings, directing cap-and-trade funds to disadvantaged communities, and better management of the state’s forest land.

Senate Bill (SB) 375 (Sustainable Communities and Climate Protection Act)

In January 2009, California SB 375, known as the Sustainable Communities and Climate Protection Act, went into effect. The objective of SB 375 is to better integrate regional planning of transportation, land use, and housing to reduce sprawl and ultimately reduce GHG emissions and other air pollutants. SB 375 tasks CARB to set GHG reduction targets for each of California's 18 regional Metropolitan Planning Organizations (MPOs). Each MPO is required to prepare a Sustainable Communities Strategy (SCS) as part of their Regional Transportation Plan (RTP). The SCS is a growth strategy in combination with transportation policies that will show how the MPO will meet its GHG reduction target. If the SCS cannot meet the reduction goal, an Alternative Planning Strategy may be adopted that meets the goal through alternative development, infrastructure, and transportation measures or policies.

In 2010, CARB released the proposed GHG reduction targets for the MPOs and is tasked to update the regional targets every eight years. The proposed reduction targets for the Fresno CAG region were 6 percent by year 2020 and 13 percent by year 2035 beginning in October of 2018.¹²

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2017. The 2003 Integrated Energy Policy Report recommended accelerating that goal to 20 percent by 2010, and the 2004 Energy Report Update further recommended increasing the target to 33 percent by 2020. The state's Energy Action Plan also supported this goal. In 2006 under Senate Bill 107, California's 20 percent by 2010 RPS goal was codified. The legislation required retail sellers of electricity to increase renewable energy purchases by at least one percent each year with a target of 20 percent renewables by 2010. Publicly owned utilities set their own RPS goals, recognizing the intent of the legislature to attain the 20 percent by 2010 target.

In 2008, Governor Schwarzenegger signed Executive Order S-14-08 requiring that "all retail sellers of electricity shall serve 33 percent of their load with renewable energy by 2020." The following year, Executive Order S-21-09 directed CARB to enact regulations to achieve the goal of 33 percent renewables by 2020.

¹² California Air Resources Board. Regional Plan Targets. <https://ww2.arb.ca.gov/our-work/programs/sustainable-communities-program/regional-plan-targets>. Accessed June 2024.

In 2015, Governor Brown signed Senate Bill 350 to codify ambitious climate and clean energy goals. One key provision of SB 350 is for retail sellers and publicly owned utilities to procure “half of the state’s electricity from renewable sources by 2030.”

The State’s RPS program was further strengthened by SB 100 in 2018. SB 100 revised the State’s RPS Program to require retail sellers of electricity to serve 50 percent and 60 percent of the total kilowatt-hours sold to retail end-use customers be served by renewable energy sources by 2026 and 2030, respectively, and to require that 100 percent of all electricity supplied come from renewable sources by 2045.

Executive Order S-01-07 Low Carbon Fuel Standard Regulation

CARB initially adopted the Low Carbon Fuel Standard (LCFS) regulation in 2009, identifying it as one of the nine discrete early action measures in the 2008 Scoping Plan to reduce California’s GHG emissions. The LCFS regulation defines a Carbon Intensity, or “CI,” reduction target (or standard) for each year, which the rule refers to as the “compliance schedule.” The LCFS regulation requires a reduction of at least 10 percent in the CI of California’s transportation fuels by 2020 and maintains that target for all subsequent years.

CARB has begun the rulemaking process for strengthening the compliance target of the LCFS through the year 2030. For a new LCFS target, the preferred scenario in the 2017 Scoping Plan Update identifies an 18 percent reduction in average transportation fuel carbon intensity, compared to a 2010 baseline, by 2030 as one of the primary measures for achieving the state’s GHG 2030 target. Achieving the SB 32 reduction goals will require the use of a low carbon transportation fuels portfolio beyond the amount expected to result from the current compliance schedule.¹³

Advanced Clean Cars Program

In 2012, CARB approved the Advanced Clean Cars (ACC) Program (formerly known as Pavley II) for model years 2017-2025. The components of the ACC program are the Low-Emission Vehicle (LEV) regulations and the Zero-Emission Vehicle (ZEV) regulation. The program combines the control of smog, soot, and global warming gases with requirements for greater numbers of zero-emission vehicles into a single package of standards. By 2025, new automobiles under California’s

¹³ California Air Resources Board. CARB amends Low Carbon Fuel Standard for wider impact.

<https://ww2.arb.ca.gov/index.php/news/carb-amends-low-carbon-fuel-standard-wider-impact>. Accessed June 2024.

Advanced Clean Car program will emit 34 percent less global warming gases and 75 percent less smog-forming emissions.

EO B-48-18, issued by Governor Brown in 2018, establishes a target to have five million ZEVs on the road in California by 2030. This Executive Order is supported by the State's 2018 ZEV Action Plan Priorities Update, which expands upon the State's 2016 ZEV Action Plan. While the 2016 plan remains in effect, the 2018 update functions as an addendum, highlighting the most important actions State agencies took in 2018 to implement the directives of EO B-48-18.

Thresholds of Significance

Consistent with Appendix G of the CEQA Guidelines, the proposed Project will have a significant impact related to energy if it will:

- Result in a potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources, during project construction or operation; or
- Conflict with or obstruct state or local plans for renewable energy or energy efficiency.

Impacts and Mitigation Measures

Impact 3.6-1: *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Less Than Significant.

Construction Energy Consumption

Project construction is assumed to be completed over several years. Construction activities would consume energy through the operation of heavy off-road equipment, trucks, and worker traffic. Construction equipment fuel consumption for each of was based on equipment lists generated using CalEEMod default values and the horsepower, usage hours, and load factors from CalEEMod model runs prepared for the project's air quality analysis.

Based on the anticipated hours of use, off-road construction equipment would result in the consumption of approximately 32,581 gallons of diesel fuel over the entire construction period.

Worker, vendor, and haul trips would result in approximately 1,108,460 VMT over the entire construction period. Fuel consumption averages were calculated for worker, vendor, and haul trips separately and per phase based on data from EMFAC 2021 for Fresno County. The results indicate that construction trips would consume approximately 62,406 gallons of gasoline and diesel combined over the entire construction period.¹⁴

Although implementation of the proposed Project would result in the consumption of an estimated 32,581 gallons of diesel from off-road equipment and 62,406 gallons of motor vehicle fuels during construction, the Project is expected to achieve energy efficiencies typical for mixed-use projects in the City of Kerman and the larger Fresno County area. Construction equipment fleet turnover and increasingly stringent state and federal regulations on engine efficiency, combined with local, state, and federal regulations limiting engine idling times and requiring recycling of construction debris, would further reduce the amount of transportation fuel demand during project construction. Considering these reductions in transportation fuel use, the proposed Project would not result in the wasteful and inefficient use of energy resources during construction, and impacts would be less than significant. Detailed modeling results are provided in Appendix B. Construction energy use is summarized in Table 3.6-3.

¹⁴ Air Quality and Greenhouse Gas Analysis Report for the Kerman 48-Acre Mixed Use Development. Prepared by Johnson Johnson & Miller Air Quality Consulting. See Appendix B, page 87.

**Table 3.6-3
Construction Energy Consumption¹⁵**

Activity		Energy Consumption Activity	Consumption Amount
Project Construction (Buildout of the Proposed Project)			
Construction Equipment Diesel Fuel Use	Off-road Construction Equipment fuel	1,631,770 Horsepower Hours (total)	32,581 gallons (diesel)
On-road Construction Vehicle Fuel	Worker	901,722 VMT (miles)	33,969 gallons (gasoline and diesel combined)
	Vendor	130,298 VMT (miles)	15,919 gallons (gasoline and diesel combined)
	Haul	76,440 VMT (miles)	12,518 gallons (diesel)
	<i>Project On-road Construction Vehicle Fuel Subtotal</i>	<i>1,108,460 VMT (miles)</i>	<i>62,406 gallons (gasoline and diesel combined)</i>
<p>Notes:</p> <p>VMT = vehicle miles traveled</p> <p>Source of data for construction and VMT: CalEEMod 2022.1 (see Appendix B).</p> <p>Source of data for consumption rates: EMFAC 2021 (see Appendix B).</p> <p>Energy calculations are provided in Appendix B.</p>			

Operation Energy Consumption

Long-term energy consumption associated with the implementation of the proposed Project includes electricity and natural gas consumption by residents and businesses, energy required for water supply, treatment, distribution, and wastewater treatment, and motor vehicle travel.

¹⁵ Ibid. Page 88.

Electricity and Natural Gas Consumption

During operations, individual developments contemplated under the proposed Project would consume natural gas for space heating, water heating, and cooking associated with the land uses within the project site. The natural gas consumption was estimated using the CalEEMod default values and results. The results of the analysis indicate that the buildout under the proposed project would consume approximately 11,569,533 thousand British thermal units (kBtu) of natural gas per year during operation.

In addition to the consumption of natural gas, the development built out under the proposed Project would use electricity for lighting, appliances, and other uses associated with the individual developments. Electricity use during operations was estimated using CalEEMod default values. The results of the modeling indicate that the buildout of the development contemplated under the project would use approximately 3,024,497 kilowatt-hours (kWh) of electricity per year. Title 24 (2022 standards) requires the installation of solar panels in commercial developments, including most newly constructed shopping center developments. Title 24 (2022 standards) also requires the installation of solar panels in residential developments, including most newly constructed single-family homes and low-rise multi-family developments. Variations in the amount of solar installed can be due to local conditions and project design. In addition, some projects may use community solar instead of rooftop solar installations. Although the energy estimates show total consumption, a portion of the electricity used by the development contemplated under the proposed Project is expected to be generated by zero emission renewable sources. In addition, additional solar panels may be installed voluntarily to take advantage of energy cost savings that are increasingly possible as the cost of solar has declined over time.

As described above, Proposed project development would result in a long-term increase in demand for electricity from Pacific Gas and Electric (PG&E). However, individual development built as part of the Project would be designed to meet the most recent Title 24 standards in effect at the time building permits are issued. Title 24 specifically establishes energy efficiency standards for residential and non-residential buildings constructed in the State of California in order to reduce energy demand and consumption. Title 24 is updated periodically to incorporate and consider new energy efficiency technologies and methodologies. Therefore, impacts from the wasteful or inefficient use of electricity or natural gas during operation of development under the Project would be less than significant.

Fuel Consumption

During operation of the development built out under the proposed Project, vehicle trips would be generated by the individual developments. The proposed project buildout was modeled with CalEEMod using project-specific trip generation rates consistent with the project traffic study and default trip lengths. The results show that the vehicle trips generated would result in approximately 8,597,669 annual VMT from buildout of the proposed Project. As shown in **Error! Reference source not found.** 6.3-4, the proposed Project would result in the consumption of an estimated 370,581 gallons per year of transportation fuel.

Table 3.6-4
Long Term Operational Vehicle Fuel Consumption¹⁶

Vehicle Type	Annual VMT	Average Fuel Economy (miles/gallon)	Total Annual Fuel Consumption (gallons)
Passenger Cars (LDA)	4,046,201	30.85	131,164
Light Trucks and Medium Duty Vehicles (LDT1, LDT2, MDV)	3,691,835	23.18	159,280
Light-Heavy to Medium-Heavy Diesel Trucks (LHD1, LHD2, MHDT)	442,846	11.18	39,617
Heavy-Heavy Diesel Trucks (HHDT)	185,379	6.21	29,862
Motorcycles (MCY)	183,685	41.57	4,419
Other (OBUS, UBUS, SBUS, MH)	47,723	7.65	6,239
Proposed Project Total	8,597,669	—	370,581
Notes: VMT = vehicle miles traveled "Other" consists of buses and motor homes. Source of data for vehicle trips and VMT: Appendix B. Source of Fresno County miles/gallon for an early operational year (2026): EMFAC 2021.			

¹⁶ Air Quality and Greenhouse Gas Analysis Report for the Kerman 48-Acre Mixed Use Development. Prepared by Johnson Johnson & Miller Air Quality Consulting. See Appendix B, page 90.

Vehicle Type	Annual VMT	Average Fuel Economy (miles/gallon)	Total Annual Fuel Consumption (gallons)
Energy calculations are provided in Appendix B.			

Various federal and state regulations including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program would serve to reduce the Projects' transportation fuel consumption progressively into the future. In addition, the proposed Project would locate a mix of commercial and residential uses, providing connectivity within the community. Furthermore, the Project-specific traffic report found that the Project would have a less than significant VMT impact.¹⁷ Therefore, the proposed Project would be designed to avoid the wasteful and inefficient use of transportation fuel during operations, and impacts would be less than significant.

State and federal regulatory requirements addressing fuel efficiency are expected to increase fuel efficiency over time as older, less fuel-efficient vehicles are retired. The efficiency standards and light/heavy vehicle efficiency/hybridization programs contribute to increased fuel efficiency and therefore would reduce vehicle fuel energy consumption rates over time. While buildout of the proposed Project would increase the consumption of gasoline and diesel proportionately with projected population growth, the increase would be accommodated within the projected growth as part of the energy projections for the State and the region and would not require the construction of new regional energy production facilities. Therefore, energy impacts related to fuel consumption/efficiency during Project operations would be less than significant.

In summary, as described above, the proposed Project would result in less than significant impacts regarding wasteful, inefficient, or unnecessary use of energy due to project design features that will comply with the City's design guidelines and regulations that apply to the Project. For instance, Title 24 Building Energy Efficiency Standards and the California Green Building Standards Code apply to newly constructed commercial and residential buildings. The installation of solar panels required by 2022 Title 24 standards is expected to offset some of the electricity used by the development under the proposed project. Furthermore, various federal and state regulations—including the Low Carbon Fuel Standard, Pavley Clean Car Standards,

¹⁷ Ruettgers & Schuler Civil Engineers. 2024. Traffic Study: Proposed Mixed Use Residential and Commercial Development W Whitesbridge Avenue and N Del Norte Avenue City of Kerman, CA. March 2024.

and Low Emission Vehicle Program—would serve to reduce the transportation fuel demand by the development under the proposed Project.

With the adherence to the increasingly stringent building and vehicle efficiency standards as well as implementation of design features that would reduce energy consumption, the proposed Project would not contribute to a cumulative impact to the wasteful or inefficient use of energy. As such, the proposed Project would not result in a significant environmental impact, due to wasteful, inefficient, or unnecessary consumption of energy resources, during construction or operation of buildout of the proposed Project. A summary of estimated operational energy consumption from build out of the proposed Project is provided in Table 3.6-5.

Table 3.6-5

Summary of Estimated Operational Annual Energy Consumption¹⁸

Energy Consumption Activity	Annual Consumption
Project Operations	
Electricity Consumption	3,024,497 kWh/year
Natural Gas Consumption	11,569,533 kBTU/year
Total Vehicle Fuel Consumption	370,581 gallons/year (gallons of gasoline and diesel)
Notes: kWh = kilowatt-hour kBTU = kilo-British Thermal Unit VMT = vehicle miles traveled Source: Appendix B.	

Based on the analysis herein, the Project would not result in the unnecessary, inefficient, or wasteful use of energy resources. This impact would be *less than significant*.

¹⁸ Air Quality and Greenhouse Gas Analysis Report for the Kerman 48-Acre Mixed Use Development. Prepared by Johnson Johnson & Miller Air Quality Consulting. See Appendix B, page 91.

Mitigation Measures

None Required.

Impact 3.6-2: *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less Than Significant. The Project would comply with all applicable goals and measures identified in the City of Kerman's General Plan. The following policies relate to energy efficiency and are relevant to the proposed Project:

COS-5.1: The City shall promote the development and use of renewable energy resources (e.g., solar, thermal, wind, tidal) to reduce dependency on petroleum-based energy sources.

COS-5.3: The City shall promote sustainable building practices that incorporate a "whole systems" approach to design and construction that consumes less energy, water, and other non-renewable resources, such as facilitating passive ventilation and effective use of daylight.

COS-5.4: During the development review process, the City shall encourage projects to integrate features that support the generation, transmission, efficient use, and storage of renewable energy sources.

COS-5.6: The City shall encourage and support expanding Electric Vehicle (EV) charging stations and the purchase of electric vehicles.

COS-5.7: The City shall increase awareness about energy efficiency and conservation to encourage residents, businesses, and industries to conserve energy.

Construction

As discussed under Impact 3.6-1, the proposed Project would result in energy consumption through the combustion of fossil fuels in construction vehicles, worker commute vehicles, and construction equipment, and the use of electricity for temporary buildings, lighting, and other sources. California Code of Regulations Title 13, Sections 2449(d)(3) and 2485, limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. Individual development under the proposed project would comply with these regulations. Consistent with required regulations, buildout of the proposed project would increase the use of energy conservation features and renewable sources of energy within the City of Kerman and Fresno County due to the previously discussed design features. Thus, the proposed Project would not

conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, construction-related energy efficiency and renewable energy standards consistency impacts would be less than significant.

Operation

The proposed Project would be served with electricity provided by Pacific Gas & Electric (PG&E). PG&E would be required to meet California's RPS standards of 60 percent by 2030 and carbon-free sourced-electricity by 2045.

Part 11, Chapter 4 and 5 of the State's Title 24 energy efficiency standards establishes mandatory measures for residential and nonresidential buildings, including solar, electric vehicle (EV) charging equipment, bicycle parking, energy efficiency, water efficiency and conservation, and material conservation and resource efficiency. Development under the proposed Project would be required to comply with these mandatory measures. The proposed Project would locate housing next to jobs in order to reduce or eliminate motor vehicle travel for home-to-work trips and provide connectivity through pedestrian and bicycle connections. In addition, the proposed Project's location adjacent to an existing community (built up areas the City of Kerman) allows future development to provide further connectivity. Compliance with the mandatory measures previously mentioned would ensure that the development built out under the proposed Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, operational energy efficiency and renewable energy standards consistency impacts would be less than significant.

The proposed Project was reviewed for consistency with local and State of California plans that aim to reduce GHG emissions in GHG impact analysis. These plans also serve as the applicable energy plans. The ARB 2008 Scoping Plan, the ARB 2017 Scoping Plan, and the ARB 2022 Scoping Plan provide the State's strategy for achieving legislated GHG reduction targets. Although the primary purpose of the Scoping Plans is to reduce GHG emissions, the strategies to achieve the GHG reduction targets rely on the use of increasing amounts of renewable fuels under the LCFS and RPS, and energy efficiency with updates to Title 24 and the CalGreen Code. Buildings constructed under implementation of the proposed project will meet the latest efficiency standards in effect that building permits are issued. In addition, vehicles and equipment will continue to become cleaner over time as new vehicles and equipment are required to adhere to

the latest fuel efficiency standards. For instance, vehicles and equipment associated with build out of the proposed Project will use fuels subject to the LCFS.¹⁹

Summary

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

Mitigation Measures

None Required.

Cumulative Impacts

Less Than Cumulatively Considerable. Potential cumulative impacts on energy would result if the proposed Project, in combination with past, present, and future projects, would result in the wasteful or inefficient use of energy. This could result from development that would not incorporate sufficient building energy efficiency features, would not achieve building energy efficiency standards, or would result in the unnecessary use of energy during construction and/or operation. The cumulative projects within the areas serviced by the energy service providers would be applicable to this analysis; this includes existing aging structures that are energy inefficient. Projects that include development that would have the potential to consume energy in an inefficient manner would have the potential to contribute to a cumulative impact.

As previously described, the proposed Project would not result in significant environmental impacts due to wasteful, inefficient, or unnecessary use of energy due to various design features, including installation of solar, EV charging equipment, bicycle parking, as well as following standards that promote energy efficiency, water efficiency and conservation, and material conservation and resource efficiency. Similar to the proposed Project, newly constructed cumulative projects would be subject to CALGreen, which provides energy efficiency standards for commercial and residential buildings. Over time, CALGreen would implement increasingly stringent energy efficiency standards that would require the proposed Project and newly

¹⁹ California Energy Commission (CEC). 2019. Final Staff Report 2019 California Energy Action Plan. Website: <https://www.energy.ca.gov/filebrowser/download/1900>. Accessed May 2024.

constructed cumulative projects to minimize the wasteful and inefficient use of energy. Furthermore, various federal and state regulations - including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program - would serve to reduce the transportation fuel demand of cumulative projects.

Development associated with buildout of the proposed Project would be required to accommodate growth. As discussed above, new development and land use turnover would be required to comply with statewide mandatory energy requirements outlined in Title 24, Part 6, of the California Code of Regulations (the CALGreen Code), which could decrease estimated electricity and natural gas consumption compared to existing structures. Furthermore, energy consumed by development in the Project area would continue to be subject to the regulations described in the Regulatory Setting of this Section. For these reasons, energy that would be consumed by the Project is not considered unnecessary, inefficient, or wasteful. Considering the information provided above, the proposed Project, in conjunction with other cumulative development, would not result in a significant cumulative impact to energy resources. Impacts are *not cumulatively considerable*.

3.7 Geology/Soils

This section of the DEIR identifies potential impacts of implementing the proposed Project on geology and soils. No NOP comment letters were received pertaining to this topic.

Environmental Setting

Geologic Setting

Kerman is located near the center of the Great Valley of California, a nearly flat northwest-southeast trending basin approximately 450 miles long by 50 miles wide. The basin is bordered by Mesozoic plutonic, volcanic, and metamorphic rocks of the Sierra Nevada mountains on the east and by Mesozoic and Cenozoic metamorphic and sedimentary rocks of the Coast Ranges on the west.

The geology of the Kerman area is created by the low alluvial fans of the perennial San Joaquin and Kings Rivers and four ephemeral streams which form the Fresno alluvial fan sequence. The Pleistocene formations which make up the Fresno fan sequence are the Modesto, Riverbank, and Turlock formations.

The Modesto formation occupies the highest stratigraphic position, and is characterized by westward thickening floodplain deposits of recent origin. The sediments within the Modesto formation range in grain size from clay to gravel and seldom exhibit well developed sedimentary structures.

The Riverbank formation underlies the Modesto formation, but does not differ greatly in lithology or texture. It is characterized by the occurrence of a laterally extensive caliche hardpan member and is often referred to as a terrace deposit.

The Turlock formation contains the majority of the hydrologically important subsurface deposits in the Kerman area. It is comprised of sediments that are moderately to well sorted and homogeneous in composition and grain size. Coarse materials such as sand and gravel form layers known as aquifers which yield large quantities of groundwater, while clay and silt layers form aquitards which divide the stratigraphic section into a number of confined and semi-confined aquifers.

Six, well-defined clay layers (designated "A" through "F"), underlie the central part of the San Joaquin Valley. The Corcoran clay layer (clay layer "E") is the most well known and extensive of these layers. It underlies the Kerman area at a depth of approximately 500 to 600 feet. Many of

the wells drilled in the Kerman area are designed to draw water from beneath the Corcoran clay layer due to better water quality and specific yields.¹

Topography

The Project site is located just north of the City of Kerman. The immediate area is primarily agriculture to the north and west with residential to the east and south. The site is generally flat and averages approximately 220 feet above mean sea level.

Soils

The soils in the Kerman area are described by the Soil Survey of Eastern Fresno County, prepared by the Soil Conservation Service, Department of Agriculture (see Map 16). The general soil map of this Survey shows three major soil groups in Kerman: the Hanford, Hesperia and Traver Series. The Hanford series consists of soils that are well-drained, fertile, moderately course textured, and are derived from recent granitic alluvium. The Hanford soils are generally located on nearly level alluvial fans. This type of soil is typically used for a variety of crops as well as for urban development.²

The Hesperia series consists of soils that are well-drained, moderately textured and are formed from granitic alluvium. Some of the soils in this series are saline-alkaline affected. They are generally found on alluvial fans.

The Traver series consists of soils that are well-drained that are typically saline-alkali affected. These soils are deep to moderately deep over compact silt. This series occupies young alluvial fans of the San Joaquin and Kings Rivers.³

Faults

There are no known active earthquake faults in the City of Kerman. While there are no faults underlying the city of Kerman, there are a number of active faults in and around Fresno County. If an earthquake occurred at one of these faults, significant damage to property in Kerman is unlikely, but some groundshaking and minor damage could occur. Other seismic and soil

¹ Kerman General Plan (2007), page 2-4.

² https://soilseries.sc.egov.usda.gov/OSD_Docs/H/HANFORD.html (accessed March 2024).

³ Kerman General Plan (2007), page 2-2.

concerns, such as landslides and liquefaction, are not projected to pose significant risks for the Kerman area.⁴

Asbestos

Asbestos is a naturally occurring fibrous material once commonly used as a fireproofing and insulating agent in building construction before the EPA banned such uses in the 1970s. Asbestos can also be atmospherically deposited from vehicle brake shoes. Naturally occurring asbestos can be found in serpentinite or other metamorphosed ultramafic rocks such as dunite, peridotite, and pyroxenite. According to large scale mapping of ultramafic rocks in California, no known ultramafic rocks outcrops are present in the City of Kerman.

Regulatory Setting

Federal Regulations

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act was enacted in 1997 to “reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards and reduction program.” To accomplish this, the act established the National Earthquake Hazards Reduction Program (NEHRP). This program was significantly amended in November 1990 by the National Earthquake Hazards Reduction Program Act (NEHRPA), which refined the description of agency responsibilities, program goals, and objectives.

NEHRP’s mission includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improvement of building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improvement of mitigation capacity; and accelerated application of research results.

The NEHRPA designates FEMA as the lead agency of the program and assigns it several planning, coordinating, and reporting responsibilities.

⁴ Kerman General Plan (2020), page 7-5.

Paleontological Resources Preservation Act

The primary legislation pertaining to fossils from National Park Service (NPS) and other federal lands is the Paleontological Resources Preservation Act of 2009 (PRPA) (16 U.S.C. § 470aaa 1-11) which was enacted on March 30, 2009 within the Omnibus Public Land Management Act of 2009. PRPA directs the Department of Agriculture (U.S. Forest Service) and the Department of the Interior (National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service) to manage and protect paleontological resources on Federal land using scientific principles and expertise.

State Regulations

Seismic Hazards Mapping Act

“Under the Seismic Hazards Mapping Act, the State Geologist is responsible for identifying and mapping seismic hazards zones as part of the California Geologic Survey (CGS). The CGS provides zoning maps of non-surface rupture earthquake hazards (including liquefaction and seismically induced landslides) to local governments for planning purposes. These maps are intended to protect the public from the risks associated with strong ground shaking, liquefaction, landslides or other ground failure, and other hazards caused by earthquakes. For projects within seismic hazard zones, the Seismic Hazards Mapping Act requires developers to conduct geological investigations and incorporate appropriate mitigation measures into project designs before building permits are issued.”

California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires lead agencies to consider the potential effects of a project on unique paleontological resources. CEQA requires an assessment of impacts associated with the direct or indirect destruction of unique paleontological resources or sites that are of value to the region or the state.

California Building Code

“The California Building Code” is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 2, which is a portion of the California Building Standards Code. Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards.

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist- Priolo Earthquake Fault Zoning Act (formerly the Alquist- Priolo Special Studies Zone Act), signed into law December 1972, requires the delineation of zones along active faults in California. The purpose of the Alquist-Priolo Act is to regulate development on or near active fault traces to reduce the hazards associated with fault rupture and to prohibit the location of most structures for human occupancy across these traces.

Local Regulations

City of Kerman Building Code

The City of Kerman adopted the California Building Code as the City's building code and ordinance (Title 15: Buildings and Construction).

General Plan Public Health and Safety Element

The Kerman Public Health Safety Element establishes a policy framework for protecting people and property from unreasonable risks from natural disasters, crime, noise, and other events. It also focuses on disaster and emergency response. It is a required component of general plans and is guided by several legislative requirements established by the State of California. Applicable policies are as follows:

PH-4.3 Building Regulations for Seismic Safety: The City shall require all new development to be constructed in accordance with the current seismic safety design standards at the time of initial building plan submittal.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item.

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?
 - Strong seismic ground shaking?

- Seismic-related ground failure, including liquefaction?
- Landslides?
- Result in substantial soil erosion or the loss of topsoil?
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) creating substantial direct or indirect risks to life or property?
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

Impacts and Mitigation Measures

Impact 3.7-1: *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

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

Less Than Significant Impact. The proposed project site is not located in an earthquake fault zone as delineated by the 1972 Alquist-Priolo Earthquake Fault Zoning Map Act. The nearest known potentially active fault is the San Andreas Fault, located over sixty miles west of the site. No active faults have been mapped within the project boundaries, so there is no potential for fault rupture. It is anticipated that the proposed Project site would be subject to some ground acceleration and ground shaking associated with seismic activity during its design life. The proposed Project site would be engineered and constructed in strict accordance with the earthquake resistant design requirements contained in the latest edition of the California Building

Code (CBC) for seismic zone II, as well as Title 24 of the California Administrative Code, and therefore would avoid potential seismically induced hazards on planned structures.

Liquefaction is a phenomenon where earthquake-induced ground vibrations increase the pore pressure in saturated, granular soils until it is equal to the confining, overburden pressure. When this occurs, the soil can completely lose its shear strength and enter a liquefied state. The possibility of liquefaction is dependent upon grain size, relative density, confining pressure, saturation of the soils, and intensity and duration of ground shaking. In order for liquefaction to occur, three criteria must be met: “low density”, coarse-grained (sandy) soils, a groundwater depth of less than about 50 feet, and a potential for seismic shaking from nearby large-magnitude earthquake. Since the depth to groundwater at the project site is more than 50 feet, there is a negligible risk of liquefaction occurring at the Project site during a design level seismic event.

In addition, the entire City of Kerman, including the proposed Project site, is relatively flat which would preclude the likeliness of a landslide. The impact of seismic or landslide hazards on the project would be *less than significant*.

Mitigation Measures: None are required.

Impact 3.7-2: *Result in substantial soil erosion or the loss of topsoil?*

Less Than Significant Impact With Mitigation. The soils in the Kerman area are described by the Soil Survey of Eastern Fresno County, prepared by the Soil Conservation Service, Department of Agriculture (see Map 16). The general soil map of this Survey shows three major soil groups in Kerman: the Hanford, Hesperia and Traver Series. The Hanford series consists of soils that are well-drained, fertile, moderately coarse textured, and are derived from recent granitic alluvium. The Hanford soils are generally located on nearly level alluvial fans. This type of soil is typically used for a variety of crops as well as for urban development.

Construction activities associated with the Project involves ground preparation work for the proposed development of the site. These activities could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site.

Grading of the Project site would be minimized and would follow the existing topography of the Project site to the extent feasible to limit potential erosion and maintain existing drainage patterns. The temporary and permanent site roadways would be graded and compacted prior to road construction. Any existing vegetation would be scarified and grubbed for the development

of temporary and permanent access roads, and the soil surface would be smoothed, moisture conditioned, and compacted with a crown in the center and swale on the side to prepare the roadway surface. Grading, excavation, removal of vegetation cover, development of access roads, and disturbance of soils during construction activities would result in the disturbance of an area greater than 1 acre and would temporarily increase erosion, runoff, and sedimentation. Construction activities would also result in soil compaction and wind erosion effects that could adversely affect soils at the construction sites and staging areas.

During grading, erosion prevention measures would be implemented, including the separation of topsoil, whereby topsoil is separated and stockpiled separately from subsoil and stabilized to prevent erosion. When Project construction is complete, stripped subsoil and topsoil would be replaced as required. Other erosion and sediment control measures would include watering for dust control and soil compaction during grading and throughout construction activities.

The Applicant and/or contractor would be required to employ appropriate sediment and erosion control Best Management Practices (BMPs) as part of a Stormwater Pollution Prevention Plan (SWPPP) that would be required and submitted to the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) in accordance with the National Pollution Discharge Elimination System (NPDES). In addition, soil erosion and loss of topsoil would be minimized through implementation of the San Joaquin Valley Air Pollution Control District (SJVAPCD) fugitive dust control measures (See Section 3.3 – Air Quality). Once construction is complete, the Project would not result in significant soil erosion or loss of topsoil. Mitigation Measure GEO – 1 (requirement to prepare a SWPPP) will ensure that impacts remain *less than significant with mitigation*.

Mitigation Measures:

GEO – 1 In order to reduce on-site erosion due to project construction and operation, an erosion control plan and Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for the site preparation, construction, and post-construction periods by a registered civil engineer or certified professional. The erosion control plan shall incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES). The erosion component of the plan must at least meet the requirements of the SWPPP required by the Central Valley RWQCB. If earth disturbing activities are proposed between October 15 and April 15, these activities shall be limited to the extent feasible to minimize potential erosion related impacts. Additional erosion control measures may be implemented in consultation with the City of Kerman. Prior to the issuance of any permit, the Project proponent

shall submit detailed plans to the satisfaction of the City of Kerman. The components of the erosion control plan and SWPPP shall be monitored for effectiveness by the City of Kerman. Erosion control measures may include, but not be limited to, the following:

- i. Limit disturbance of soils and vegetation disturbance removal to the minimum area necessary for access and construction;
- ii. Confine all vehicular traffic associated with construction to the right-of-way of designated access roads;
- iii. Adhere to construction schedules designed to avoid periods of heavy precipitation or high winds;
- iv. Ensure that all exposed soil is provided with temporary drainage and soil protection when construction activity is shut down during the winter periods; and
- v. Inform construction personnel prior to construction and periodically during construction activities of environmental concerns, pertinent laws and regulations, and elements of the proposed erosion control measures.

Impact 3.7-3: *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

Less Than Significant Impact. As previously discussed herein, the proposed Project would not be located within an area identified as a landslide hazard area. The proposed Project is located on relatively flat agricultural fields, and the threat of a landslide occurring on or adjacent to the project site is considered low. Therefore, potential impacts associated with landslides would be *less than significant*.

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

Mitigation Measures

None are required.

Impact 3.7-4: *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

Less Than Significant Impact. As previously described, the soils present on the Project site have low to moderate potential for expansion. As discussed under Impact 3.7-3 above, the proposed Project would be designed in accordance with all applicable building code requirements and structural improvement requirements, which would also address expansive soil hazards. Engineered compacted fill would likely be used during construction in accordance with building code requirements, which would reduce the potential for impacts from expansive soil on Project development. Therefore, with foundation and structural design in accordance with the City of Kerman and current California Building Code standards, impacts from expansive soil on the proposed Project would be *less than significant*.

Mitigation Measures

None are required.

Impact 3.7-5: *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?*

No Impact. The proposed Project will connect to the City's wastewater/sewer system (Please refer to Section 3.19 – Utilities for the discussion pertaining to Project-related wastewater and connection to the City's sewer system). The Project does not include the construction, replacement, or installation of septic tanks or alternative wastewater disposal systems. Therefore, there is *no impact*.

Mitigation Measures

None are required.

Impact 3.7-6: *Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?*

Less than Significant Impact with Mitigation. Paleontological resources are valued for the information they yield about the history of the earth and its past ecological settings. A review of the cultural and historical resources was provided in Section 3.5 and 3.17, Cultural Resources and Tribal Resources, respectively. There are currently no unique geologic features located in the Project Area.

While the discovery of paleontological resources within the Project footprint is considered unlikely, Project buildout would adhere to California Public Resources Code Section 21083.2 which requires all earth-disturbing work to be temporarily suspended or redirected until a qualified paleontologist has evaluated the nature and significance of the records, in accordance with federal, State, and local guidelines. In addition, Mitigation Measure CUL-1 would be implemented in the case of any inadvertent discoveries. With adherence to these regulatory requirements and measures, impacts would be *less than significant with mitigation*.

Mitigation Measure

CUL-1, as described in Section 3.5.

Cumulative Impacts

Would the project make a cumulatively considerable contribution to a significant cumulative impact related to geology, soils, seismicity, or paleontological resources?

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to geology and soils is generally site-specific rather than cumulative in nature because each project site has different geological considerations that would be subject to review. Construction of the individual development projects allowed under the Kerman or Fresno County General Plan may result in individual project risks associated with geology and soils. For example, there will always be a chance that a fault located anywhere in the state (or region) could rupture and cause seismic ground shaking. Additionally, grading, excavation, removal of vegetation cover, and loading activities associated with construction activities could temporarily increase runoff, erosion, and sedimentation.

While some cumulative impacts may occur in the region as individual projects are constructed, the City's General Plan goals, objectives and policies, as well as State and federal regulations, will reduce the risk to people in the region. Considering the protection granted by local, state, and federal agencies and their requirements for the seismic design, as discussed above, the overall cumulative impact would not be significant. Implementation of the proposed Project would not make a cumulatively considerable contribution to any significant impact to geological or soils resources.

3.8 Greenhouse Gas Emissions

This section discusses regional greenhouse gas (GHG) emissions and climate change impacts that could result from implementation of the proposed Project. The information and analysis presented in this section are based on the Air Quality and Greenhouse Gas Analysis Reports (AQGGA) prepared for this Project by Johnson Johnson & Miller Air Quality Consulting. The full AQGGA can be reviewed in Appendix B.

Environmental Setting

Climate Change

Climate change is a change in the average weather of the earth that is measured by alterations in wind patterns, storms, precipitation, and temperature. These changes are assessed using historical records of temperature changes occurring in the past, such as during previous ice ages. Many of the concerns regarding climate change use this data to extrapolate a level of statistical significance, specifically focusing on temperature records from the last 150 years (the Industrial Age) that differ from previous climate changes in rate and magnitude.

The United Nations Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. In its Fourth Assessment Report, the IPCC predicted that the global mean temperature change from 1990 to 2100, given six scenarios, could range from 1.1 degrees Celsius (°C) to 6.4°C. Regardless of analytical methodology, global average temperatures and sea levels are expected to rise under all scenarios.¹ The report also concluded that “[w]arming of the climate system is unequivocal,” and that “[m]ost of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations.”

An individual project cannot generate enough GHG emissions to cause a discernible change in global climate. However, the project participates in the potential for global climate change by its incremental contribution of GHGs—and when combined with the cumulative increase of all other sources of GHGs—constitute potential influences on global climate change.

Consequences of Climate Change in California

¹ Air Quality and Greenhouse Gas Analysis Report for the Kerman 48-Acre Mixed Use Development. Prepared by Johnson Johnson & Miller Air Quality Consulting. See Appendix B, page 31.

In California, climate change may result in consequences such as the following²:

- **Reduction in the quality and supply of water from the Sierra snowpack.** If heat-trapping emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack by as much as 70 to 90 percent. This can lead to challenges in securing adequate water supplies. It can also lead to a potential reduction in hydropower.
- **Increased risk of large wildfires.** If rain increases as temperatures rise, wildfires in the grasslands and chaparral ecosystems of southern California are estimated to increase by approximately 30 percent toward the end of the 21st century because more winter rain will stimulate the growth of more plant “fuel” available to burn in the fall. In contrast, a hotter, drier climate could promote up to 90 percent more northern California fires by the end of the century by drying out and increasing the flammability of forest vegetation.
- **Reductions in the quality and quantity of certain agricultural products.** The crops and products likely to be adversely affected include wine grapes, fruit, nuts, and milk.
- **Exacerbation of air quality problems.** If temperatures rise to the medium warming range, there could be 75 to 85 percent more days with weather conducive to ozone formation in Los Angeles and the San Joaquin Valley, relative to today’s conditions. This is more than twice the increase expected if rising temperatures remain in the lower warming range. This increase in air quality problems could result in an increase in asthma and other health-related problems.
- **A rise in sea levels resulting in the displacement of coastal businesses and residences.** During the past century, sea levels along California’s coast have risen about seven inches. If emissions continue unabated and temperatures rise into the higher anticipated warming range, sea level is expected to rise an additional 22 to 35 inches by the end of the century. Elevations of this magnitude would inundate coastal areas with salt water, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.
- **An increase in temperature and extreme weather events.** Climate change is expected to lead to increases in the frequency, intensity, and duration of extreme heat events and heat

² Ibid.

waves in California. More heat waves can exacerbate chronic disease or heat-related illness.

- **A decrease in the health and productivity of California's forests.** Climate change can cause an increase in wildfires, an enhanced insect population, and establishment of non-native species.

Greenhouse Gases

Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Common GHGs include water vapor, CO₂, methane, NO_x, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols. Natural processes and human activities emit GHGs. The presence of GHGs in the atmosphere affects the earth's temperature. It is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Climate change is driven by forcings and feedbacks. Radiative forcing is the difference between the incoming energy and outgoing energy in the climate system. Positive forcing tends to warm the surface while negative forcing tends to cool it. Radiative forcing values are typically expressed in watts per square meter. A feedback is a climate process that can strengthen or weaken a forcing. For example, when ice or snow melts, it reveals darker land underneath which absorbs more radiation and causes more warming. The global warming potential is the potential of a gas or aerosol to trap heat in the atmosphere. The global warming potential of a gas is essentially a measurement of the radiative forcing of a GHG compared with the reference gas, CO₂.

Individual GHG compounds have varying global warming potential and atmospheric lifetimes. CO₂, the reference gas for global warming potential, has a global warming potential of one. The global warming potential of a GHG is a measure of how much a given mass of a GHG is estimated to contribute to global warming. To describe how much global warming a given type and amount of GHG may cause, the carbon dioxide equivalent is used. The calculation of the carbon dioxide equivalent is a consistent methodology for comparing GHG emissions since it normalizes various GHG emissions to a consistent reference gas, CO₂. For example, CH₄'s warming potential of 25 indicates that CH₄ has 25 times greater warming effect than CO₂ on a molecule-per-molecule basis. A carbon dioxide equivalent is the mass emissions of an individual GHG multiplied by its global warming potential (GWP). GHGs defined by Assembly Bill (AB) 32 (see the Climate Change Regulatory Environment section for a description) include CO₂, CH₄, NO_x, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. They are described in **Error! Reference source not found..**

A seventh GHG, nitrogen trifluoride, was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. The global warming potential amounts are from IPCC Fourth Assessment Report (AR4). The AR4 GWP amounts, incorporated into CalEEMod, are used in this analysis. Although the newer IPCC Fifth Assessment Report (AR5) includes new global warming potential amounts, ARB continues to use AR4 rates for inventory purposes. Until such time as ARB updates its Scoping Plan inventories to utilize AR5 GWPs, it is appropriate to continue using AR4 GWPs for CEQA analyses, which are based on Scoping Plan consistency.

Table 3.8-1
Description of Greenhouse Gases³

Greenhouse Gas	Description and Physical Properties	Sources
Nitrous oxide	Nitrous oxide (laughing gas) is a colorless GHG. It has a lifetime of 114 years. Its global warming potential is 298.	Microbial processes in soil and water, fuel combustion, and industrial processes.
Methane	Methane is a flammable gas and is the main component of natural gas. It has a lifetime of 12 years. Its global warming potential is 25.	Methane is extracted from geological deposits (natural gas fields). Other sources are landfills, fermentation of manure, and decay of organic matter.
Carbon dioxide	Carbon dioxide (CO ₂) is an odorless, colorless, natural GHG. Carbon dioxide's global warming potential is 1. The concentration in 2005 was 379 parts per million (ppm), which is an increase of about 1.4 ppm per year since 1960.	Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood.
Chlorofluorocarbons	These are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). Global warming potentials range from 124 to 14,800.	Chlorofluorocarbons were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. They destroy stratospheric ozone. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987.
Perfluorocarbons	Perfluorocarbons have stable molecular structures and only break down by ultraviolet rays	Two main sources of perfluorocarbons are primary

³ Ibid, Pages 33-34.

Greenhouse Gas	Description and Physical Properties	Sources
	about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Global warming potentials range from 7,390 to 12,200.	aluminum production and semiconductor manufacturing.
Sulfur hexafluoride	Sulfur hexafluoride (SF ₆) is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. It has a high global warming potential of 22,800.	This gas is man-made and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas.
Nitrogen trifluoride	Nitrogen trifluoride (NF ₃) was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. It has a high global warming potential of 17,200.	This gas is used in electronics manufacture for semiconductors and liquid crystal displays.

The State has begun the process of addressing pollutants referred to as short-lived climate pollutants. Senate Bill (SB) 605, approved by the governor on September 14, 2014, required the ARB to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants by January 1, 2016. ARB was required to complete an emission inventory of these pollutants, identify research needs, identify existing and potential new control measures that offer co-benefits, and coordinate with other state agencies and districts to develop measures. The Short-Lived Climate Pollutant Strategy was approved by the ARB in March 2017. The strategy calls for reductions of 50 percent from black carbon, 40 percent from methane, and 40 percent from HFCs from the 2030 Business as Usual (BAU) inventory for these pollutants.⁴

The short-lived climate pollutants include three main components: black carbon, fluorinated gases, and methane. Fluorinated gases and methane are described in Table 3.8-1 and are already included in the California GHG inventory. Black carbon has not been included in past GHG inventories; however, ARB will include it in its comprehensive strategy.⁵

Ozone is another short-lived climate pollutant that will be part of the strategy. Ozone affects evaporation rates, cloud formation, and precipitation levels. Ozone is not directly emitted, so its

⁴ Ibid, Page 34.

⁵ Ibid.

precursor emissions—VOC and NO_x on a regional scale and CH₄ on a hemispheric scale—will be subject of the strategy.⁶

Black carbon is a component of fine particulate matter. Black carbon is formed by incomplete combustion of fossil fuels, biofuels, and biomass. Sources of black carbon within a jurisdiction may include exhaust from diesel trucks, vehicles, and equipment, as well as smoke from biogenic combustion. Biogenic combustion sources of black carbon include the burning of biofuels used for transportation, the burning of biomass for electricity generation and heating, prescribed burning of agricultural residue, and natural and unnatural wildfires. Black carbon is not a gas but an aerosol—particles or liquid droplets suspended in air. Black carbon only remains in the atmosphere for days to weeks, whereas other GHGs can remain in the atmosphere for years. Black carbon can be deposited on snow, where it absorbs sunlight, reduces sunlight reflectivity, and hastens snowmelt. Direct effects include absorbing incoming and outgoing radiation; indirectly, black carbon can also affect cloud reflectivity, precipitation, and surface dimming (cooling).

Global warming potentials for black carbon were not defined by the IPCC in its Fourth Assessment Report. The ARB has identified a global warming potential of 3,200 using a 20-year time horizon and 900 using a 100-year time horizon from the IPCC Fifth Assessment. Sources of black carbon are already regulated by ARB, and air district criteria pollutant and toxic regulations that control fine particulate emissions from diesel engines and other combustion sources. Additional controls on the sources of black carbon specifically for their GHG impacts beyond those required for toxic and fine particulates are not likely to be needed.

Water vapor is also considered a GHG. Water vapor is an important component of our climate system and is not regulated. Increasing water vapor leads to warmer temperatures, which causes more water vapor to be absorbed into the air. Warming and water absorption increase in a spiraling cycle. Water vapor feedback can also amplify the warming effect of other greenhouse gases, such that the warming brought about by increased CO₂ allows more water vapor to enter the atmosphere.⁷

Emissions Inventories

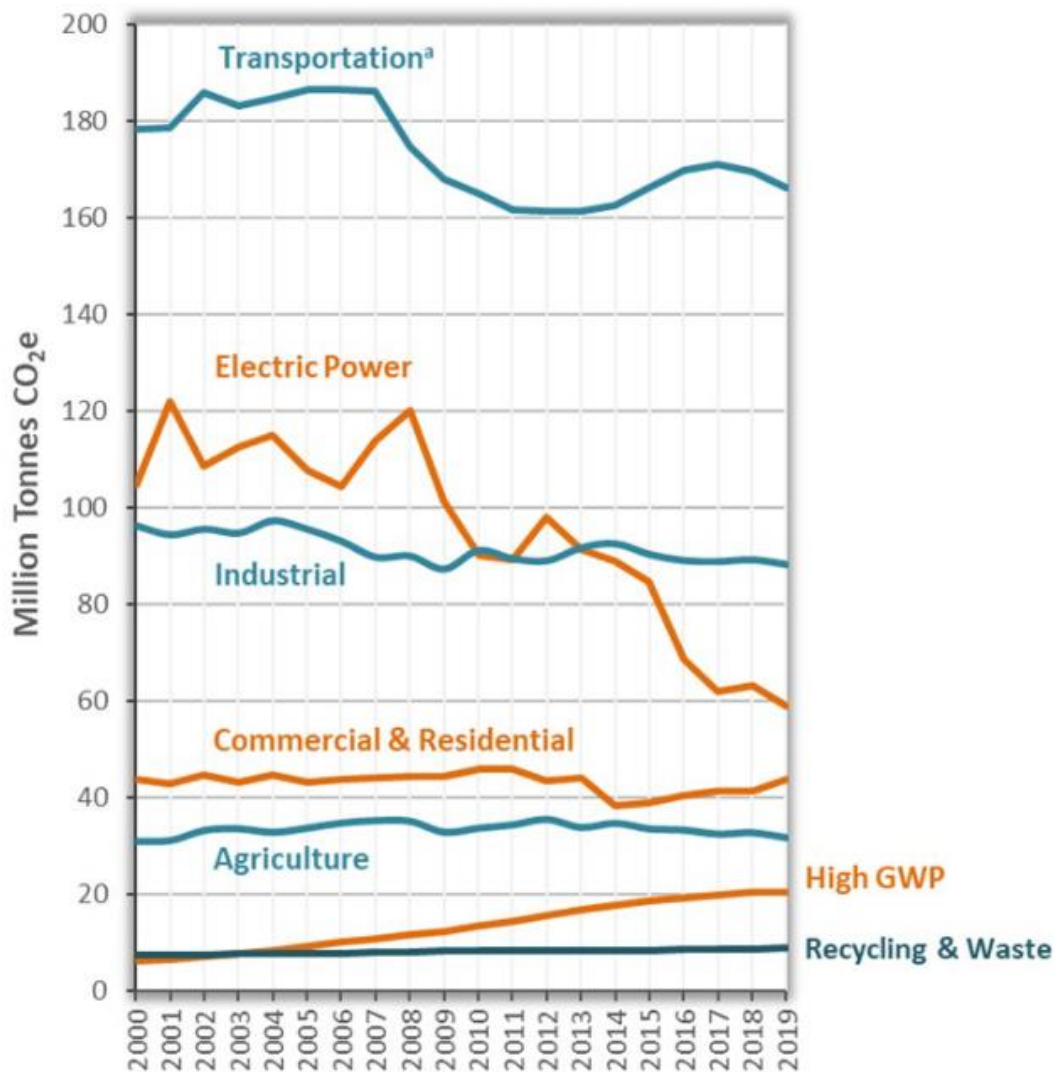
An emissions inventory is a database that lists, by source, the amount of air pollutants discharged into the atmosphere of a geographic area during a given time period. **Error! Reference source not found.** shows the contributors of GHG emissions in California between years 2000 and 2019 by Scoping Plan category. The main contributor was transportation. The second highest sector in 2019 was industrial, which includes sources from refineries, general fuel use, oil and gas extraction, cement

⁶ Ibid.

⁷ Ibid, Pages 34-35.

plants, and cogeneration heat output. Emissions from the electricity sector account for 14 percent of the inventory and have shown a substantial decrease in 2019 due to increases in renewables. ARB reported that California's GHG emissions inventory was 418.2 MMTCO₂e in 2019.⁸

Figure 3.8-1
Greenhouse Gas Emission Trends by Scoping Plan Category in California⁹



⁸ Ibid. Page 35.

⁹ Ibid. Page 36.

Regulatory Setting

International Regulations

Intergovernmental Panel on Climate Change

In 1988, the United Nations and the World Meteorological Organization established the Intergovernmental Panel on Climate Change. The panel was tasked with assessing the scientific, technical, and socioeconomic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation.

United Nations Framework Convention on Climate Change (Convention)

On March 21, 1994, the United States joined a number of countries around the world in signing the Convention. Under the Convention, governments gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

Kyoto Protocol

The Kyoto Protocol is an international agreement linked to the United Nations Framework Convention on Climate Change. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialized countries and the European community for reducing GHG emissions at average of five percent against 1990 levels over the five-year period from 2008–2012. The Convention (as discussed above) encouraged industrialized countries to stabilize emissions; however, the Protocol commits them to do so. Developed countries have contributed more emissions over the last 150 years; therefore, the Protocol places a heavier burden on developed nations under the principle of “common but differentiated responsibilities.”¹⁰

Paris Agreement

Parties to the United Nations Framework Convention on Climate Change (UNFCCC) reached a landmark agreement on December 12, 2015 in Paris, charting a fundamentally new course in the two-decade-old global climate effort. Culminating in a four-year negotiating round, the new treaty ends

¹⁰ United Nations. Climate Change. Process and meetings – What is the Kyoto Protocol. https://unfccc.int/kyoto_protocol. Accessed June 2024.

the strict differentiation between developed and developing countries that characterized earlier efforts, replacing it with a common framework that commits all countries to put forward their best efforts and to strengthen those efforts in the years ahead. This includes, for the first time, requirements that all parties report regularly on their emissions and implementation efforts and undergo international review.

The agreement and a companion decision by parties were the key outcomes of the conference, known as the 21st session of the UNFCCC Conference of the Parties, or COP 21. Together, the Paris Agreement and the accompanying COP decision:

- Reaffirm the goal of limiting global temperature increase well below 2 degrees Celsius, while urging efforts to limit the increase to 1.5 degrees;
- Establish binding commitments by all parties to make “nationally determined contributions” (NDCs), and to pursue domestic measures aimed at achieving them;
- Commit all countries to report regularly on their emissions and “progress made in implementing and achieving” their NDCs, and to undergo international review;
- Commit all countries to submit new NDCs every five years, with the clear expectation that they will “represent a progression” beyond previous ones;
- Reaffirm the binding obligations of developed countries under the UNFCCC to support the efforts of developing countries, while for the first time encouraging voluntary contributions by developing countries too;
- Extend the current goal of mobilizing \$100 billion a year in support by 2020 through 2025, with a new, higher goal to be set for the period after 2025;
- Extend a mechanism to address “loss and damage” resulting from climate change, which explicitly will not “involve or provide a basis for any liability or compensation;”
- Require parties engaging in international emissions trading to avoid “double counting;” and
- Call for a new mechanism, similar to the Clean Development Mechanism under the Kyoto Protocol, enabling emission reductions in one country to be counted toward another country’s NDC.¹¹

Between June 1, 2017 and January 20, 2021, the United States had temporarily withdrawn from the Paris Climate Agreement.

¹¹ United Nations. Climate Change. Process and meetings. The Paris Agreement. <https://unfccc.int/process-and-meetings/the-paris-agreement>. Accessed June 2024.

State of California Regulations

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation such as the landmark Assembly Bill (AB) 32 California Global Warming Solutions Act of 2006 was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of the legislation.

AB 32. The California State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. “Greenhouse gases” as defined under AB 32 include CO₂, methane, NO_x, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Since AB 32 was enacted, a seventh chemical, nitrogen trifluoride, has also been added to the list of GHGs. The ARB is the state agency charged with monitoring and regulating sources of GHGs. AB 32 states the following:

Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.¹²

The ARB approved the 1990 GHG emissions level of 427 MMTCO₂e on December 6, 2007. Therefore, to meet the State’s target, emissions generated in California in 2020 are required to be equal to or less than 427 MMTCO₂e. Emissions in 2020 in a BAU scenario were estimated to be 596 MMTCO₂e, which do not account for reductions from AB 32 regulations (ARB 2008a). At that rate, a 28 percent reduction was required to achieve the 427 MMTCO₂e 1990 inventory. In October 2010, ARB prepared an updated 2020 forecast to account for the effects of the 2008 recession and slower forecasted growth. The 2020 inventory without the benefits of adopted regulation is now estimated at 545 MMTCO₂e.

¹² Air Quality and Greenhouse Gas Analysis Report for the Kerman 48-Acre Mixed Use Development. Prepared by Johnson Johnson & Miller Air Quality Consulting. See Appendix B, page 37.

Therefore, under the updated forecast, a 21.7 percent reduction from BAU is required to achieve 1990 levels.¹³

Calculation of the original 1990 limit approved in 2007 was revised in 2014 using the scientifically updated IPCC AR4 global warming potential values, to 431 MMTCO₂e. ARB approved 431 MMTCO₂e as the 2020 emission limit with the approval of the First Update to the Scoping Plan on May 22, 2014.¹⁴

Progress in Achieving AB 32 Targets

The State made steady progress in implementing AB 32 and achieving targets included in Executive Order S-3-05. The progress was evident in emission inventories prepared by ARB, which showed that the State inventory dropped below 1990 levels for the first time in 2016.¹⁵ The 2017 Scoping Plan Update includes projections indicating that the State will meet or exceed the 2020 target with adopted regulations. In 2019, emissions from GHG emitting activities statewide were 418.2 MMTCO₂e, 7.2 MMTCO₂e lower than 2018 levels and almost 13 MMTCO₂e below the 2020 GHG Limit of 431 MMTCO₂e.¹⁶

ARB 2008 Scoping Plan. The ARB's Climate Change Scoping Plan (Scoping Plan) contains measures designed to reduce the State's emissions to 1990 levels by the year 2020 to comply with AB 32. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG target include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewables energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets;

¹³ Ibid. Page 37

¹⁴ Ibid.

¹⁵ Ibid. Page 38

¹⁶ Ibid.

- Adopting and implementing measures pursuant to existing State laws and policies, including California’s clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State’s long-term commitment to AB 32 implementation.

SB 32 and 2017 Scoping Plan. The Governor signed SB 32 on September 8, 2016. SB 32 gives ARB the statutory responsibility to include the 2030 target previously contained in Executive Order B-30-15 in the next Scoping Plan update. SB 32 states that “In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the state [air resources] board shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030.” The 2017 Climate Change Scoping Plan Update addressing the SB 32 targets was adopted on December 14, 2017. The major elements of the framework proposed to achieve the 2030 target are as follows:

1. SB 350
 - Achieve 50 percent Renewables Portfolio Standard (RPS) by 2030.
 - Doubling of energy efficiency savings by 2030.
2. Low Carbon Fuel Standard (LCFS)
 - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).
3. Mobile Source Strategy (Cleaner Technology and Fuels Scenario)
 - Maintaining existing GHG standards for light- and heavy-duty vehicles.
 - Put 4.2 million zero-emission vehicles (ZEVs) on the roads.
 - Increase ZEV buses, delivery and other trucks.
4. Sustainable Freight Action Plan
 - Improve freight system efficiency.
 - Maximize use of near-zero emission vehicles and equipment powered by renewable energy.
 - Deploy over 100,000 zero-emission trucks and equipment by 2030.

5. Short-Lived Climate Pollutant (SLCP) Reduction Strategy

- Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
- Reduce emissions of black carbon 50 percent below 2013 levels by 2030.

6. SB 375 Sustainable Communities Strategies

- Increased stringency of 2035 targets.

7. Post-2020 Cap-and-Trade Program

- Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.
- ARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements. In Fall 2016, ARB staff described potential future amendments including reducing the offset usage limit, redesigning the allocation strategy to reduce free allocation to support increased technology and energy investment at covered entities and reducing allocation if the covered entity increases criteria or toxics emissions over some baseline.

8. 20 percent reduction in greenhouse gas emissions from the refinery sector.

9. By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.

ARB's 2022 Scoping Plan. The most recent version of the ARB's Scoping Plan, the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan), was adopted in December 2022. The 2022 Scoping Plan provides a detailed sector-by-sector guide to address climate change by reducing GHG emissions by 85 percent and achieving carbon neutrality by 2045, with the bulk of emission reductions efforts being tackled in the transportation and energy sectors.

The elements of the framework proposed to achieve the emission reduction targets are as follows:

- Transportation
 - Achieve 100 percent ZEV sales of light-duty vehicles by 2035 and medium heavy-duty vehicles by 2040.
 - Achieve a 20 percent zero-emission target for the aviation sector.
 - Prioritize and increase funding for clean transportation equity programs.

- Accelerate the reduction and replacement of fossil fuel production and consumption in California.
- Increase the stringency and scope of the Low Carbon Fuel Standard.
- Achieve a per capita VMT reduction of at least 25 percent below 2019 levels by 2030 and 30 percent below by 2045.
- Clean Electricity Grid
 - Per SB 350, double Statewide energy efficiency savings by 2030.
 - Use long-term planning processes to support grid reliability and expansion of renewable and zero-carbon development.
 - Per SB 100 and 1020, achieve 90 percent, 95 percent, and 100 percent renewable and zero-carbon retail sales by 2035, 2040, and 2045, respectively.
- Sustainable Manufacturing and Buildings
 - Maximize air quality benefits using the best available control technologies for stationary sources in communities most in need.
 - Implement SB 905.
 - Develop a net-zero cement strategy to meet SB 956 targets for the GHG intensity of cement use.
 - Leverage energy efficiency and low carbon hydrogen programs.
 - Prioritize most vulnerable residents with the majority of funds in the new \$922 million Equitable Building Decarbonization program.
 - Achieve three million all-electric and electric-ready homes by 2030 and seven million by 2035 with six million heat pumps installed by 2030.
 - Adopt a zero-emission standard for new space and water heaters sold in California beginning in 2030.
 - Implement biomethane procurement targets for investor-owned utilities as specified in SB 1440.

- Carbon Dioxide Removal and Capture
 - Implement SB 905.
 - Achieve the 85 percent reduction in anthropogenic sources below 1990 levels per AB 1279 by incorporating Carbon Capture and Storage (CCS) into sectors and programs beyond transportation.
 - Evaluate and propose the role for CCS in cement decarbonization and as part of hydrogen peroxide pathways.
 - Explore carbon capture application for zero-carbon power for reliability needs per SB 100.
- Short-Lived Climate Pollutants (Non-Combustion Gases)
 - Install anaerobic digesters to maximize air and water quality protection, maximize biomethane capture, and direct biomethane to specific sectors.
 - Increase alternative manure management projects.
 - Expand markets for products made from organic waste.
 - Pursuant to SB 1137, develop leak detection and repair plans for facilities in health protection zones, implement emission detection system standards, and provide public access to emissions data.
 - Convert large HFC emitters to the lowest practical global warming potential (GWP) technologies.
- Natural and Working Lands
 - Implement AB 1757 and SB 27.
 - Implement the Climate Smart Strategy.
 - Accelerate the pace and scale of climate smart forest management to at least 2.3 million acres annually by 2025.

- Accelerate the pace and scale of healthy soils practices to 80,000 acres annually by 2025, conserve at least 8,000 acres of annual crops annually, and increase organic agriculture to 20 percent of all cultivated acres by 2045.
- Restore 60,000 acres of Delta wetlands annually by 2045.
- Increase urban forestry investment annually by 200 percent, relative to business as usual.

California Regulations and Building Codes. California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California’s energy consumption relatively flat even with rapid population growth.

Title 20 Appliance Efficiency Regulations. California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, Sections 1601–1608: Appliance Efficiency Regulations regulates the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. Twenty-three categories of appliances are included in the scope of these regulations including lighting, air conditioning, and most home appliances. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the State and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.¹⁷

Title 24 Energy Efficiency Standards. California Code of Regulations Title 24 Part 6: California’s Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California’s energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. The 2022 Standards went into effect January 1, 2023.

Title 24 California Green Building Standards Code (California Code of Regulations Title 24, Part 11 code) is a comprehensive and uniform regulatory code for all residential, commercial, and

¹⁷ California Energy Commission (CEC). 2018a. California Code of Regulations Title 20, Division 2, Article 4 Appliance Efficiency Regulations. Website: [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I8F8F3BC0D44E11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I8F8F3BC0D44E11DEA95CA4428EC25FA0&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)). Accessed May 21, 2024.

school buildings that went in effect January 1, 2011. The code is updated on a regular basis, with the most recent update consisting of the 2016 California Green Building Code Standards that became effective January 1, 2017. Local jurisdictions are permitted to adopt more stringent requirements, as state law provides methods for local enhancements. The Code recognizes that many jurisdictions have developed existing construction and demolition ordinances, and defers to them as the ruling guidance provided they provide a minimum 50-percent diversion requirement. The code also provides exemptions for areas not served by construction and demolition recycling infrastructure. State building code provides the minimum standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

The California Green Building Standards Code (California Code of Regulations Title 24, Part 11 code) requires:

- **Short-term bicycle parking.** If a commercial project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for five percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- **Long-term bicycle parking.** For buildings with over 10 tenant-occupants, provide secure bicycle parking for five percent of tenant-occupied motorized vehicle parking capacity, with a minimum of one space (5.106.4.1.2).
- **Designated parking.** Provide designated parking in commercial projects for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).
- **Recycling by Occupants.** Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling. (5.410.1).
- **Construction waste.** A minimum 50-percent diversion of construction and demolition waste from landfills, increasing voluntarily to 65 and 80 percent for new homes and 80-percent for commercial projects. (5.408.1, A5.408.3.1 [nonresidential], A5.408.3.1 [residential]). All (100 percent) of trees, stumps, rocks and associated vegetation and soils resulting from land clearing shall be reused or recycled (5.408.3).
- **Wastewater reduction.** Each building shall reduce the generation of wastewater by one of the following methods:

1. The installation of water-conserving fixtures or
 2. Using nonpotable water systems (5.303.4).
- **Water use savings.** Twenty percent mandatory reduction in indoor water use with voluntary goal standards for 30, 35, and 40 percent reductions (5.303.2, A5303.2.3 [nonresidential]).
 - **Water meters.** Separate water meters for buildings in excess of 50,000 square feet or buildings projected to consume more than 1,000 gallons per day (5.303.1).
 - **Irrigation efficiency.** Moisture-sensing irrigation systems for larger landscaped areas (5.304.3).
 - **Materials pollution control.** Low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particleboard (5.404).
 - **Building commissioning.** Mandatory inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 square feet to ensure that all are working at their maximum capacity according to their design efficiencies (5.410.2).

Model Water Efficient Landscape Ordinance. The Model Water Efficient Landscape Ordinance (Ordinance) was required by AB 1881 Water Conservation Act. The bill required local agencies to adopt a local landscape ordinance at least as effective in conserving water as the Model Ordinance by January 1, 2010. Reductions in water use of 20 percent consistent with (SBX-7-7) 2020 mandate are expected for the ordinance. Former Governor Brown’s Drought Executive Order of April 1, 2015 (EO B-29-15) directed DWR to update the ordinance through expedited regulation.¹⁸ The California Water Commission approved the revised ordinance on July 15, 2015, which became effective on December 15, 2015. New development projects that include landscaped areas of 500 square feet or more are subject to the ordinance. The update requires:

- More efficient irrigation systems
- Incentives for graywater usage

¹⁸ Brown, Edmund G. Jr. 2015. Press Release: California Establishes Most Ambitious Greenhouse Gas Goal in North America. Website: <https://www.ca.gov/archive/gov39/2015/04/29/news18938/index.html>. Accessed May 21, 2024.

- Improvements in on-site stormwater capture
- Limiting the portion of landscapes that can be planted with high water use plants
- Reporting requirements for local agencies.

California Supreme Court GHG Ruling. A November 30, 2015 ruling, the *California Supreme Court in Center for Biological Diversity (CBD) v. California Department of Fish and Wildlife (CDFW)* on the Newhall Ranch project, concluded that whether the project was consistent with meeting statewide emission reduction goals is a legally permissible criterion of significance, but the significance finding for the project was not supported by a reasoned explanation based on substantial evidence. The Court offered potential solutions on pages 25 to 27 of the ruling to address this issue summarized below.

Specifically, the Court advised that:

- **Substantiation of Project Reductions from BAU.** A lead agency may use a BAU comparison based on the Scoping Plan’s methodology if it also substantiates the reduction a particular project must achieve to comply with statewide goals. The Court suggested a lead agency could examine the “data behind the Scoping Plan’s business-as-usual model” to determine the necessary project-level reductions from new land use development at the proposed location (p. 25).¹⁹
- **Compliance with Regulatory Programs or Performance Based Standards.** “A lead agency might assess consistency with A.B. 32’s goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities. (See Final Statement of Reasons, *supra*, at p. 64 [greenhouse gas emissions ‘may be best analyzed and mitigated at a programmatic level.’].) To the extent a project’s design features comply with or exceed the regulations outlined in the Scoping Plan and adopted by the Air Resources Board or other state agencies, a lead agency could appropriately rely on their use as showing compliance with ‘performance based standards’ adopted to fulfill ‘a statewide . . . plan for the reduction or mitigation of greenhouse gas emissions.’ (CEQA Guidelines § 15064.4(a)(2), (b)(3); see also *id.*, § 15064(h)(3) [determination that impact is not cumulatively considerable may rest on compliance with previously adopted plans or

¹⁹ Air Quality and Greenhouse Gas Analysis Report for the Kerman 48-Acre Mixed Use Development. Prepared by Johnson Johnson & Miller Air Quality Consulting. See Appendix B, Page 43.

regulations, including ‘plans or regulations for the reduction of greenhouse gas emissions’].)” (p. 26).

- **Compliance with GHG Reduction Plans or Climate Action Plans (CAPs).** A lead agency may utilize “geographically specific GHG emission reduction plans” such as climate action plans or greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis (p. 26).
- **Compliance with Local Air District Thresholds.** A lead agency may rely on “existing numerical thresholds of significance for greenhouse gas emissions” adopted by, for example, local air districts (p. 27).

Therefore, consistent with CEQA Guidelines Appendix G, the three factors identified in CEQA Guidelines Section 15064.4 and the recently issued Newhall Ranch opinion, the GHG impacts would be considered significant if the project would:

- Conflict with a compliant GHG Reduction Plan if adopted by the lead agency;
- Exceed the SJVAPCD GHG Reduction Threshold; or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of GHGs.

San Joaquin Valley Air Pollution Control District Regulations

Climate Change Action Plan

On August 21, 2008, the SJVAPCD Governing Board approved a proposal called the Climate Change Action Plan (CCAP). The CCAP began with a public process bringing together stakeholders, land use agencies, environmental groups, and business groups to conduct public workshops to develop comprehensive policies for CEQA guidelines, a carbon exchange bank, and voluntary GHG emissions mitigation agreements for the Board’s consideration. The CCAP contains the following goals and actions:

- Develop GHG significance thresholds to address CEQA projects with GHG emission increases.
- Develop the San Joaquin Valley Carbon Exchange for banking and trading GHG reductions.
- Authorize use of the SJVAPCD’s existing inventory reporting system to allow use for GHG reporting required by AB 32 regulations.

- Develop and administer GHG reduction agreements to mitigate proposed emission increases from new projects.
- Support climate protection measures that reduce greenhouse gas emissions as well as toxic and criteria pollutants. Oppose measures that result in a significant increase in toxic or criteria pollutant emissions in already impacted areas.

On December 17, 2009, the SJVAPCD Governing Board adopted “Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA,” and the policy “District Policy—Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency.” The SJVAPCD concluded that the existing science is inadequate to support quantification of the impacts that project-specific GHG emissions have on global climatic change. The SJVAPCD found the effects of project-specific emissions to be cumulative, and without mitigation, their incremental contribution to global climatic change could be considered cumulatively considerable. The SJVAPCD found that this cumulative impact is best addressed by requiring all projects to reduce their GHG emissions, whether through project design elements or mitigation.²⁰

The SJVAPCD’s approach is intended to streamline the process of determining if project-specific GHG emissions would have a significant effect. Projects exempt from the requirements of CEQA, and projects complying with an approved plan or mitigation program, would be determined to have a less than significant cumulative impact. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources, and must have a certified final CEQA document.

For non-exempt projects, those projects for which there is no applicable approved plan or program, or those projects not complying with an approved plan or program, the lead agency must evaluate the project against performance-based standards and would require the adoption of design elements, known as a Best Performance Standard, to reduce GHG emissions. The Best Performance Standards (BPS) have not yet fully been established, though they must be designed to achieve a 29 percent reduction when compared with the BAU projections identified in ARB’s AB 32 Scoping Plan.

BAU represents the emissions that would occur in 2020 if the average baseline emissions during the 2002–2004 period were grown to 2020 levels, without control. Thus, these standards would carry with them pre-quantified emissions reductions, eliminating the need for project-specific quantification. Therefore, projects incorporating BPS would not require specific quantification of GHG emissions,

²⁰ Ibid, Page 45.

and automatically would be determined to have a less than significant cumulative impact for GHG emissions.

For stationary source permitting projects, BPS means, “The most stringent of the identified alternatives for control of GHG emissions, including type of equipment, design of equipment and operational and maintenance practices, which are achieved-in-practice for the identified service, operation, or emissions unit class.” The SJVAPCD has identified BPS for the following sources: boilers; dryers and dehydrators; oil and gas extraction; storage, transportation, and refining operations; cogeneration; gasoline dispensing facilities; volatile organic compound control technology; and steam generators.

For development projects, BPS means, “Any combination of identified GHG emission reduction measures, including project design elements and land use decisions that reduce project-specific GHG emission reductions by at least 29 percent compared with business as usual.”

Projects not incorporating BPS would require quantification of GHG emissions and demonstration that BAU GHG emissions have been reduced or mitigated by 29 percent. As stated earlier, ARB’s adjusted inventory reduced the amount required by the State to achieve 1990 emission levels from 29 percent to 21.7 percent to account for slower growth experienced since the 2008 recession. The SJVAPCD has not yet adopted BPS for development projects. The SJVAPCD has not updated its guidance to address SB 32 2030 targets or AB 1279 2045 targets.²¹

San Joaquin Valley Carbon Exchange

The SJVAPCD initiated work on the San Joaquin Valley Carbon Exchange in November 2008. The purpose of the carbon exchange is to quantify, verify, and track voluntary GHG emissions reductions generated within the San Joaquin Valley. However, the SJVAPCD has pursued an alternative strategy that incorporates the GHG emissions into its existing Rule 2301—Emission Reduction Credit Offset Banking that formerly only addressed criteria pollutants. The SJVAPCD is also participating with the California Air Pollution Control Officers Association (CAPCOA), of which it is a member, in the CAPCOA Greenhouse Gas Reduction Exchange (GHG Rx). The GHG Rx is operated cooperatively by air districts that have elected to participate. Participating districts have signed a Memorandum of Understanding (MOU) with CAPCOA and agree to post only those credits that meet the Rx standards for quality. The objective is to provide a secure, low-cost, high-quality greenhouse gas exchange for credits created in California. The GHG Rx is intended to help fulfill compliance obligations or mitigation needs of local projects subject to environmental review, reducing the uncertainty of using

²¹ Ibid, Page 46.

credits generated in distant locations. The SJVAPCD currently has no credits posted to the GHG Rx as of this writing.²²

Rule 2301

While the Climate Change Action Plan indicated that the GHG emission reduction program would be called the San Joaquin Valley Carbon Exchange, the District incorporated a method to register voluntary GHG emission reductions into its existing Rule 2301—Emission Reduction Credit Banking through amendments of the rule. Amendments to the rule were adopted on January 19, 2012. The purposes of the amendments to the rule include the following:

- Provide an administrative mechanism for sources to bank voluntary GHG emission reductions for later use.
- Provide an administrative mechanism for sources to transfer banked GHG emission reductions to others for any use.
- Define eligibility standards, quantitative procedures, and administrative practices to ensure that banked GHG emission reductions are real, permanent, quantifiable, surplus, and enforceable.

Local Regulations

The City of Kerman General Plan includes a number of air quality and energy policies that reduce GHG emissions. The air quality policies are listed in the Air Quality Section of this document. The energy policies are listed below.

City of Kerman General Plan

The City of Kerman General Plan includes numerous policies aimed at reducing and controlling GHG emissions. The General Plan includes the following goals and policies that would reduce GHG emissions:

- **PH-7.1:** The City shall continue to participate in regional planning efforts to meet air quality goals.
- **PH-7.6:** The City shall provide incentives for new projects, particularly new multifamily residential buildings and other sensitive land uses, to incorporate design

²² Ibid.

features that achieve good indoor air quality above and beyond State and Federal requirements.

- **PH-7.7:** The City shall support programs that educate the public on climate change and encourage residents and businesses to become involved in activities and lifestyle changes that will aid in reduction of greenhouse gas emissions.

Waste Diversion. With the passage of SB 1016, the Per Capita Disposal Measurement System, only per capita disposal rates are measured. Targets are based on the per capita and employee disposal rates. The City of Kerman disposal rate for 2022 was 4.1 pounds per person per day, and 8.7 pounds per employee per day, which is well below the target of 7.6 pounds per person per day and 18 pounds per day.²³

Thresholds of Significance

The CEQA Guidelines define a significant effect on the environment as “a substantial, or potentially substantial, adverse change in the environment.”

The following GHG significance thresholds are contained in Appendix G of the CEQA Guidelines, which were amendments adopted into the Guidelines on March 18, 2010, pursuant to SB 97 and most recently amended December 28, 2019. A significant impact would occur if the project would:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Approach to Analysis

Section 15064.4(b) of the CEQA Guidelines states that a lead agency may take into account the following three considerations in assessing the significance of impacts from GHG emissions.

²³ California Department of Resources Recycling and Recovery (CalRecycle). 2020. Countywide, Regionwide, and Statewide Jurisdiction Diversion/Disposal Progress Report06). <https://www2.calrecycle.ca.gov/LGCentral/AnnualReporting/DiversionDisposal> . Accessed May 21, 2024.

- Consideration #1: The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.
- Consideration #2: Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- Consideration #3: The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project. In determining the significance of impacts, the lead agency may consider a project's consistency with the State's long-term climate goals or strategies, provided that substantial evidence supports the agency's analysis of how those goals or strategies address the project's incremental contribution to climate change and its conclusion that the project's incremental contribution is not cumulatively considerable.

The SJVAPCD's *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* provides guidance for preparing a BAU analysis. Under the SJVAPCD guidance, projects meeting one of the following would have a less than significant impact on climate change:

- Exempt from CEQA;
- Complies with an approved GHG emission reduction plan or GHG mitigation program;
- Project achieves 29 percent GHG reductions by using approved Best Performance Standards; and
- Project achieves AB 32 targeted 29 percent GHG reductions compared with "business as usual."

The SJVAPCD has not yet adopted BPS for development projects. For development projects, BPS means, "Any combination of identified GHG emission reduction measures, including project design elements and land use decisions that reduce project-specific GHG emission reductions by at least 29 percent compared with business as usual."

The 29 percent GHG reduction level is based on the target established by ARB's AB 32 Scoping Plan, approved in 2008. The GHG reduction level for the State to reach 1990 emission levels by 2020 was reduced to 21.7 percent from BAU in 2020 in the 2014 First Update to the Scoping Plan to account for slower than projected growth after the 2008 recession.²⁴ First occupancy at the project site is expected to occur as early as 2026, which is after the AB 32 target year. The SJVAPCD has not updated its guidance to address SB 32 2030 targets or AB 1279 2045 targets.

The analysis also addresses consistency with the SB 32 targets and the 2017 Scoping Plan Update, as well as the 2022 Scoping Plan Update. This approach provides estimates of project emissions in the new 2030 milestone year with the existing threshold to address Considerations 1 and 2 above. Therefore, whether the project's GHG emissions would result in a significant impact on the environment is determined by assessing consistency with relevant GHG reduction plans.

Impacts and Mitigation Measures

Impact 3.8-1: *Would the project generate direct or indirect greenhouse emissions that would result in a significant impact on the environment?*

Less Than Significant. The following analysis assesses the proposed project's compliance with Consideration #3 regarding consistency with adopted plans to reduce GHG emissions. The City of Kerman has not adopted a GHG reduction plan. In addition, the City has not completed the GHG inventory, benchmarking, or goal-setting process required to identify a reduction target and take advantage of the streamlining provisions contained in the CEQA Guidelines amendments adopted for SB 97 and clarifications provided in the CEQA Guidelines amendments adopted on December 28, 2018. The SJVAPCD has adopted a Climate Action Plan, but it does not contain measures that are applicable to the proposed Project. Therefore, the SJVAPCD Climate Action Plan cannot be applied to the proposed Project. Since no other local or regional Climate Action Plan is in place, the proposed Project is assessed for its consistency with ARB's adopted Scoping Plans.

Consistency with ARB's Adopted Scoping Plans

The State's regulatory program implementing the 2008 Scoping Plan is now fully mature. All regulations envisioned in the Scoping Plan have been adopted, and the effectiveness of those regulations has been estimated by the agencies during the adoption process and then tracked to

²⁴ California Air Resources Board (ARB). 2014. First Update to the Climate Change Scoping Plan. Website: <http://www.arb.ca.gov/cc/scopingplan/document/updatedscopingplan2013.htm>. Accessed May22, 2024.

verify their effectiveness after implementation. The combined effect of this successful effort is that the State now projects that it will meet the 2020 target and achieve continued progress toward meeting post-2020 targets. Former Governor Brown, in the introduction to Executive Order B-30-15, stated “California is on track to meet or exceed the current target of reducing greenhouse gas emissions to 1990 levels by 2020, as established in the California Global Warming Solutions Act of 2006 (AB 32).”

Consistency with SB 32 and the 2017 Scoping Plan

Table 3.8-2 provides an analysis of the proposed project’s consistency with the 2017 Scoping Plan Update measures.

Table 3.8-2
Consistency with SB 32 2017 Scoping Plan Update

Scoping Plan Measure	Project Consistency
SB 350 50% Renewable Mandate. Utilities subject to the legislation will be required to increase their renewable energy mix from 33% in 2020 to 50% in 2030.	Consistent: The individual development projects built out under the proposed Project will purchase electricity from a utility subject to the SB 350 Renewable Mandate.
SB 350 Double Building Energy Efficiency by 2030. This is equivalent to a 20 percent reduction from 2014 building energy usage compared to current projected 2030 levels	Not Applicable. This measure applies to existing buildings. New structures are required to comply with Title 24 Energy Efficiency Standards that are expected to increase in stringency until new development achieves zero net energy. While there are currently existing structures in the Project site area, they are not a part of the individual development projects that would be built out under the proposed Project.
Low Carbon Fuel Standard. This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030.	Consistent. Vehicles accessing the Project site will use fuel containing lower carbon content as the fuel standard is implemented.
Mobile Source Strategy (Cleaner Technology and Fuels Scenario) Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million ZEVs on the road by	Consistent. Future Project occupants, visitors, and employees can be expected to purchase increasing numbers of more fuel efficient and zero emission cars and trucks each year. The 2022 CALGreen Code requires commercial developments to include EV infrastructure and requires

2030 and increasing numbers of ZEV trucks and buses.	electrical service in new single-family housing to be EV charger-ready. In addition, deliveries to future project residences and businesses will be made by increasing numbers of ZEV delivery trucks.
Sustainable Freight Action Plan The plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero emission operation and maximize near-zero emission freight vehicles and equipment powered by renewable energy by 2030.	Not Applicable. The measure applies to owners and operators of trucks and freight operations. Deliveries to the proposed mixed residential and commercial development are expected to be made by increasing number of ZEV delivery trucks.
Short-Lived Climate Pollutant (SLCP) Reduction Strategy. The strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030.	Consistent. The Project's residences will include only natural gas hearths that produce very little black carbon compared to woodburning fireplaces and heaters. Additionally, commercial uses contemplated as part of the proposed Project are not expected to be sources of black carbon.
SB 375 Sustainable Communities Strategies. Requires Regional Transportation Plans to include a sustainable communities strategy for reduction of per capita vehicle miles traveled.	Consistent. The proposed Project will provide mixed-use residential and commercial development in the region that is consistent with the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) strategy to increase development densities to reduce VMT. The proposed Project includes mixed-use development including residential, and commercial within the same area, which will also contribute to reductions in VMT.
Post-2020 Cap-and-Trade Program. The Post 2020 Cap-and-Trade Program continues the existing program for another 10 years. The Cap-and-Trade Program applies to large	Consistent. The post-2020 Cap-and-Trade Program indirectly affects people who use the products and services produced by the regulated industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the

industrial sources such as power plants, refineries, and cement manufacturers.	consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the program's first compliance period.
Natural and Working Lands Action Plan. The ARB is working in coordination with several other agencies at the federal, state, and local levels, stakeholders, and with the public, to develop measures as outlined in the Scoping Plan Update and the governor's Executive Order B-30-15 to reduce GHG emissions and to cultivate net carbon sequestration potential for California's natural and working land.	Not Applicable. The proposed Project includes a mix of residential and commercial development and will not be considered natural or working lands.
Source: ARB 2017 Scoping Plan Update.	

As described in Table 3.8-2, the proposed Project be consistent with applicable 2017 Scoping Plan Update measures and would not obstruct the implementation of others that are not applicable. The State's regulatory program is able to target both new and existing development because the two most important strategies, motor vehicle fuel efficiency and emissions from electricity generation, obtain substantial reductions from both existing sources and new sources. This is because all vehicle operators use cleaner low carbon fuels and buy vehicles subject to the fuel efficiency regulations and all building owners or operators purchase cleaner energy from the grid that is produced by increasing percentages of renewable fuels. This includes regulations on mobile sources such as the Pavley standards that apply to all vehicles purchased in California, the LCFS (Low Carbon Fuel Standard) that applies to all fuel sold in California, and the Renewable Portfolio Standard and Renewable Energy Standard under SB 100 that apply to utilities providing electricity to all California end users.

Moreover, the Scoping Plan strategy will achieve more than average reductions from energy and mobile source sectors that are the primary sources related to development projects and lower than average reductions from other sources such as agriculture. Operational GHG emissions from development projects contemplated under the proposed project would principally be generated from electricity consumption and vehicle use (including heavy trucks), which are directly under the purview of the Scoping Plan strategy and have experienced reductions above the State average reduction. Considering the information summarized above, the proposed Project would be consistent with the State's AB 32 and SB 32 GHG reduction goals. As such, the proposed Project's GHG impacts would be less than significant.

Consistency Regarding GHG Reduction Goals for 2050 under Executive Order S-3-05 and GHG Reduction Goals for 2045 under the 2022 Scoping Plan

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the development projects built out under the proposed project would comply with whatever measures are enacted that State lawmakers decide would lead to an 80 percent reduction below 1990 levels by 2050. In its 2008 Scoping Plan, ARB acknowledged that the "measures needed to meet the 2050 are too far in the future to define in detail." In the First Scoping Plan Update; however, ARB generally described the type of activities required to achieve the 2050 target: "energy demand reduction through efficiency and activity changes; large scale electrification of on-road vehicles, buildings, and industrial machinery; decarbonizing electricity and fuel supplies; and rapid market penetration of efficiency and clean energy technologies that requires significant efforts to deploy and scale markets for the cleanest technologies immediately."

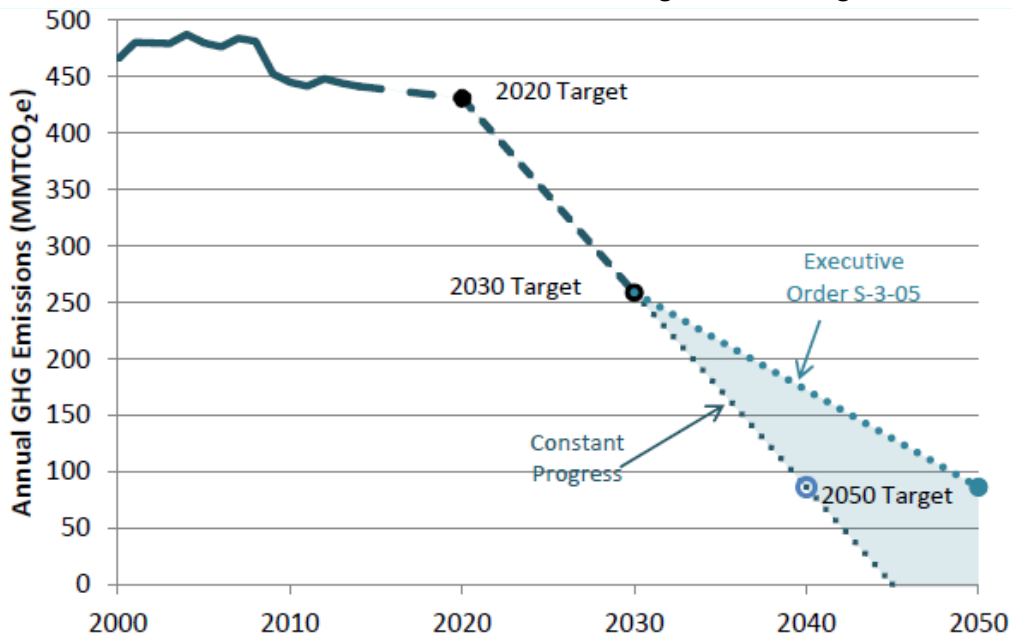
The ARB recognized that AB 32 established an emissions reduction trajectory that will allow California to achieve the more stringent 2050 target: "These [greenhouse gas emission reduction] measures also put the State on a path to meet the long-term 2050 goal of reducing California's GHG emissions to 80 percent below 1990 levels. This trajectory is consistent with the reductions that are needed globally to stabilize the climate." In addition, ARB's First Update "lays the foundation for establishing a broad framework for continued emission reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050," and many of the emission reduction strategies recommended by ARB would serve to reduce the proposed Project's post-2020 emissions level to the extent applicable by law:

- **Energy Sector:** Continued improvements in California's appliance and building energy efficiency programs and initiatives, such as the State's zero net energy building goals,

would serve to reduce the proposed project's emissions level. Additionally, further additions to California's renewable resource portfolio would favorably influence the Project's emissions level.

- **Transportation Sector:** Anticipated deployment of improved vehicle efficiency, zero emission technologies, lower carbon fuels, and improvement of existing transportation systems all will serve to reduce the Project's emissions level.
- **Water Sector:** The Project's emissions level will be reduced as a result of further desired enhancements to water conservation technologies.
- **Waste Management Sector:** Plans to further improve recycling, reuse and reduction of solid waste will beneficially reduce the Project's emissions level.
- For the reasons described above, the Project's post-2020 emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets. The trajectory required to achieve the post-2020 targets is shown in Figure 1.

Figure 1
California's Path to Achieving the 2050 Target



Source: ARB 2017 Scoping Plan Update

In his January 2015 inaugural address, former Governor Brown expressed a commitment to achieve “three ambitious goals” that he would like to see accomplished by 2030 to reduce the State's GHG emissions:

- Increasing the State’s Renewable Portfolio Standard from 33 percent in 2020 to 50 percent in 2030;
- Cutting the petroleum use in cars and trucks in half; and
- Doubling the efficiency of existing buildings and making heating fuels cleaner.

These expressions of executive branch policy may be manifested in adopted legislative or regulatory action through the state agencies and departments responsible for achieving the State’s environmental policy objectives, particularly those relating to global climate change. Further, recent studies show that the State’s existing and proposed regulatory framework will allow the State to reduce its GHG emissions level to 40 percent below 1990 levels by 2030, and to 80 percent below 1990 levels by 2050. Even though these studies did not provide an exact regulatory and technological roadmap to achieve the 2030 and 2050 goals, they demonstrated that various combinations of policies could allow the statewide emissions level to remain very low through 2050, suggesting that the combination of new technologies and other regulations not analyzed in the studies could allow the State to meet the 2050 target.

Given the proportional contribution of mobile source-related GHG emissions to the State’s inventory, recent studies also show that relatively new trends—such as the increasing importance of web-based shopping, the emergence of different driving patterns, and the increasing effect of web-based applications on transportation choices—are beginning to substantially influence transportation choices and the energy used by transportation modes. These factors have changed the direction of transportation trends in recent years and will require the creation of new models to effectively analyze future transportation patterns and the corresponding effect on GHG emissions. For the reasons described above, the proposed project’s future emissions trajectory is expected to follow a declining trend, consistent with the 2030 and 2050 targets.

ARB’s 2022 Scoping Plan for Achieving Carbon Neutrality was approved in December 2022 and expands on prior Scoping Plans and legislations—such as AB 1279—by outlining a technologically feasible, cost-effective, and equity-focused path to achieve the State’s climate target of reducing anthropogenic GHG emissions to 85 percent below 1990 levels and achieving carbon neutrality by 2045 or earlier.²⁵ To achieve carbon neutrality by 2045, the 2022 Scoping Plan contains GHG reductions, technology, and clean energy mandated by statutes, reduction of short-lived climate

²⁵ California Air Resources Board (ARB). 2022. Final 2022 Scoping Plan Update and Appendices. December. Website: <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents>. Accessed May 27, 2024.

pollutants, and mechanical carbon dioxide capture and sequestration actions. Table 3.8-3 contains a list of key GHG emission reduction actions and strategies from the 2022 Scoping Plan and assesses the project's consistency with these actions and strategies.

Table 3.8-3
Project Consistency with 2022 Scoping Plan

2022 Scoping Plan Actions and Strategies	Responsible Party(ies)	Project Consistency
<p>Transportation Technology</p> <ul style="list-style-type: none"> • Achieve 100 percent ZEV sales of light duty vehicles by 2035 and medium heavy-duty vehicles by 2040. • Achieve 20 percent zero-emission target for the aviation sector. • Develop a rapid and robust network of ZEV refueling infrastructure to support needed transition to ZEVs. • Ensure that the transition of ZEV technology is affordable for low income households and communities of color and meets the needs of communities and small business. • Prioritize incentive funding for heavy-duty ZEV technology deployment in regions of the state with the highest concentrations of harmful criteria and toxic air contaminant emissions. • Promote private investment in the transition to ZEV technology, undergirded by regulatory certainty such as infrastructure credits in the Low Carbon Fuel Standard for hydrogen and electricity and hydrogen station 	<p>State agencies and local agencies</p>	<p>No Conflict: Vehicles must transition to zero-emission technology to decarbonize the transportation sector. Executive Order N-79-20 reflects the urgency of transitioning to zero emission vehicles (ZEVs) by establishing target dates for reaching 100 percent ZEV sales or fleet transitions to ZEV technology. EO N-79-20 calls for 100 percent ZEV sales of new light-duty vehicles by 2035. The Advanced Clean Cars II regulation fulfills this goal and serves as the primary mechanism to help deploy ZEVs. A number of existing incentive programs also support this transition, including the Clean Cars 4 All Program. EO N-79-20 also sets targets for transitioning the medium- and heavy-duty fleet to zero emissions: by 2035 for drayage trucks and by 2045 for buses and heavy-duty long-haul trucks where feasible. Replacing heavy-duty vehicles with ZEV technology will substantially reduce GHG emissions and diesel PM emissions in communities adjacent to ports, distribution centers, and highways.</p> <p>EO N-79-20 sets an off-road equipment target of transitioning the entire fleet to ZEV technology by 2035, where feasible. There are a number of funding sources available to support this transition, including FARMER, Carl Moyer, and Community Air Protection Incentives; as well as Low Carbon Transportation Incentives, including the Clean Off-Road Equipment program.</p> <p>Refueling infrastructure is a crucial component of transforming transportation technology. Electric</p>

<p>grants from the CEC's Clean Transportation Program pursuant to Executive Order B-48-18.</p> <ul style="list-style-type: none"> • Evaluate and continue to offer incentives similar to those through FARMER, Carl Moyer, the Clean Fuel Reward Program, the Community Air Protection Program, the Low Carbon Transportation, including CORE. Where feasible, prioritize and increase funding for clean transportation equity programs. • Continue and accelerate funding support for zero emission vehicles and refueling infrastructure through 2030 to ensure the rapid transformation of the transportation sector. 		<p>vehicle chargers and hydrogen refueling stations must become easily accessible for all drivers to support a wholesale transition to ZEV technology. Deployment of ZEV refueling infrastructure is currently supported by a number of existing State public funding mechanisms.</p> <p>Intrastate aviation relies on internal combustion engine technology today, but battery-electric and hydrogen fuel cell aviation applications are in development, along with sustainable aviation fuel.</p> <p>GHG emissions generated by Project-related passenger and truck vehicle travel would benefit from the above regulations and programs, and mobile source emissions generated by the proposed project would be reduced as automobiles and truck fleets are transitioned to ZEV technology. Additionally, the Project would include EV charging infrastructure in accordance with regulations which would support the transition to EV technology. Thus, the Project would not conflict with actions under the transportation technology sector.</p>
<p>Transportation Fuels</p> <ul style="list-style-type: none"> • Accelerate the reduction and replacement of fossil fuel production and consumption in California. • Incentivize private investment in new zero-carbon fuel production in California. • Incentivize the transition of existing fuel production and distribution assets to support deployment of low- and zero-carbon fuels while protecting public health and the environment. • Invest in the infrastructure to support reliable refueling for 	<p>State agencies and local agencies</p>	<p>No Conflict: Private investment in alternative fuels will play a key role in diversifying the transportation fuel supply away from fossil fuels. EO N-79-20 calls on state agencies to support the transition of existing fuel production facilities away from fossil fuels and directs that this transition also protects and supports workers, public health, safety, and the environment. In-line with this direction, existing refineries could be repurposed to produce sustainable aviation fuel, renewable diesel, and hydrogen.</p> <p>GHG emissions generated by Project-related passenger and delivery trucks would benefit from the above regulations and programs, and mobile source emissions generated by the project would be reduced with implementation of the wider use of zero-carbon fuels consistent with reduction of GHG emissions under AB 1279. Additionally, the</p>

<p>transportation such as electricity and hydrogen refueling.</p> <ul style="list-style-type: none"> • Evaluate and propose, as needed, changes to strengthen the Cap-and-Trade Program. • Initiate a public process focused on options to increase the stringency and scope of the LCFS: <ul style="list-style-type: none"> - Evaluate and propose accelerated carbon intensity targets pre-2030 for LCFS. - Evaluate and propose further declines in LCFS post-2030 carbon intensity targets to align with this 2022 Scoping Plan. - Consider integrating opt-in sectors into the program. - Provide capacity credits for hydrogen and electricity for heavy-duty fueling. • Monitor for and ensure that raw materials used to produce low-carbon fuels or technologies do not result in unintended consequences. 		<p>Project would utilize energy efficiency appliances and equipment and will meet the applicable energy standards in the Title 24 Building Energy Efficiency Standards and CALGreen Code, which will limit the amount of fossil fuel use and GHG emissions. During operations, the Project will provide improvements to the pedestrian network. Considering the actions and strategies require action by the state and local agencies, Project consistency is determined by assessing whether the Project would conflict with the actions needed in the transportation fuels sector. As supported by the information provided above, the Project would not conflict with actions in the transportation fuels sector.</p>
<p>Vehicles Miles Traveled</p> <ul style="list-style-type: none"> • Achieve a per capita VMT reduction of at least 25 percent below 2019 levels by 2030 and 30 percent below 2019 levels by 2045. • Reimagine new roadway projects that decrease VMT in a way that meets community needs and reduces the need to drive. 	<p>State agencies and local agencies</p>	<p>No Conflict: VMT reductions will play a crucial role in reducing overall transportation energy demand and achieving California's climate, air quality, and equity goals. ARB did not set regulatory limits on VMT in the 2022 Scoping Plan because the authority to reduce VMT largely lies with state, regional, and local transportation, land use, and housing agencies, along with the Legislature and its budgeting choices.</p>

<ul style="list-style-type: none"> • Invest in making public transit a viable alternative to driving by increasing affordability, reliability, coverage, service frequency, and consumer experience. • Implement equitable roadway pricing strategies based on local context and need, reallocating revenues to improve transit, bicycling, and other sustainable transportation choices. • Expand and complete planned networks of high-quality active transportation infrastructure. • Channel the deployment of autonomous vehicles, ride-hailing services, and other new mobility options toward high passenger-occupancy and low VMT-impact service models that complement transit and ensure equitable access or priority populations. • Streamline access to public transportation through programs such as the California Integrated Travel Project. • Ensure alignment of land use, housing, transportation, and conservation planning in adopted regional plans and local plans (e.g., general plans, zoning, and local transportation plans), and develop tools to support implementation of these plans. • Accelerate infill development and housing production at all 		<p>The Project-specific traffic report includes a VMT analysis for the Project.²⁶ The traffic report found that the project would have a less than significant VMT impact. As such, the Project would not conflict with actions in the vehicle miles traveled sector.</p>
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²⁶ Ruettgerts & Schuler Civil Engineers. 2024. Traffic Study: Proposed Mixed Use Residential and Commercial Development W Whitesbridge Avenue and N Del Norte Avenue City of Kerman, CA. March 2024.

affordability levels in transportation-efficient places, with a focus on housing for lower income residents.		
<p>Clean Electricity Grid</p> <ul style="list-style-type: none"> • Per SB 350, double statewide energy efficiency savings in electricity and fossil gas end uses by 2030, through a combination of energy efficiency and fuel substitution actions. • Use long-term planning processes to support grid reliability and expansion of renewable and zero-carbon resource and infrastructure deployment. • Complete systemwide and local reliability assessments. Such assessments should be completed before state agencies update their electricity sector GHG targets. • Prioritize actions to mitigate impacts to electricity reliability and affordability and provide sufficient flexibility in the state's decarbonization roadmap for adjustments as may be needed. • Facilitate long lead-time resource development. • Continue coordination between energy agencies and energy proceedings to maximize opportunities for demand response. • Continue to explore the benefits of regional markets to enhance 	State agencies and local agencies	<p>No Conflict: Decarbonizing the electricity sector depends on both using energy more efficiently and replacing fossil-fueled generation with renewable and zero carbon resources, including solar, wind, energy storage, geothermal, biomass, and hydroelectric power. The RPS Program and the Cap-and-Trade Program continue to incentivize dispatch of renewables over fossil generation to serve state demand.</p> <p>SB 100 increased RPS stringency to require 60 percent renewables by 2030 and for California to provide 100 percent of its retail sales of electricity from renewable and zero-carbon resources by 2045. Furthermore, SB 1020 has added interim targets to SB 100's policy framework to require renewable and zero-carbon resources to supply 90 percent of all retail electricity sales by 2035 and 95 percent of all electricity retail sales by 2040; establish a planning goal of at least 20 GW of offshore wind by 2045; and that state agencies plan for an energy transition that avoids the need for new fossil gas capacity to meet California's long-term energy goals.</p> <p>California also continues to advance its appliance and building energy efficiency standards to reduce growth in electricity consumption and meet the SB 350 goal to double statewide energy efficiency savings in electricity and fossil gas end uses by 2030. Increased transportation and building electrification and continued policy commitment to behind-the-meter solar and storage will continue to drive growth of microgrids and other distributed energy resources.</p> <p>Continued transition to renewable and zero-carbon electricity resources will enable electricity to become a zero-carbon substitute for fossil</p>

<p>decarbonization, reliability, and affordability.</p> <ul style="list-style-type: none"> • Address resource build-out challenges, including permitting, interconnection, and transmission network upgrades. • Explore new financing mechanisms and rate designs to address affordability. • Per SB 100 and SB 1020, achieve 90 percent, 95 percent, and 100 percent renewable and zero-carbon retail sales by 2035, 2040, and 2045, respectively. • Evaluate and propose, as needed, changes to strengthen the Cap-and-Trade Program. • Target programs and incentives to support and improve access to renewable and zero-carbon energy projects (e.g., rooftop solar, community owned or controlled solar or wind, battery storage, and microgrids) for communities most at need, including frontline, low-income, rural, and indigenous communities. • Prioritize public investments in zero-carbon energy projects to first benefit the most overly burdened communities affected by pollution, climate impacts, and poverty. 		<p>fuels. This transformation will drive investments in a large fleet of generation and storage resources but will also require significant transmission to accommodate these new capacity additions. Resources such as storage and demand-side management are essential to maintain reliability with high concentrations of renewables. Hydrogen produced from renewable resources and renewable feedstocks can serve a dual role as a low-carbon fuel for existing combustion turbines or fuel cells, and as energy storage for later use.</p> <p>The proposed Project would utilize energy efficiency appliances and equipment and will meet the applicable energy standards in the Title 24 Building Energy Efficiency Standards and CALGreen Code. As such, the Project would not conflict with actions under the clean electricity grid sector.</p>
<p>Sustainable Manufacturing and Buildings</p> <ul style="list-style-type: none"> • Maximize air quality benefits using the best available control 	<p>State agencies and local agencies</p>	<p>No Conflict: The 2022 Scoping Plan reduces dependence on fossil gas in the industrial and building sectors by transitioning substantial energy demand to alternative fuels. Combustion of fossil gas, other gaseous fossil fuels, and solid</p>

<p>technologies for stationary sources in communities most in need.</p> <ul style="list-style-type: none"> • Implement SB 905, which requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon capture, utilization, and sequestration and carbon dioxide removal projects and technology. • End fossil gas infrastructure expansion for newly constructed buildings. • Develop a net-zero cement strategy to meet SB 956 targets for the GHG intensity of cement use. • Leverage energy efficiency and low carbon hydrogen programs. • Prioritize most vulnerable residents with the majority of funds in the new \$922 million Equitable Building Decarbonization program. • Achieve three million all-electric and electric-ready homes by 2030 and seven million by 2035 with six million heat pumps installed by 2030. • Adopt a zero-emission standard for new space and water heaters sold in California beginning in 2030. 		<p>fossil fuels provide energy to meet three broad industry needs: electricity, steam, and process heat. Non-combustion emissions result from fugitive emissions and from the chemical transformations inherent to some manufacturing processes. Decarbonizing industrial facilities depends upon displacing fossil fuel use with a mix of electrification, solar thermal heat, biomethane, low- or zero-carbon hydrogen, and other low-carbon fuels to provide energy for heat and reduce combustion emissions. Emissions also can be reduced by implementing energy efficiency measures and using substitute raw materials that can reduce energy demand and some process emissions. Some remaining combustion emissions and some non-combustion CO₂ emissions can be captured and sequestered. This sector has a continuing demand for fossil gas due to lack of non-combustion technologically feasible or cost-effective alternatives for certain industrial sectors. Microgrids powered by renewable resources and with battery storage are emerging as a key enabler of electrification and decarbonization at industrial facilities.</p> <p>The Project is a mixed use residential and commercial project and would not include industrial uses. The Project will utilize energy efficiency appliances and equipment and will meet the applicable energy standards in the Title 24 Building Energy Efficiency Standards and CALGreen Code. During operations, the Project will provide improvements to the pedestrian network and would have a less than significant VMT impact.²⁷ As such, the Project would not conflict with sustainable manufacturing buildings industry sector.</p>
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²⁷ Ruettgers & Schuler Civil Engineers. 2024. Traffic Study: Proposed Mixed Use Residential and Commercial Development W Whitesbridge Avenue and N Del Norte Avenue City of Kerman, CA. March 2024.

<ul style="list-style-type: none"> Implement biomethane procurement targets for investor-owned utilities as specified in SB 1440. 		
<p>Carbon Dioxide Removal and Capture Sector</p> <ul style="list-style-type: none"> Implement SB 905. Achieve the 85 percent reduction in anthropogenic sources below 1990 levels per AB 1279 by incorporating Carbon Capture and Storage (CCS) into sectors and programs beyond transportation. Evaluate and propose the role for CCS in cement decarbonization and as part of hydrogen peroxide pathways. Explore carbon capture application for zero-carbon power for reliability needs per SB 100. 	State agencies and local agencies	<p>No Conflict: ARB has acknowledged that the deployment of carbon dioxide removal to counterbalance hard-to-abate residual emissions is needed to achieve net zero GHG emissions. Modeling shows that emissions from the AB 32 GHG Inventory sources will continue to persist even if all fossil related combustion emissions are phased out. Carbon dioxide removal includes both sequestration in natural and working lands and mechanical approaches such as: direct air capture, CCS (which is carbon capture from anthropogenic point sources involves capturing carbon from a smokestack of an emitting facility), or direct air capture (which captures carbon directly from the atmosphere).</p> <p>The Project would not conflict with measures to increase carbon dioxide removal and capture. As such, the Project would not conflict with action under the carbon dioxide removal and capture sector.</p>
<p>Short-Lived Climate Pollutants (Non-Combustion Gases)</p> <ul style="list-style-type: none"> Install anaerobic digesters to maximize air and water quality protection, maximize biomethane capture, and direct biomethane to specific sectors. Increase alternative manure management projects. Expand markets for products made from organic waste. Pursuant to SB 1137, develop leak detection and repair plans for facilities in health protection zones, implement emission 	State agencies and local agencies	<p>No Conflict: SLCPs include black carbon, methane, and fluorinated gases. Dairy and livestock are the largest source of methane emissions followed by landfills. Black Carbon (soot) comes primarily from transportation, specifically heavy-duty vehicles followed by fuel combustion for residential, commercial, and industrial uses.</p> <p>The Project would not conflict with SLCP dairy and livestock methane sector actions in the 2022 Scoping Plan. The Project is a mixed use residential and commercial development and does not include dairy or livestock. Furthermore, the Project does not include a new landfill or any oil or gas production, processing, or storage facilities. The Project would comply with the 2022 CalGreen Code for energy efficiency and use of</p>

<p>detection system standards, and provide public access to emissions data.</p> <ul style="list-style-type: none"> Convert large HFC emitters to the lowest practical global warming potential (GWP) technologies. 		<p>high-GWP refrigerants and would not conflict with these policies or actions. The Project is a mixed use residential and commercial development that may include gas hearth fireplaces but would not result in a significant VMT impact; lower VMT results in a reduction of fuel combustion. Considering the information presented above, the Project would not conflict with SLCP sector actions in the 2022 Scoping Plan.</p>
<p>Natural and Working Lands</p> <ul style="list-style-type: none"> Implement AB 1757 and SB 27. Implement the Climate Smart Strategy. Accelerate the pace and scale of climate smart forest management to at least 2.3 million acres annually by 2025. Accelerate the pace and scale of healthy soils practices to 80,000 acres annually by 2025, conserve at least 8,000 acres of annual crops annually, and increase organic agriculture to 20 percent of all cultivated acres by 2045. Restore 60,000 acres of Delta wetlands annually by 2045. Increase urban forestry investment annually by 200 percent, relative to business as usual. 	<p>State agencies and local agencies</p>	<p>No Conflict: AB 1757 requires state agencies to set targets for natural carbon removal and emissions reductions on natural and working lands. AB 1757 is expected to catalyze natural carbon sequestration in California by: requiring California Natural Resources Agency and ARB to establish targets for sequestration on natural and working lands for 2030, 2038, and 2045; ensuring that natural sequestration projects have rigorous measurement and verification; and establishing an expert committee to advise state agencies on modeling and implementation.</p> <p>SB 27 is designed to accelerate the removal of carbon from the atmosphere by expanding California's carbon removal capability (i.e., sequestration) and improve the carbon retention of the state's natural and working lands.</p> <p>The Project is a mixed use residential and commercial development and would not include natural working lands. As such, the Project would not conflict with natural and working strategies under the 2022 Scoping Plan.</p>
Source: ARB's 2022 Scoping Plan.		

As show above in Table 3.8-3, the Project would not conflict with relevant 2022 Scoping Plan actions or strategies that aim to achieve the State's climate target of reducing anthropogenic emissions to 85 percent below 1990 levels and achieving carbon neutrality by 2045.

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

Mitigation Measures:

None Required.

Impact 3.8-2: *Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Less Than Significant. The following analysis assesses the proposed project's compliance with Consideration #3 regarding consistency with adopted plans to reduce GHG emissions. The City of Kerman has not adopted a GHG reduction plan. In addition, the City has not completed the GHG inventory, benchmarking, or goal-setting process required to identify a reduction target and take advantage of the streamlining provisions contained in the CEQA Guidelines. The SJVAPCD has adopted a Climate Action Plan, but it does not contain measures that are applicable to the project. Therefore, the SJVAPCD Climate Action Plan cannot be applied to the project. Since no other local or regional Climate Action Plan is in place, the project is assessed for its consistency with ARB's adopted Scoping Plans. This assessment is included under Impact GHG-1 above. As demonstrated in the analysis contained under Impact GHG-1, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce the emissions of greenhouse gases.

Cumulative Impacts

Less Than Cumulatively Considerable. The State of California, through AB 32, has acknowledged that GHG emissions are a statewide impact. Emissions generated by the proposed Project combined with past, present, and reasonably probable future projects could contribute to this impact. The CEQA Guidelines emphasize that effects of GHG emissions are cumulative in nature and should be analyzed in the context of CEQA's existing cumulative impacts analysis. The California Governor's Office of Planning and Research acknowledges that although climate change is cumulative in nature, not every individual project that emits GHGs must necessarily be found to contribute to a significant cumulative impact on the environment.

As discussed above, the proposed Project would not generate significant GHG emissions and would be consistent with GHG reduction plans. Therefore, the proposed Project's incremental contribution would be *less than cumulatively considerable*.

3.9 Hazards and Hazardous Materials

This section of the DEIR identifies potential impacts of the proposed Project pertaining to hazards and hazardous emissions or materials, proximity to airports/schools, and assessment of wildland fires. To assist in this analysis, a Phase I Environmental Site Assessment (Phase I) was prepared by CREtelligent in October 2023 for the proposed Project site (See Appendix E).

Hazards include man--made or natural materials or man--made or natural conditions that may pose a threat to human health, life, property, or the environment. Hazardous materials and waste present health hazards for humans and the environment. These health hazards can result during the manufacture, transportation, use, or disposal of such materials if not handled properly. Hazards to humans can also existing from natural or human induce wildfire and air traffic accidents.

Environmental Setting

Project Site

The Project Applicant is proposing entitlement and development of 48 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs. The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south. The site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres. The parcels are outside the City of Kerman limits, but within the Sphere of Influence. The Project site and the parcel to the east are proposed to be annexed into the City of Kerman. The Project includes a General Plan Amendment, Rezone, Cancellation of a Williamson Act Contract, and Tentative Subdivision Map to accommodate the Project.

The Project site is located in an area with a mix of urban and rural residential, and agricultural area. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east.

Hazardous Materials

A hazardous material is a substance or combination of substances which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either (1) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating irreversible illness; or (2) pose a substantial present or potential hazard to human health and safety, or the environment when improperly treated, stored, transported, or disposed of.

Hazardous materials include a variety of substances such as lubricants, herbicides and pesticides, solvents, gasoline, household cleaning products, refrigerants and radioactive substances. Some are common to industrial and commercial process, while others are commonly used in households. A hazardous waste is simply the spent or used hazardous material that requires disposal. Improper transport, storage, handling, use and disposal of hazardous wastes can have significant impacts on the environment and human health.

Hazardous Sites

The Cortese List is a planning document used by the State, local agencies, and landowners to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency to develop at least annually an updated Cortese List. The California Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB) are responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List.

DTSC maintains the *Envirostor Data Management System*, which provides information on hazardous waste facilities (both permitted and corrective action) as well as any available site cleanup information. This site cleanup information includes: Federal Superfund Sites (NPL), State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Corrective Action Sites, Tiered Permit Sites, and Evaluation / Investigation Sites. The hazardous waste facilities include: Permitted–Operating, Post-Closure Permitted, and Historical Non-Operating. According to the Envirostor database, there are no waste facilities or site cleanup facilities located on the proposed site. There has been one School Investigation listed approximately 700 feet east of the site, Kerman

Proposed Elementary School & High School Athletic Facilities, with a status of ‘No Further Action’.¹

GeoTracker is the SWRCB’s data management system for managing sites that impact groundwater, especially those that require groundwater cleanup (Underground Storage Tanks, Department of Defense, Site Cleanup Program) as well as permitted facilities such as operating USTs and land disposal sites. The proposed site was not identified within the GeoTracker Database. The Database did not identify any PUST facilities, or open LUST / SLIC cases in the search radius of this report (GeoTracker, 2024). There are no locations listed within a quarter-mile radius of the site.²

Wildfire Hazards

In California, responsibility for wildfire prevention and suppression is shared by federal, state and local agencies. Federal agencies are responsible for federal lands in Federal Responsibility Areas. The State of California has determined that some non-federal lands in unincorporated areas with watershed value are of statewide interest and have classified those lands as State Responsibility Areas (SRA), which are managed by CAL FIRE. All incorporated areas and other unincorporated lands are classified as Local Responsibility Areas (LRA). While nearly all of California is subject to some degree of wildfire hazard, there are specific features that make certain areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather and other relevant factors (Public Resources Code [PRC] 4201-4204 and California Government Code 51175-89). As described above, the primary factors that increase an area’s susceptibility to fire hazards include slope, vegetation type and condition, and atmospheric conditions.

CAL FIRE maps fire hazards based on zones, referred to as Fire Hazard Severity Zones. CAL FIRE maps three SRA zones: 1) Moderate Fire Hazard Severity Zones; 2) High Fire Hazard Severity Zones; and 3) Very High Fire Hazard Severity Zones. Only the Very High Fire Hazard Severity Zones are mapped for the LRA. Each of the zones influence how people construct buildings and protect property to reduce risk associated with wildland fires. Under state regulations, areas within very high fire hazard risk zones must comply with specific building and vegetation management requirements intended to reduce property damage and loss of life within

¹ California Department of Toxic Substances Control. Envirostor Database. <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=kerman+ca>. Accessed April 2024.

² California Water Resource Control Board. GeoTracker Database. <https://geotracker.waterboards.ca.gov/map/>. Accessed April 2024.

these areas. According to LRA mapping, no land within or adjacent to the Project site or the City of Kerman designated as a High or Very High Fire Hazard Severity Zone.³

Airports

The nearest public airport is the Fresno Chandler Executive Airport, approximately 13.45 miles east of the Project site. Fresno Yosemite International Airport is located approximately 19.4 miles to the east.

Schools

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

Regulatory Setting

Federal Regulations

Hazardous Materials Transportation Act

The Hazardous Materials Transportation Act of 1975 (HMTA) as amended, is the major federal transportation-related statute affecting the transportation of hazardous material in commerce. The objective of the HMTA according to the policy stated by Congress is "... to improve the regulatory and enforcement authority of the Secretary of Transportation to protect the Nation adequately against risks to life and property which are inherent in the transportation of hazardous materials in commerce." The HMTA empowers the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property."

Regulations apply to "... any person who transports, or causes to be transported or shipped, a hazardous material; or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person for use in the transportation in commerce of certain hazardous materials."⁴

³ California Fire Hazard Severity Zone Viewer. <https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/>. Accessed April 2024.

⁴ United States Department of Labor. Occupational Safety and Health Administration. Transporting Hazardous Materials. <https://www.osha.gov/trucking-industry/transporting-hazardous-materials>. Accessed April 2024.

Superfund

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly referred to as “Superfund,” was enacted on December 11, 1980. The purpose of CERCLA was to provide authorities with the ability to respond to uncontrolled releases of hazardous substances from inactive hazardous waste sites that endanger public health and the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites, provided for liability of persons responsible for releases of hazardous waste at such sites, and established a trust fund to provide for cleanup when no responsible party could be identified. Additionally, CERCLA provided for the revision and republishing of the National Contingency Plan (NCP) that provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also provides for the National Priorities List, a list of national priorities among releases or threatened releases throughout the United States for the purpose of taking remedial action.

Superfund Amendments and Reauthorization Act SARA amended CERCLA on October 17, 1986. This amendment increased the size of the Hazardous Response Trust Fund to \$8.5 billion, expanded EPA’s response authority, strengthened enforcement activities at Superfund sites; and broadened the application of the law to include federal facilities. In addition, new provisions were added to the law that dealt with emergency planning and community right to know. SARA also required EPA to revise the Hazard Ranking System to ensure that the system accurately assesses the relative degree of risk to human health and the environment posed by sites and facilities subject to review for listing on the National Priorities List.

Federal Insecticide, Fungicide and Rodenticide Act

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides for federal regulation of pesticide distribution, sale, and use. All pesticides distributed or sold in the United States must be registered (licensed) by the federal Environmental Protection Agency (EPA). Before EPA may register a pesticide under FIFRA, the applicant must show, among other things, that using the pesticide according to specifications “will not generally cause unreasonable adverse effects on the environment.” 7 U.S.C. Section 136 et seq.

Federal Emergency Management Act (FEMA)

The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal

Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes.

Resource Conservation and Recovery Act (RCRA)

The Resource Conservation and Recovery Act (RCRA) provides the EPA with the authority to control hazardous waste from the "cradle-to-grave". This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid waste. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focus on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.

State of California Regulations

California Environmental Protection Agency (Cal/EPA) Department of Toxic Substance Control (DTSC)

Cal/EPA has regulatory responsibility under Title 22 of the California Code of Regulations (CCR) for administration of the state and federal Superfund programs for the management and cleanup of hazardous materials. The DTSC is responsible for regulating hazardous waste facilities and overseeing the cleanup of hazardous waste sites in California. The Hazardous Waste Management Program (HWMP) regulates hazardous waste through its permitting, enforcement and Unified Program activities. HWMP maintains the EPA authorization to implement the RCRA program in California, and develops regulations, policies, guidance and technical assistance/training to assure the safe storage, treatment, transportation and disposal of hazardous wastes. The State Regulatory Programs Division of DTSC oversees the technical implementation of the state's Unified Program, which is a consolidation of six environmental programs at the local level, and conducts triennial reviews of Unified Program agencies to ensure that their programs are consistent statewide and conform to standards.

Hazardous Substance Account Act (1984), California Health and Safety Code Section 25300 ET SEQ (HSAA)

This act, known as the California Superfund, has three purposes: 1) to respond to releases of hazardous substances; 2) to compensate for damages caused by such releases; and 3) to pay the

state's 10 percent share in CERCLA cleanups. Contaminated sites that fail to score above a certain threshold level in the EPA's ranking system may be placed on the California Superfund list of hazardous wastes requiring cleanup.

California Code of Regulations

Title 3 of the CCR pertains to the application of pesticides and related chemicals. Parties applying regulated substances must continuously evaluate application equipment, the weather, the treated lands and all surrounding properties. Title 3 prohibits any application that would:

- Contaminate persons not involved in the application
- Damage non---target crops or animals or any other public or private property
- Contaminate public or private property or create health hazards on said property

Title 8 of the CCR establishes California Occupational Safety and Health Administration (Cal OSHA) requirements related to public and worker protection. Topics addressed in Title 8 include materials exposure limits, equipment requirements, protective clothing, hazardous materials, and accident prevention. Construction safety and exposure standards for lead and asbestos are set forth in Title 8.

Title 14 of the CCR establishes minimum standards for solid waste handling and disposal.

Title 17 of the CCR establishes regulations relating to the use and disturbance of materials containing naturally occurring asbestos.

Title 19 of the CCR establishes a variety of emergency fire response, fire prevention, and construction and construction materials standards.

Title 22 of the CCR sets forth definitions of hazardous waste and special waste. The section also identifies hazardous waste criteria and establishes regulations pertaining to the storage, transport, and disposal of hazardous waste.

Title 26 of the CCR is a medley of State regulations pertaining to hazardous materials and waste that are presented in other regulatory sections. Title 26 mandates specific management criteria related to hazardous materials identification, packaging, and disposal. In addition, Title 26 establishes requirements for hazardous materials transport, containment, treatment, and disposal. Finally, staff training standards are set forth in Title 26.

Title 27 of the CCR sets forth a variety of regulations relating to the construction, operation and

maintenance of the State's landfills. The title establishes a landfill classification system and categories of waste. Each class of landfill is constructed to contain specific types of waste (household, inert, special, and hazardous).

California Fire Code

The California Fire Code (CFC) is Part 9 of Title 24, California Code of Regulations, also referred to as the California Building Standards Code. The CFC incorporates the 2018 International Fire Code of the International Code Council with necessary California amendments. The purpose of the CFC is to establish the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety and general welfare from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

California Health and Safety Code

Division 11 of the Health and Safety Code establishes regulations related to a variety of explosive substances and devices, including high explosives and fireworks. Section 12000 *et seq.* establishes regulations related to explosives and explosive devices, including permitting, handling, storage, and transport (in quantities greater than 1,000 pounds).

Division 12 establishes requirements for buildings used by the public, including essential services buildings, earthquake hazard mitigation technologies, school buildings, and postsecondary buildings.

Division 20 of the Health and Safety Code establishes DTSC authority and sets forth hazardous waste and underground storage tank regulations. In addition, the division creates a State superfund framework that mirrors the Federal program.

Division 26 of the Health and Safety Code establishes California Air Resources Board (CARB) authority. The division designates CARB as the air pollution control agency per Federal regulations and charges the Board with meeting Clean Air Act requirements.

California Health and Safety Code and UBC Section 13000 et seq.

State fire regulations are set forth in §13000 *et seq.* of the California Health and Safety Code, which is divided into "Fires and Fire Protection" and "Buildings Used by the Public." The regulations provide for the enforcement of the UBC and mandate the abatement of fire hazards. The code establishes broadly applicable regulations, such as standards for buildings and fire protection devices, in addition to regulations for specific land uses, such as childcare facilities and high-rise structures.

California Vehicle Code §31600 (Transportation of Explosives)

Establishes requirements related to the transportation of explosives in quantities greater than 1,000 pounds, including licensing and route identification.

Cal/EPA Cortese List

The provisions in Government Code Section 65962.5 are commonly referred to as the "Cortese List" (after the Legislator who authored the legislation that enacted it). The list, or a site's presence on the list, has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA). The Cortese List identifies the following:

- Hazardous Waste and Substance Sites
- Cease and desist order Sites
- Waste Constituents above Hazardous Waste Levels outside the Waste Management Unit Sites
- Leaking Underground Tank (LUST) Cleanup Sites
- Other Cleanup Sites
- Land Disposal Sites
- Military Sites
- WDR Sites
- Permitted Underground Storage Tank (UST) Facilities Sites
- Monitoring Wells Sites
- DTSC Cleanup Sites

Local Regulations*City of Kerman General Plan*

The purpose of the City of Kerman 2020 General Plan Public Health Safety Element is to establish a policy framework for protecting people and property from unreasonable risks from natural disasters, crime, noise, and other events. It also focuses on disaster and emergency response. Section. The following list of goals and policies from the Public Health Safety Element are applicable to the proposed Project.

- PH-3.4 Educational Information on Natural and Man-made Hazards. The City shall continue to provide informational materials on potential harm, abatement, and response to probable natural and man-made hazards in the region.
- PH-3.5 Social Support Networks. The City shall support residents' and community organizations' efforts to cultivate social support networks to improve community preparedness, response, and recovery from hazards and disasters to minimize injury and loss of life.
- PH-6.4 Household Hazardous Waste Education. The City shall support educational programs that inform the public about household hazardous waste and proper disposal methods.
- PH-6.5 Integrated Pest Management Practices. The County shall encourage and support the use of Integrated Pest Management practices to reduce pesticide use and human health risks.
- PH-6.6 Notification of Pesticide Application. The City will work to obtain notification of the application of restricted materials (pesticides applied by spray techniques) for areas inside or within the ¼ mile of the Kerman Planning Area.

Fresno County Multi-Jurisdictional Local Hazard Mitigation Plan

A hazard mitigation plan is a formal document that outlays the plans to reduce or eliminate the long-term risk to human life and property from natural or man-made hazards. City of Kerman participates in the preparation of the Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP) which geographically covers everything within Fresno County's jurisdictional boundaries, including 11 other cities and five service districts. The MJLHMP documents Fresno County's hazard mitigation planning process, identifies relevant hazards and vulnerabilities, and provides strategies the County and participating jurisdictions will use to decrease vulnerability and increase resiliency and sustainability in Fresno County.⁵

The plan was originally developed in 2007-2008 and FEMA approved in 2009. The current plan was comprehensively updated in 2017-2018. This plan was prepared pursuant to the requirements of the Disaster Mitigation Act of 2000 (Public Law 106-390) and the implementing regulations set forth by the Interim Final Rule published in the Federal Register on February 26,

⁵ Fresno County Multi-Jurisdictional Hazard Mitigation Plan.

<https://www.fresnocountyca.gov/files/sharedassets/county/v/1/public-health/fresno-county-hmp-final.pdf>. Accessed April 2024.

2002, (44 CFR §201.6) and finalized on October 31, 2007. (Hereafter, these requirements and regulations will be referred to collectively as the Disaster Mitigation Act.) While the act emphasized the need for mitigation plans and more coordinated mitigation planning and implementation efforts, the regulations established the requirements that local hazard mitigation plans must meet in order for a local jurisdiction to be eligible for certain federal disaster assistance and hazard mitigation funding under the Robert T. Stafford Disaster Relief and Emergency Act (Public Law 93-288). Because the Fresno County planning area is subject to many kinds of hazards, access to these programs is vital.

The MJLHMP is intended to help guide and coordinate mitigation activities and decisions for local land use policy in the future. Proactive mitigation planning will help reduce the cost of disaster response and recovery to communities and their residents by protecting critical community facilities, reducing liability exposure, and minimizing overall community impacts and disruptions. The Fresno County planning area has been affected by hazards in the past and is thus committed to reducing future impacts from hazard events and becoming eligible for mitigation-related federal funding.

Standardized Emergency Management System (SEMS)

The standardized emergency management system (SEMS) is a structure for coordination between the government and local emergency response organizations. It provides and facilitates the flow of emergency information and resources within and between the organizational levels of field response, local government, operational areas, regions and state management. SEMS facilitates priority setting, integrated coordination, effective flow of resources and information between all stakeholders. SEMS incorporates the use of the Incident Command System (ICS), Master Mutual Aid Agreement (MMAA), Operational Area (OA) concept and multi-agency and interagency coordination. State agencies and local government units are to use SEMS in order to become eligible for reimbursement costs led by the state's disaster assistance program.

San Joaquin Valley Air Pollution Control District

The San Joaquin Valley Air District (SJVAPCD) is a public health agency whose mission is to improve the health and quality of life for all Valley residents through efficient, effective and entrepreneurial air quality-management strategies. SJVAPCD's ten core values include: protection of public health; active and effective air pollution control efforts with minimal disruption to the Valley's economic prosperity; outstanding customer service; ingenuity and innovation; accountability to the public; open and transparent public process; recognition of the uniqueness of the Valley; continuous improvement; effective and efficient use of public funds;

and respect for the opinions and interests of all Valley residents.⁶ To achieve these core values the SJVAPCD has adopted air quality plans pursuant to the California CAA and a comprehensive list of rules to limit air quality impacts. The air plans currently in effect in the SJVAB and specific rules that apply to the proposed Project are listed and described further below.

The SJVAPCD is responsible for controlling emissions primarily from stationary sources. The SJVAPCD, in coordination with the eight countywide transportation agencies, is also responsible for developing, updating, and implementing air quality attainment plans for the SJVAB. The SJVAPCD also regulates asbestos demolition and other hazardous materials handling.

Certified Unified Program Agency (CUPA)

The California Environmental Protection Agency designates specific local agencies as Certified Unified Program Agencies (CUPA), typically at the county level. The Fresno County Department of Public Health is the agency that has been designated the Certified Unified Program Agency (CUPA) for the County.⁷ Each designated CUPA is responsible for the implementation of six statewide programs within its jurisdiction. These programs include:

- Underground storage of hazardous substances (USTs)
- Hazardous Materials Business Plan (HMP) requirements
- Hazardous Waste Generator requirements
- California Accidental Release Prevention (Cal-ARP) program
- Uniform Fire Code hazardous materials management plan
- Above Ground Storage Tanks (Spill Prevention Control and Countermeasures Plan only)

Implementation of these programs involves:

- Permitting and inspection of regulated facilities
- Providing educational guidance and notice of changing requirements stipulated in State or Federal laws and regulations
- Investigations of complaints regarding spills or unauthorized releases
- Administrative enforcement actions levied against facilities that have violated applicable laws and regulations

⁶ San Joaquin Valley Air Pollution Control District. About the District. https://www.valleyair.org/General_info/aboutdist.htm#Mission. Accessed June 2022.

⁷ Unified Program Regulator Directory, CalEPA. <https://cersapps.calepa.ca.gov/public/directory/>. Accessed April 2024.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Impacts and Mitigation Measures

Impact 3.9-1: *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials into the environment?*

Less Than Significant Impact With Mitigation. This impact is associated with hazards caused by the routine transport, use, or disposal of hazardous materials or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Construction

The Project consists of entitlement and development of 48 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two

3,500 square foot fast-food restaurants with drive-throughs. Project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, State, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, the Project would be required to comply with Mitigation Measure GEO-1 (refer to Section 3.7 *Geology and Soils*), which ensures the Project adhere to the National Pollutant Discharge Elimination System (NPDES) permit program through the submission and implementation of a Stormwater Pollution Prevention Plan during construction activities to prevent contaminated runoff from leaving the Project site. Therefore, after mitigation, no significant impacts would occur during construction activities.

Operation

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

Handling and use of hazardous materials and the disposal of the resulting hazardous wastes would be required to follow the applicable laws and regulations, as described in the Regulatory Setting section herein.

Hazardous materials would typically be stored in their original containers prior to use. As required, the hazardous materials would be stored in each building, in locations according to compatibility and in storage enclosures (i.e., flammable material storage cabinets and biological safety cabinets) or in areas or rooms specially designed, protected, and contained for such storage, in accordance with applicable regulations. Hazardous materials would be handled and used in accordance with applicable regulations by personnel that have been trained in the handling and use of the material and that have received proper hazard-communication training. Hazardous

materials reporting (i.e., California Hazardous Materials Business Planning, California Proposition 65 notification, and Emergency Planning and Community-Right-to-Know Act reporting) would be completed as required.

Compliance with all federal, State and local regulations, and the City of Kerman General Plan Implementing Policies PH-3.4, PH-3.5, PH-6.4, PH-6.5, and PH-6.6 in the Public Health and Safety Element would ensure that the Project would not cause an adverse effect on the environment with respect to the use, storage, or disposal of general household and commercial hazardous substances generated from future development or uses. In addition, Mitigation Measure GEO – 1 (requirement for SWPPP and erosion BMPs) will ensure impacts remain less than significant.

Therefore, the proposed Project will not create a significant hazard to the public or the environment and any impacts would be *less than significant* after mitigation.

Mitigation Measures:

Implement Mitigation Measure GEO – 1.

Impact 3.9-2: *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

Less Than Significant Impact With Mitigation. As previously noted, a Phase I Environmental Site Assessment was prepared for the Project (See Appendix E). The results of the Phase I are summarized as follows:

Recognized Environmental Conditions

A recognized environmental condition (REC) refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: due to release to the environment; under conditions indicative of a release to the environment; or under conditions that pose a material threat of a future release to the environment.

The Phase I report revealed evidence of RECs on or associated with the proposed Project site. The subject property has been occupied by an orchard for over 75 years. There is potential that agricultural chemicals, such as pesticides, herbicides and fertilizers were used onsite and that the

subject property has been impacted by the use of such agricultural chemicals. Based on the proposed development, which includes residential use, the orchard represents an REC.⁸

Based on the results of the Phase I, the Project will require subsurface investigation to evaluate the potential for elevated residual concentrations of agricultural chemicals that could potentially be present on site. Mitigation Measure HAZ – 1 will be implemented to reduce the impact to a less than significant level.

Controlled Recognized Environmental Conditions

A controlled recognized environmental condition (CREC) refers to a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. No CRECs were identified on the Project site.⁹

Historical Recognized Environmental Conditions

A historical recognized environmental condition (HREC) refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls. No HRECs were identified on the Project site.¹⁰

Business Environmental Risks (BER)

A Business Environmental Risk (BER) refers to a risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of commercial real estate, not necessarily limited to those environmental issues identified by the Phase I ESA. The Phase I revealed that gasoline and diesel aboveground storage tanks are present. Several containers of unidentified substances were observed. The subject property currently obtains water from a private well. Sanitary waste is discharged to three septic systems. The aboveground storage tanks should be removed and properly disposed of. Containers with unidentified substances should be identified and properly disposed of. The well and septic

⁸ Phase I ESA (CREtelligent), October 2023, page 2.

⁹ Ibid.

¹⁰ Ibid.

system represent pathways to the subsurface, and should the subject property be redeveloped, these should be properly abandoned.¹¹ Mitigation measure HAZ – 2 will be implemented to reduce this impact to a less than significant level.

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

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

Mitigation Measures:

HAZ-1 Prior to the issuance of grading or building permits, the Project proponent shall conduct a subsurface investigation of the Project site to evaluate the potential for residual concentrations above established thresholds of agricultural chemicals on the site. If remedial action is required, the Project will be responsible for cleanup and any remedial actions in accordance with current rules, regulations and guidelines.

Evidence of compliance shall be submitted to the City of Kerman Community Development Department.

HAZ – 2 Prior to the issuance of grading or building permits, the Project proponent or contractor shall properly dispose of the following: existing gasoline and diesel aboveground storage tanks; existing water well; and existing septic system on site in accordance with current rules, regulations and guidelines.

Evidence of compliance shall be submitted to the City of Kerman Community Development Department.

¹¹ Phase I ESA (CREtelligent), October 2023, page 3.

Impact 3.9-3: *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Less Than Significant Impact. Upon Annexation and approval of entitlements, the proposed site will be located within the Kerman Unified School District. Kerman High School is located approximately 0.18 miles south of the site, and Enterprise Continuation High School located approximately 0.43 miles south.

As noted in Chapter 3.3 *Air Quality*, Project construction would involve the use of diesel-fueled vehicles and equipment that emit diesel particulate matter (DPM), which is considered a toxic air contaminant (TAC). The SJVAPCD's 2015 GAMAQI does not currently recommend analysis of TAC emissions from Project construction activities, but instead focuses on projects with operational emissions that would expose sensitive receptors over a typical lifetime of 70 years.

As identified in Chapter 3.3 *Air Quality*, the Project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant, and the Project is not a significant source of TAC emissions during construction or operation. Therefore, the Project would not result in significant impacts to sensitive receptors such as schools.

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

Mitigation Measures: None are required.

Impact 3.9-4: *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Less Than Significant Impact. The proposed Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Geotracker¹² and DTSC EnviroStor¹³ databases). The proposed site was not identified within the GeoTracker Database. The Database did not identify any PUST facilities, or open LUST / SLIC cases in the search radius of this report (GeoTracker, 2024). There are no locations listed within a quarter-mile radius of the site.¹⁴ According to the Envirostor database, there are no waste facilities or site cleanup facilities located on the proposed site. There has been one School Investigation listed approximately 700 feet east of the site, Kerman Proposed Elementary School & High School Athletic Facilities, with a status of ‘No Further Action’.¹⁵

There are no hazardous materials sites that impact schools within ¼ mile of the Project site and the Project would not create a significant hazard to the public or the environment. Therefore, there is *a less than significant impact*.

Mitigation Measures: None are required.

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

No Impact. The nearest public airport is the Fresno Chandler Executive Airport, approximately 13.45 miles east of the Project site Fresno Yosemite International Airport is located approximately 19.4 miles to the east. There are no public or private airport land use plans that are applicable to the Project. Therefore, there is *no impact*.

Mitigation Measures: None are required.

¹² California State Water Resources Control Board GeoTracker.

<https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=kerman+ca>. Accessed April 2024.

¹³ California Department of Toxic Substances Control. Envirostor.

<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=kerman>. Accessed April 2024.

¹⁴ California Water Resource Control Board. GeoTracker Database. <https://geotracker.waterboards.ca.gov/map/>. Accessed April 2024.

¹⁵ California Department of Toxic Substances Control. Envirostor Database.

<https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=kerman+ca>. Accessed April 2024.

Impact 3.9-6: *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Less Than Significant Impact. The California Emergency Services Act (Government Code Section 8550-8668) provides a framework for local jurisdictions to prepare and maintain an Emergency Plan for natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life. The City of Kerman participates in the preparation of the Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP) which geographically covers everything within Fresno County's jurisdictional boundaries, including 11 other cities and five service districts. The MJLHMP documents Fresno County's hazard mitigation planning process, identifies relevant hazards and vulnerabilities, and provides strategies the County and participating jurisdictions will use to decrease vulnerability and increase resiliency and sustainability in Fresno County.¹⁶

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

Mitigation Measures: None are required.

Impact 3.9-7: *Expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?*

Less Than Significant Impact. According to CalFire's Local Responsibility Area map, no land within or adjacent to the Project site or the City of Kerman designated as a High or Very High Fire Hazard Severity Zone.¹⁷ Additionally, according to Fresno County's Wildfire Severity Zones map, the City of Kerman is not located in a Moderate, High, or Very High Severity zone.¹⁸ The

¹⁶ Fresno County Multi-Jurisdictional Hazard Mitigation Plan.

<https://www.fresnocountyca.gov/files/sharedassets/county/v/1/public-health/fresno-county-hmp-final.pdf>. Accessed April 2024.

¹⁷ California Fire Hazard Severity Zone Viewer. <https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/>. Accessed April 2024.

¹⁸ Figure 4.52, Fresno County MJHMP. <https://www.fresnocountyca.gov/files/sharedassets/county/v/1/public-health/fresno-county-hmp-final.pdf>. Accessed April 2024.

MJHMP notes that as development continues throughout the County planning area, especially in the wildland-urban interface, such as the City of Kerman, the risk and vulnerability to wildfires will likely increase. Two fire safe councils have been created to address this increased wildfire threat in the wildland -urban interface: Highway 168 and Oak to Timberline fire safe councils.¹⁹

There are no other factors of the proposed Project or the surrounding area that would exacerbate wildfire or the uncontrolled spread of a wildfire. For these reasons, the impact is considered *less than significant*.

Mitigation Measures: None are required.

Cumulative Impacts

Less Than Cumulatively Considerable with Mitigation. The scope for considering cumulative impacts to hazards and hazardous materials is generally site-specific rather than cumulative in nature because each project site has different hazardous considerations that would be subject to review.

With respect to impacts related to the creation of a hazard through upset or accident conditions involving the release of a hazardous material, project construction activities may involve the use and transport of hazardous materials. These materials may include fuels, oils, mechanical fluids, and other chemicals used during construction. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, State, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, the Project would be required to comply with Mitigation Measure GEO-1 (refer to Section 3.7 *Geology and Soils*), which ensures the Project adhere to the National Pollutant Discharge Elimination System (NPDES) permit program through the submission and implementation of a Stormwater Pollution Prevention Plan during construction activities to prevent contaminated runoff from leaving the Project site. In addition, based on the presence of agricultural chemicals (RECs) and aboveground storage tanks (BERs), the project will be required to implement mitigation measures HAZ – 1 and HAZ – 2 to reduce the impact to a less than significant level. These impacts do not have the potential to contribute to cumulative hazards associated with other projects. The impacts would be localized, occurring only in the immediate vicinity of the project site, and the implementation

¹⁹ Ibid, pg 4.234.

of appropriate safety measures and mitigation measures during construction of the proposed Project would reduce the impact to a level that would not contribute to cumulative effects.

The proposed Project is located within ¼ mile of an existing school. Based on the proposed Project description of a mixed use residential and commercial development, it is not reasonably foreseeable that the proposed Project will cause a significant cumulative impact by emitting hazardous waste or bringing hazardous materials within one-quarter mile of an existing or proposed school. Residential and general commercial developments typically do not generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials.

The Project is not located on a listed hazardous materials site and accordingly would not contribute to cumulative impacts resulting from the creation of a significant hazard to the public due to its location.

Because of the Project's location in an area with adequate emergency response times and the absence of Project features that would physically impair emergency response or evacuation, the Project would not contribute to cumulative impacts on an adopted emergency response plan or evacuation plan. Similarly, the Project would not contribute to cumulative wildland fire-related impacts due to its location in an area with low wildland fire risk.

Considering the protection granted by local, State and federal agencies and their requirements for the use of hazardous materials in the region, as discussed above, with implementation of GEO-1 and HAZ-1 and HAZ-2, the overall cumulative impact would be less than significant. As such, the proposed Project's incremental contribution to cumulative hazards and human health impacts would be *less than cumulatively considerable with mitigation*.

3.10 Hydrology and Water Quality

This section of the DEIR identifies potential impacts of the proposed Project pertaining to hydrology, water supply and water quality. No NOP comment letters were received pertaining to Hydrology and Water Quality.

Environmental Setting

Project Site

The Project Applicant is proposing entitlement and development of 48 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs. The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south. The site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres. The parcels are outside the City of Kerman limits, but within the Sphere of Influence. The Project site and 23 acres of the adjacent property are proposed to be annexed into the City of Kerman. No development or change of use of the adjacent property is proposed for development at this time.

The Project site is located in an area with a mix of urban and rural residential, and agricultural area. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east.

The Project site is currently developed with agriculture. There are no canals or waterways on or adjacent to the Project site.

The Project site is designated Flood Insurance Rate Map Zone “X” (outside the 500-year flood zone). Urban development is allowed under this flood zone.

Water Provider

According to the City’s Urban Water Management Plan (2020), the City of Kerman provides potable water service to a population of approximately 16,016 residents, as well as commercial, industrial, institutional, and public facilities within its service area boundary. Located on the west side of Fresno County, in the southern portion of the San Joaquin Valley. The City is situated

approximately 15 miles west of the City of Fresno and 20 miles south of the City of Madera. The City is bisected by State Route 145 (Madera Ave), which runs north/south, and State Route 180 (Whitesbridge Road), which runs east/west.

The City of Kerman is the governing agency and the sole purveyor of water within City limits. The City owns and operates a public water system that provides water services to 3,767 metered connections. Historically, the City has provided water to residential, commercial, institutional/governmental, and industrial customers and for fire protection and flushing activities by use of groundwater wells. The City currently uses six active wells, Well Nos. 09A, 10, 12, 14, 15, and 17, to extract groundwater from the Kings Subbasin. The City's groundwater wells have individual capacities ranging from 900 gallons per minute (gpm) to 1,500 gpm.

The groundwater underlying the City is part of the larger San Joaquin Valley Groundwater Basin within the San Joaquin River Hydrologic Region. The San Joaquin Valley Groundwater Basin is further divided into nine subbasins. The City of Kerman lies within the Kings Subbasin.¹

Regulatory Setting

Federal Agencies and Regulations

Clean Water Act (CWA) and Associated Programs

The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Construction activities that are subject to this general permit include clearing, grading, stockpiling, and excavation that result in soil disturbances to at least one acre of the total land area. Construction activities that disturb less than one acre are still subject to this general permit if the activities are part of a large common plan of development or if significant water quality

¹ Kerman Urban Water Management Plan (2020), page 18.

impairment would result. In California, the Construction General Permit, revised in September 2009, is implemented by the SWRCB.

Section 401

CWA Section 401 requires an evaluation of water quality when a proposed activity requiring a federal license or permit could result in a discharge to waters of the United States. In California, USEPA has delegated to SWRCB and the RWQCBs the authority to issue water quality certifications. Each RWQCB is responsible for implementing Section 401 in compliance with the CWA and that region's water quality control plan (also known as a Basin Plan). Applicants for a federal license or permit to conduct activities that might result in the discharge to waters of the United States must also obtain a Section 401 water quality certification to ensure that any such discharge would comply with the applicable provisions of the CWA.

Section 404

CWA Section 404 regulates the discharge of dredged and fill materials into waters of the U.S., which include all navigable waters, their tributaries, and some isolated waters, as well as some wetlands adjacent to the afore-mentioned waters (33 CFR Section 328.3). Areas typically not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial waterbodies such as swimming pools, and water-filled depressions (33 CFR Part 328). Areas meeting the regulatory definition of waters of the U.S. are subject to the jurisdiction of USACE under the provisions of CWA Section 404. Construction activities involving placement of fill into jurisdictional waters of the U.S. are regulated by USACE through permit requirements. No USACE permit is effective in the absence of state water quality certification pursuant to Section 401 of the CWA.

Federal Emergency Management Agency (FEMA)

The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes.

State of California Regulations

Department of Water Resources (DWR)

DWR's major responsibilities include preparing and updating the California Water Plan to guide development and management of the State's water resources; planning, designing, constructing, operating, and maintaining the State Water Resources Development System; regulating dams;

providing flood protection; assisting in emergency management to safeguard life and property; educating the public; and serving local water needs by providing technical assistance. In addition, DWR cooperates with local agencies on water resources investigations; supports watershed and river restoration programs; encourages water conservation; explores conjunctive use of ground and surface water facilities voluntary water transfers; and, when needed, operates a State drought water bank.

State Water Resources Control Board

The State Water Resources Control Board (SWRCB), located in Sacramento, is the agency with jurisdiction over water quality issues in the State of California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate activities which may adversely affect the quality of waters of the State to attain the highest water quality which is reasonable, considering a full range of demands and values. The act authorizes the SWRCB to establish water quality principles and guidelines for long-range resource planning including groundwater and surface water management programs and control and use of recycled water. Much of the implementation of the SWRCB's responsibilities is delegated to nine Regional Water Quality Control Boards (RWQCBs). The proposed Project site is located within the jurisdiction of the Central Valley RWQCB.

California Water Code

The Federal CWA establishes certain guidelines for the states to follow in developing programs for the control of surface water pollution and for planning the development and use of water resources. Under certain circumstances, the CWA allows the federal Environmental Protection Agency (EPA) to withdraw the primary responsibility for these programs from states with inadequate implementation mechanisms.

California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act of 1970 (Division 7 of the California Water Code) (Porter-Cologne Act). The Porter-Cologne Act grants the SWRCB and each of the RWQCBs power to protect water quality, and is the primary vehicle for implementation of California's responsibilities under the Federal CWA. The Porter-Cologne Act grants the SWRCB and the RWQCBs authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also

establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

Each RWQCB must formulate and adopt a water quality control plan (Basin Plan) for its region. The regional plans must conform with the policies set forth in the Porter-Cologne Act and established by the State water policy adopted by the SWRCB. The Porter-Cologne Act also provides that a RWQCB may include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

Water Code Section 13260 requires all dischargers of waste that may affect water quality in waters of the state to prepare and provide a water quality discharge report to the RWQCB. Section 13260a-c is as follows:

- (a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:
 - (1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.
 - (2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.
 - (3) A person operating, or proposing to construct, an injection well.
- (b) No report of waste discharge need be filed pursuant to subdivision (a) if the requirement is waived pursuant to Section 13269.
- (c) Each person subject to subdivision (a) shall file with the appropriate regional board a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge.

Water Code section 10910 (SB 610)

Water Code section 10910 (SB 610) requires that a lead agency obtain a water supply assessment from an applicable public water system for certain projects subject to the California Environmental Quality Act, which are defined as (a) a residential development of more than 500

dwelling units; (b) a shopping center or business employing more than 1,000 persons or having more than 500,000 square feet of floor space; (c) a commercial office building employing more than 1,000 persons or having more than 250,000 square feet; (d) a hotel or motel with more than 500 rooms; (e) an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 square feet or 40 acres; (f) a mixed use project containing any of the foregoing; or (g) any other project that would have a water demand at least equal to a 500 dwelling unit project. Refer to Impact Section 3.10-2 herein for the discussion pertaining to the Water Supply Assessment that was prepared for the Project.

Regional Water Quality Board

The Central Valley RWQCB administers the NPDES storm water-permitting program in the Central Valley region, including Visalia. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The plan must include specifications for Best Management Practices (BMPs) that will be implemented during proposed construction to control degradation of surface water by preventing the potential erosion of sediments or discharge of pollutants from the construction area. The General Construction Permit program was established by the SWRCB and the Central Valley RWQCB for the specific purpose of reducing impacts to surface waters that may occur due to construction activities. BMPs have been established in the California Storm Water Best Management Practice Handbook (2003), and are recognized as effectively reducing degradation of surface waters to an acceptable level. Additionally, the SWPPP describes measures to prevent or control runoff degradation after construction is complete, and identifies a plan to inspect and maintain these facilities or project elements.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, waters of the state fall under the jurisdiction of the appropriate Regional Water Quality and Control Board (RWQCB). Under the act, the RWQCB must prepare and periodically update water quality control basin plans. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control nonpoint and point sources of pollution to achieve and maintain these standards. Projects that affect wetlands or waters must meet waste discharge requirements of the RWQCB, which may be issued in addition to a water quality certification or waiver under CWA Section 401.

Sustainable Groundwater Management Act

In 2014, California enacted the Sustainable Groundwater Management Act (SGMA) (Water Code §10720 et seq.). SGMA requires that groundwater basins designated by the state Department of Water Resources (DWR) as high priority and/or critically overdrafted must be managed under a Groundwater Sustainability Plan (GSP) that avoids “undesirable results” as defined in the Act within 20 years from January 31, 2020. The GSP must be developed by a Groundwater Sustainability Agency (GSA) approved by the DWR. The City of Visalia (California Water Service Company) is part of the Mid-Kaweah Groundwater Sustainability Agency.

Local Regulations

City of Kerman General Plan

The following lists policies and implementing actions from the City of Kerman General Plan pertaining to hydrology and water quality that are applicable to the proposed Project.

Conservation, Open Space and Recreation Element

COS-4.1 Public Landscaping Irrigation: The City shall reduce use of potable water for landscaping irrigation at parks, schools, rights-of-way, and other public spaces to the extent feasible.

COS-4.3 Native and Drought-Tolerant Plants: The City shall require the use of native and drought-tolerant plants for new landscaping in existing and future parks and street medians.

COS-4.6 Water Use Efficiency for New Development: The City shall encourage new development and majority retrofits of existing development to incorporate water conservation techniques. Such techniques include requiring low-flow plumbing fixtures in new construction that meet or exceed the California Plumbing Code, use of graywater for landscaping, retention of stormwater runoff for groundwater recharge, use of reclaimed water for outdoor irrigation (where available), and landscape water efficiency standards that meet or exceed the standards in the California Model Water Efficiency Landscape Ordinance.

Public Facilities and Services Element

PFS-2.5 Pollutants from Water Run-off: During the development review process, the City shall require new development to provide facilities and/or measures to reduce pollutants in water run-off prior to entering the city's stormwater collection system. Options could include bioswales and other best management practices currently available at time of development.

PFS-2.7 North Kings Groundwater Sustainable Agency: The City shall continue to be a member of the North Kings Groundwater Sustainable Agency (NKGSA) and work closely with the NKGSA to develop the Sustainable Groundwater Management Plan for Kerman and the North Kings region.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item.

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - i. result in substantial erosion or siltation on- or offsite;
 - ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - iv. impede or redirect flood flows?

- In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Impacts and Mitigation Measures

Impact 3.10-1: *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less Than Significant With Mitigation. The Project has the potential to impact water quality standards and/or waste discharge requirements during construction (temporary impacts) and operation (polluted stormwater runoff due to an increase in impervious surfaces and urban runoff).

Construction

Grading, excavation, removal of vegetation cover, and loading activities associated with construction activities could temporarily increase runoff, erosion, and sedimentation. Construction activities also could result in soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at construction sites and staging areas.

Three general sources of potential short-term construction-related stormwater pollution associated with the proposed Project are: 1) the handling, storage, and disposal of construction materials containing pollutants; 2) the maintenance and operation of construction equipment; and 3) earth moving activities which, when not controlled, may generate soil erosion and transportation, via storm runoff or mechanical equipment. Generally, routine safety precautions for handling and storing construction materials may effectively mitigate the potential pollution of stormwater by these materials. These same types of common sense, “good housekeeping” procedures can be extended to non-hazardous stormwater pollutants such as sawdust and other solid wastes.

Poorly maintained vehicles and heavy equipment leaking fuel, oil, antifreeze, or other fluids on the construction site are also common sources of stormwater pollution and soil contamination. In addition, grading activities can greatly increase erosion processes. Two general strategies are recommended to prevent construction silt from entering local storm drains. First, erosion control procedures should be implemented for those areas that must be exposed. Secondly, the area should be secured to control offsite migration of pollutants.

The Project site is located within the Central Valley RWQCB and is subject to the applicable requirements of the Basin Plan administered by the RWQCB in accordance with the Porter-Cologne Water Quality Control Act.

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

Operation

The long-term operations of the proposed Project could result in long-term impacts to surface water quality from urban stormwater runoff. The proposed Project would result in new impervious areas associated with site improvements, including new asphalt, concrete and the proposed structures on site. Urban runoff typically contains oils, grease, fuel, antifreeze, byproducts of combustion (such as lead, cadmium, nickel, and other metals) and other household pollutants. Precipitation early in the rain season displaces these pollutants into storm water resulting in high pollutant concentrations in initial wet weather runoff. This initial runoff with peak pollutant levels can be referred to as the "first flush" of storm events.

The proposed Project would install storm water drainage facilities (e.g. storm drainage mechanisms and storm water pipes) that would be in compliance with the City of Kerman Development Standards. The Project will tie into City-provided stormwater infrastructure. A drainage and storage plan has been developed that will ensure Project impacts are less than significant.

In accordance with the City's storm water management regulations and NPDES Stormwater Program (General Stormwater Permit), BMPs would be implemented to reduce the amount of pollution in stormwater discharged from the Project site. The management of water quality through the requirement to obtain a General Stormwater Permit and implement appropriate BMPs would ensure that water quality does not degrade to levels that would violate water quality standards. These are existing regulatory requirements.

In addition, the Project will generate typical wastewater (sewer) associated with the proposed residential and commercial developments and will connect to the City's sewer system. The Project

site would be located within the service area of the City of Kerman Wastewater Treatment Plant (WWTP). Since the WWTP is considered a publicly owned treatment facility, operational discharge flows treated at the WWTP would be required to comply with applicable water discharge requirements issued by the Regional Water Quality Control Board (RWQCB). Compliance with conditions or permit requirements established by the City as well as water discharge requirements outlined by the RWQCB would ensure that wastewater discharges coming from the proposed Project site and treated by the WWTP system would not exceed applicable Central RWQCB wastewater treatment requirements. See also Section 3.19 – Utilities and Service Systems for further discussion regarding the Project’s wastewater (sewer) impacts.

The Project will not result in a violation of any water quality standards or waste discharge requirements. It will also not substantially degrade surface or ground water quality. Therefore, with mitigation, impacts result in a *less than significant impact with mitigation*.

Mitigation Measures:

Implement MM GEO-1.

Impact 3.10-2: *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Less Than Significant. The Project will be required to connect to the City of Kerman water system, which is reliant on groundwater to serve its customers. To meet the urban water use target requirement in the City’s 2020 UWMP, the City was required to determine its baseline water use, as well as its target water use for the year 2020. Water use is measured in gallons per capita per day (GPCD). Annual gross water use is divided by annual service area population to calculate the annual per capita water use for each year in the baseline periods. The City’s 10-year base daily per capita water use was 253 GPCD. Using Method 1 for 2020 Target calculation as described in Section 5.3 of the City’s UWMP, the City’s confirmed 2020 compliance target is 203 GPCD.

However, The City calculated its actual daily per capita water use for the 2020 calendar year in accordance with DWR’s Methodologies document. Based on that analysis, the City’s urban per capita water use in 2020 was 173 GPCD, which is well below the confirmed 2020 Target of 203

GPCD². However, for purposes of the analysis herein, the 203 GPCD was used to determine estimated water demand. The 203 GPCD is inclusive of water use from all sources (residential, commercial, manufacturing, etc.). Annual gross water use is divided by annual service area population to calculate the annual per capita water use.

As described in Section 3.14 Population and Housing, according to the latest California Department of Finance estimates, the average household size in the City of Kerman was 3.55 as of 1/1/2023. Therefore, the Project's population estimate (at full buildout) is estimated to be approximately 1,065 persons (300 housing units X 3.55 persons per household = 1,065 persons). Using 203 GPCD, the Project would demand approximately 216,195 gallons per day (1,065 X 203 = 216,195). This equates to approximately 78,911,175 gallons per year (365 X 216,195 = 78,911,175).

The City's 2020 UWMP assumed an annual City growth rate of 1.69% and provided population projections that were used for the 2020 UWMP's analysis as follows:

<u>Year</u>	<u>2020 UWMP Population Assumptions³</u>
2020	16,016
2025	17,416
2030	18,939
2035	20,595
2040	22,369
2045	24,354

As described above, the Project could result in an increase in population of approximately 1,065 persons. Using the information from the 2020 UWMP, the City's 2020 population of 16,016 residents would be increased by approximately 6.6% to 17,081 from the Project alone. Table 3.9-1 shows the City's existing population (per the City's 2020 UWMP), the increase in population from the proposed Project, and the City's 2020 UWMP projected population in Year 2045. The last column shows the additional population that could be accommodated under the City's 2020 UWMP even with full buildout of the proposed Project. Although the table shows that the City can accommodate the Project by Year 2045, it should be noted that the Project may be built out before then. In addition, other residential projects are also pending in the City including a 174 unit development and a 163 unit development.

² Kerman Urban Water Management Plan (2020), page 34.

³ Ibid, page 21.

Table 3.9-1: UWMP Population Estimates

Year 2020 Population	Proposed Project Population	Existing Plus Project Population	UWMP 2045 Projected Population	Additional Population That Could Be Accommodated Under the 2020 UWMP Assuming Del Norte Estates full buildout
16,016	1,065	17,081	24,354	7,264

While other future residential developments are also likely to occur in the City, it is likely that many of the newer residents would populate the Del Norte Estates, as it would provide a variety of housing needs (multi-family and single-family). The City's 2020 UWMP anticipated a population of up to 24,354 people by 2045. Given the City's current population as identified in the 2020 UWMP (16,016 persons), the City could accommodate the proposed Project plus an additional 7,264 persons according to the underlying assumptions of the City's 2020 UWMP. Based on total capacity of the City's water supply system, it is reasonable to assume that the Project is within the population growth projections (and associated water availability) identified in the City's 2020 UWMP, and that other residential projects can also be accommodated.

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

- Compliance with the State's Model Water Efficient Landscape Ordinance. Under this ordinance, landscaping (which typically demands the greatest amount of water for urban development) must demonstrate a 45-55% reduced water demand of "business as usual"
- Low flow toilets and shower heads
- Dwellings will be fitted with water meters
- During construction, hoses must be fitted with automatic shutoff devices (spray gun)

The impact is less than significant.

Mitigation Measures:

None are required.

Impact 3.10-3: *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

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

Less Than Significant With Mitigation. Construction and long-term operations of the proposed Project could result in potential impacts to surface water quality from urban stormwater runoff. The proposed Project would result in new impervious areas associated with site improvements, including new asphalt, concrete and the proposed structures on site. Urban runoff typically contains oils, grease, fuel, antifreeze, byproducts of combustion (such as lead, cadmium, nickel, and other metals) and other household pollutants. Precipitation early in the rain season displaces these pollutants into storm water resulting in high pollutant concentrations in initial wet weather runoff. This initial runoff with peak pollutant levels can be referred to as the "first flush" of storm events.

The proposed Project would install storm water drainage connection facilities to the City of Kerman's system that would be in compliance with the City of Kerman Development Standards. The Project will discharge stormwater runoff through a proposed storm drain system that drains into the City's system. This will preclude flooding either on or off site. The City has determined that the Project will not result in exceedance of storm drain infrastructure capacity.

Substantial erosion, siltation or flooding are not expected to occur as the site is developed. In accordance with the NPDES Stormwater Program, and as described in the Section 3.6 - Geology and Soils, the Project will be required to comply with existing regulatory requirements to prepare

a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement. Construction of the storm drain basin and implementation of Mitigation Measure GEO - 1 would ensure that the proposed Project would have a less than significant impact with mitigation relative to this topic.

Mitigation Measures:

Implement Mitigation Measure GEO-1.

Impact 3.10-4: *In flood hazard, tsunami or seiche zones, risk release of pollutants due to project inundation?*

Less Than Significant. The Project site is designated Flood Insurance Rate Map Zone “X” (outside the 500-year flood zone). Urban development is allowed under this flood zone. The site has been designed with adequate storm drain capacity, and compliance with the requirements for SWPPP and BMPs (see Section 3.10-3) will ensure that risk of release of pollutants due to project inundation is less than significant. The site is also located more than 75 miles from the nearest ocean that could cause a tsunami and there are no bodies of water near the Project site that would represent any impacts related to seiche zones. Therefore, there is a *less than significant impact* related to flooding and related hazards.

Mitigation Measures: None are required.

Impact 3.10-5: *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Less Than Significant With Mitigation. See the response to Impacts 3.9-1 and 3.9-4 pertaining to water quality. The proposed Project would install storm water drainage facilities (e.g. storm drainage mechanisms and storm water pipes) that would be in compliance with the City of Kerman Development Standards. This will ensure Project water quality impacts are less than significant.

The City of Kerman, as a member of the North Kings Groundwater Sustainability Agency (GSA), will work with the GSA to implement the projects and management actions identified by the GSA. Upon Project approval and annexation into the City of Kerman, the Project will be subject

to the requirements of the Sustainability Plan of the North Kings GSA. Therefore, the Project will not conflict with or obstruct a sustainable groundwater management plan.

Mitigation Measures:

None are required.

Cumulative Impacts

Cumulatively Significant and Unavoidable. The geographic area for cumulative hydrology analysis is the land area included in the Kings Sub Basin. Buildout of the City's General Plan and other pending projects in the Basin area will contribute to changes to stormwater collection systems and groundwater quality as well as an increase in groundwater demand.

Development of the Project in combination with future projects associated with buildout of the General Plan would increase the amount of impervious surfaces in the area. Stormwater runoff is typically directed into adjacent streets where it flows to the nearest drainage system. As with the Project, each new development would be required to design and develop a stormwater collection system that ensures appropriate water quality protection measures and sufficient capacity. All projects would be required to implement Best Management Practices and to conform to the existing NPDES water quality regulations. Mitigation Measure MM GEO-1 would require the Project to prepare and implement a SWPPP in accordance with City requirements. Similarly, all projects that would not retain all runoff onsite would be required to prepare a SWPPP, which would include BMPs designed to prevent the mixture of sediment and other pollutants with stormwater and degrading water quality. With implementation of Mitigation Measure GEO-1, cumulative impacts of the Project to water quality would be less than significant. Therefore, cumulative impacts associated with stormwater collection and water quality is less than cumulatively considerable.

With respect to erosion, drainage, and flooding, the Project would implement Mitigation Measure GEO-1 would minimize direct impacts on erosion, drainage, and flooding. It is anticipated that other cumulative scenario projects would be required to implement similar measures, in order to minimize erosion, drainage, and flooding related impacts. Additionally, drainage related impacts from cumulative scenario projects would be primarily localized. Therefore, cumulative scenario impacts on erosion, drainage, and flooding are not anticipated to be cumulatively considerable, and the Project would not contribute to a cumulative impact on flooding, erosion, or drainage.

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

3.11 Land Use and Planning

This section of the DEIR evaluates the potential environmental effects related to land use and planning associated with implementation of the proposed Project.

Environmental Setting

The proposed Project would be located on approximately 48.38 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue, adjacent to and north of the City of Kerman, California.

The Project Applicant is proposing entitlement and development of 48.38 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs. Refer also to Chapter 2: Project Description.

The site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres. The eastern parcel of APN 02012030S currently consists of rural residences which will be removed as part of the Project. The parcels are outside the City of Kerman limits, but within the Sphere of Influence. The Project site and 23 acres of adjacent property to the east are proposed to be annexed into the City of Kerman. The Project includes a General Plan Amendment, Rezone, Cancellation of a Williamson Act Contract, and Tentative Subdivision Map to accommodate the Project. The adjacent property is not proposed for development or change of use at this time, but will be pre-zoned consistent with the planned land use designation under the City of Kerman's General Plan to allow for annexation.

The Project site is located in an area with a mix of urban and rural residential, and agricultural area. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east. Refer to Figures 2-1 to 2-4.

Project Components

The proposed Project includes land use designation change from 15.0 acres of "General Commercial" planned land use to 6.0 acres of General Commercial planned land use and 4.0 acres of High Density Residential planned land use. The amount of medium density residential planned land use will increase by 3 acres from 35 acres to 38 acres. The Project also includes amendment of the current zoning from Fresno County Agricultural Zoning (AE-20, Exclusive Agriculture 20 acre minimum) to the following City of Kerman zone districts; 38 acres of R-1 zoning (Single Family Residential), 4.0 acres of R-3 zoning (High Density Residential), and 6.0

acres of General Commercial zoning. These zone districts are consistent with the proposed General Plan land use designations. The adjacent 23 acre parcel to be annexed with the Project will also require pre-zoning to match the City of Kerman's underlying land use designations. In addition, development of the site will require a change to the City's Area 1 growth area.

Other Project Components

Various other infrastructure improvements (water, stormwater and wastewater infrastructure, roadway improvements, and related improvements) will be required by the Project. Refer to further descriptions of these components in Chapter Two – Project Description.

Regulatory Setting

Federal Regulations

There are no federal regulations pertinent to local land use and planning.

State of California Regulations

The Cortese-Knox-Hertzberg Local Government Reorganization Act

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56300 et seq.) governs the establishment and revision of local government boundaries. The Act was a comprehensive revision of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 1985. The Act is a policy of the state to encourage orderly growth and development that are essential to the social, fiscal, and economic well-being of the state. The intent of the Act is to promote orderly development while balancing competing state interests of discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services. The Act had previously established the County Local Agency Formation Commission (LAFCO), which gave it authority to consider and approve city and special district annexation, dissolution, and formation.

Local Regulations

Fresno Local Agency Formation Commission

Local Agency Formation Commissions (LAFCOs) review proposals for the formation of new local governmental agencies and for changes in the organization of existing agencies. The mission of Fresno Local Agency Formation Commission (LAFCO) is to serve the residents of Fresno County and the State of California by discouraging urban sprawl and encouraging the efficient and orderly formation and growth of local agencies.

City of Kerman General Plan

The Kerman 2040 General Plan is a long-range plan that guides decision-making and establishes rules and standards for new development and city improvements. It reflects the city's vision for the future and is intended to provide direction through the year 2040. The Kerman General Plan will be used by the City Council, Planning Commission, and City staff on a daily basis to make decisions with direct or indirect land use implications. The Kerman General Plan is made up of two documents: The Background Report and the Policy Document. The Policy Document is organized into separate chapters which are the collection of "elements," or topical areas, of which nine are mandatory. The nine State-mandated elements are: land use, circulation, housing, conservation, open space, noise, safety, environmental justice, and air quality. The Land Use Chapter presents the guiding principles of the land use framework, the General Plan Diagram, the land use classification system, and the buildout of this Plan to the year 2040.¹

City of Kerman General Plan Policies

Note: The General Plan policies listed on the following page are only from the Land Use Element of the City's General Plan. For the list of other applicable General Plan policies (e.g. Community Design, Circulation, Public Utilities, etc.), please refer to Table 3.11-2 for a list of all applicable General Plan policies and associated Project consistency determination.

Relevant General Plan Land Use Element policies are as follows:

Land Use Designations

- LU-1.1 Land Designated for Service Commercial Uses. The City shall continue to designate adequate land for service commercial uses.
- LU-1.2 Location of Neighborhood Commercial Sites. The City shall designate neighborhood commercial sites in proper locations so that they meet the needs of the neighborhood and do not negatively impact adjacent residential uses.
- LU-1.5 High-Density Residential Development Near Goods and Services. The City shall encourage the development of high-density residential uses near commercial uses, parks, and schools.

¹ Ch. 3 Land Use, City of Kerman 2040 General Plan. <https://www.cityofkerman.net/318/2040-General-Plan-Update>. Accessed April 2024.

- LU-1.6 Agricultural Buffers. The City shall require non-agricultural land uses adjacent to active agricultural uses to incorporate adequate buffers (e.g., setbacks, fences) to protect public health and limit conflicts with adjoining agricultural operations and pesticide applications.

Community Character and Design

- LU-2.1 Attractive Community. The City shall continue to promote a clean, well-maintained community.
- LU-2.3 Neighborhood Atmosphere. The City shall continue to actively preserve Kerman's single-family residential neighborhood atmosphere.
- LU-2.4 Architectural Character. During the development review process, the City shall review new projects and major renovations to ensure that the project design and architectural character complements the character of the surrounding neighborhood.
- LU-2.5 High-Quality Design. During the development review process, the City shall encourage new projects to incorporate high-quality site, architectural, and landscape design.
- LU-2.8 Dark Skies Protection. The City shall protect dark/night skies by requiring outdoor lighting to be shielded and/or directed downward to limit overspill and glare, without compromising the safety and security of the community.
- LU-2.9 Utility Service Line Placement. During the development review process, the City shall require that new development projects place utility service lines underground or parallel to existing utility rights-of-way, wherever feasible, to minimize their visual impact.

Growth Management

- LU-3.1 Strong Community Edge. The City shall develop and maintain a strong community edge that clearly separates urban and agricultural uses, including through the use of man-made or natural barriers such as streets, railroads, and canals.)
- LU-3.2 Urban Form. To maintain the City's compact form, the City shall maintain growth management controls by managing changes to the City's Sphere of Influence and

incorporated City limits. Future changes to the City's Sphere of Influence will be managed by two growth lines, shown on Figure 3-2 of the GP).

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

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.

Agricultural Land

LU-4.1 Agricultural Land Preservation. The City shall preserve and protect agricultural lands by directing development to areas within City limits that are designated for urban-level development, and away from agriculturally designated land to preserve open space and agricultural areas.

- LU-4.2 Agricultural Conservation Easements. The City shall consider purchasing agricultural conservation easements to mitigate the loss of agricultural land to urban development within the SOI. These easements must be on land of at least equal quality and size to the land being developed.
- LU-4.5 Right-to-Farm Disclosure. The City shall require that property owners and applicants within 1,000 feet of agricultural land or agricultural operations sign and record a deed of notification to document that they were informed of the potential agricultural operations and agricultural conditions in the area.

Environmental Justice

- LU-5.1 Equitable Public Services. The City shall strive to equitably provide desirable public services and infrastructure to Kerman residents, including parks, recreational facilities, community gardens, and public safety facilities.
- LU-5.2 Environmental Protection. The City shall apply environmental protection measures equally among geographic and socioeconomic neighborhoods of the city.
- LU-5.3 Environmental Justice Considerations. The City shall consider potential adverse health and safety impacts associated with land use decisions to reduce negative impacts upon residents from hazardous materials, industrial activities, agricultural operations using pesticides applied by spray techniques, facility locations, design features, and other aspects that may negatively impact health or quality of life for affected county residents.
- LU-5.5 Placement of New Residential Uses. The City shall consider and mitigate potential adverse health and safety impacts associated with the establishment of new residential and other sensitive land uses near industrial land uses, agricultural operations using pesticides applied by spray techniques, the wastewater treatment plant, landfills and waste treatment facilities, and other existing land uses that would be incompatible with adjacent residential uses.
- LU-5.6 Negative Impacts from Potential Hazards. The City shall work to reduce or prevent negative impacts associated with environmental hazards, including industrial, agricultural operations using pesticides applied by spray techniques, and roadway-generated pollution.

Civic Engagement

- LU-6.1 Community Input. The City shall continue to facilitate opportunities for disadvantaged community residents and stakeholders to provide meaningful and effective input on proposed planning activities early on and continuously throughout the public review process.

General Plan Consistency and Maintenance

- LU-7.3 CEQA Compliance. The City shall review projects for compliance with the California Environmental Quality Act (CEQA), including the requirements outlined in Table B-1 in Appendix B to reduce adversity to environmental impacts.

City of Kerman Zoning Ordinance

The City of Kerman Zoning Ordinance establishes regulations governing the development and use of land in accordance with the City of Kerman General Plan in a manner that preserves and promotes 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 Zoning Ordinance and the official zoning maps will determine zoning and combining districts, control land uses, establish population densities, specify uses and locations of structures, identify development improvements, determine dimensions of sites, provide for off-street parking and loading areas, prescribe other regulations in order to protect the public health, safety and welfare of the city.²

Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, the project would have a significant impact on land use if the project would:

- Physically divide an established community?
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

² Kerman Municipal Code. <https://www.codepublishing.com/CA/Kerman/#!/Kerman17/Kerman17.html>. Accessed April 2024.

Impacts and Mitigation Measures

Impact 3.11-1: *Physically divide an established community?*

Less Than Significant. The proposed Project would be located on approximately 48.38 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south and will require annexation to the City of Kerman. The proposed Project is proposing a General Plan Amendment, Rezone, Cancellation of a Williamson Act Contract, and Tentative Subdivision Map to accommodate the Project.

The Project site is located in an area with a mix of urban and rural residential, and agricultural area. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east.

Because the Project would not physically divide an established community, the impact is determined to be *less than significant*.

Mitigation Measures

None are required.

Impact 3.11-2: *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Less Than Significant. The City of Kerman General Plan and Zoning Ordinance establish land use policies and regulations that are applicable to the proposed Project. Upon annexation, the Project would be subject to the land use plans, policies and regulations of these documents. The following discussion evaluates the conformity of the proposed Project to the plans, policies and regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect.

Consistency with Zoning Ordinance

Once annexed into the City, the Project site will be zoned for a variety of development consisting of residential and commercial land use designations. These zone districts are appropriate for uses such as those proposed by the Project. Therefore, upon annexation, the Project site will be consistent with the City's Zoning Ordinance.

Consistency with the General Plan

The proposed Project includes land use designation change from 15.0 acres of “General Commercial” planned land use to 6.0 acres of General Commercial planned land use and 4.0 acres of High Density Residential planned land use. The amount of medium density residential planned land use will increase by 3 acres from 35 acres to 38 acres. The Project also includes amendment of the current zoning from Fresno County Agricultural Zoning (AE-20, Exclusive Agriculture 20 acre minimum) to the following City of Kerman zone districts; 38 acres of R-1 zoning (Single Family Residential), 4.0 acres of R-3 zoning (High Density Residential), and 6.0 acres of General Commercial zoning. These zone districts are consistent with the proposed General Plan land use designations. The adjacent 23 acre parcel to be annexed with the Project will also require pre-zoning to match the City of Kerman’s underlying land use designations. In addition, development of the site will require a change to the City’s Area 1 growth area.

Table 3.11-2 summarizes the proposed Project’s consistency with the applicable goals and policies of the City’s General Plan. As demonstrated in the table, the proposed Project would be consistent with the applicable objectives and policies of the General Plan.

Table 3.11-2
General Plan Consistency Analysis

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
Aesthetics	LU-2.1*	Attractive Community: The City shall continue to promote a clean, well-maintained community.	Yes: The Project will include City of Kerman review of all site plans, designs, and public landscaping associated with the Project prior to installation. The Project site will be served by City contractor for waste disposal.
Aesthetics	LU-2.3*	Neighborhood Atmosphere: The City shall continue to actively preserve Kerman’s single-family residential neighborhood atmosphere.	Yes: The Project includes development of single-family and multi-family residences, along with general commercial, designed to preserve Kerman’s single-family residential atmosphere.
Aesthetics	LU-2.4*	Architectural Character: During the development review process, the City shall review new projects and major renovations to ensure that the project design and architectural character complements the character of the surrounding neighborhood.	Yes: The Project will include City of Kerman review of all site plans, designs, and public landscaping associated with the Project prior to installation.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
Aesthetics	LU-2.5*	High-Quality Design: During the development review process, the City shall encourage new projects to incorporate high-quality site, architectural and landscape design.	Yes: The Project will include City of Kerman review of all site plans, designs, and public landscaping associated with the Project prior to installation.
Aesthetics	LU-2.8*	Dark Skies Protection: The City shall protect dark/night skies by requiring outdoor lighting to be shielded and/or directed downward to limit overspill and glare, without compromising the safety and security of the community.	Yes: The Project will include appropriate lighting for residential and general commercial land uses based on City ordinances. The City of Kerman will review all site plans and designs associated with the Project prior to installation.
Aesthetics	LU-2.9*	Utility Service Line Placement: During the development review process, the City shall require that new development projects place utility service lines underground or parallel to existing utility rights-of-way, wherever feasible, to minimize their visual impact.	Yes: The Project will include City of Kerman review of all site plans, infrastructure plans, designs, and public landscaping associated with the Project prior to installation to ensure appropriate utility service line placement.
Aesthetics	COS-1.2	Visual Resource Protection: The City shall reserve the existing scenic qualities of the community by regulating entryways, view preservation, and landscaping.	Yes: Project site is located in an area with a mix of urban and rural residential, and agricultural area. The Project will include City of Kerman review of all site plans, and designs associated with the Project to ensure visual resource protection as required..
Aesthetics	COS-1.3	Night Skies Protection: The City shall protect dark/night skies by encouraging measures that direct outdoor lighting downward away from open space areas, without compromising the safety and security of the community.	Yes: The Project will include appropriate lighting for residential and general commercial land uses based on City ordinances. The Project will include City of Kerman review of all site plans and designs associated with the Project prior to installation to address night skies protection.
Aesthetics	COS-1.4	Landscaping Buffers: The City shall integrate landscaping buffers that contribute to neighborhood character to increase safety at the park, and to reduce negative impacts on adjacent residences.	Yes: The Project will include City of Kerman review of all site plans, infrastructure plans, designs, and public landscaping associated with the Project prior to installation to include integration of landscaping buffers.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
Agriculture	LU-4.1*	Agricultural Land Preservation: The City shall preserve and protect agricultural lands by directing development to areas within City limits that are designated for urban-level development, and away from agriculturally designated land to preserve open space and agricultural areas.	Yes: The Project is within a planned and designated growth area, and is not agriculturally designated land.
Agriculture	LU-4.2*	Agricultural Conservation Easements: The City shall consider purchasing agricultural conservation easements to mitigate the loss of agricultural land to urban development within the SOI. These easements must be on land of at least equal quality and size to the land being developed.	Yes: The Project does not substantially inhibit or preclude the City's purchase of agricultural conservation easements as the project is within the SOI.
Agriculture	LU-4.5*	Right-to-Farm Disclosure: The City shall require that property owners and applicants within 1,000 feet of agricultural land or agricultural operations sign and record a deed of notification to document that they were informed of the potential agricultural operations and agricultural conditions in the area.	Yes: The Project will be required to comply with right-to-farm disclosures consistent with this policy.
Air Quality	PH-7.1	Regional Coordination for Air Quality: The City shall continue to participate in regional planning efforts to meet air quality goals.	Yes: The Project is required to comply with SJVAPCD's Regulation VIII – Fugitive PM10 Prohibitions and other regulations pertaining to particulate emissions, and does not inhibit the City's participation in regional planning efforts.
Air Quality	PH-7.4	Construction Best Management Practices: The City shall require new projects to incorporate economically feasible SJVAPCD construction best management practices as conditions of approval, if the project exceeds the most recent SJVAPCD SPAL screening levels at the time of preparation.	Yes: The Project will include City of Kerman review of all site plans, infrastructure plans, designs, and public landscaping associated with the Project prior to installation to address best management practices.
Air Quality	PH-7.6	Incentives for Air Pollution Reductions in New Projects: The City shall provide incentives for new projects, particularly	Yes: The Project does not inhibit or otherwise impede the City of Kerman's

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
		new multifamily residential buildings and other sensitive land uses, to incorporate design features that achieve good indoor air quality above and beyond State and Federal requirements.	efforts to provide incentives to achieve good indoor air quality.
Cultural Resources	COS-3.1	Tribal Consultation Requirements Compliance: The City shall continue to comply with SB 18 and AB 52 by consulting with local California Native American tribes. If archaeological resources of Native American origin are identified during project construction, a qualified archaeologist shall consult with Kerman to begin native American consultation procedures. Appropriate Native American tribes shall be contacted by the City or qualified archaeologist. As part of this process, it may be determined that archaeological monitoring may be required; a Native American monitor may also be required in addition to the archaeologist. The project proponent shall fund the costs of the qualified archaeologist and Native American monitor (as needed) and required analysis and shall implement any mitigation determined to be necessary by the City, qualified archaeologist, and participating Native American tribe.	Yes: A cultural resources survey and technical report was prepared for this Project. There are no known cultural or historical resources associated with the site. This included Tribal consultation as required under CEQA.
Cultural Resources	COS-3.5	Discretionary Development Review for Cultural Resources: The City shall review discretionary development projects, as part of any required CEQA review, to identify and protect important archaeological, paleontological, and cultural sites and their contributing environment from damage, destruction, and abuse. Consistent with CEQA findings, the City shall require project-level mitigation to include accurate site surveys, consideration of project alternatives to preserve archaeological and paleontological resources, provisions for resource recovery, and preservation measures when displacement is unavoidable.	Yes: A cultural resources survey and technical report was prepared for this Project. There are no known cultural or historical resources associated with the site.
Geology	PH-4.3	Building Regulations for Seismic Safety: The City shall require all new development to be constructed in	Yes: The Project will include City of Kerman review of all site plans, infrastructure plans, designs, and public

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
		accordance with the current seismic safety design standards at the time of initial building plan submittal.	landscaping associated with the Project prior to installation to ensure compliance with seismic safety requirements.
Greenhouse Gases	PH-7.1	The City shall continue to participate in regional planning efforts to meet air quality goals.	Yes: The Project supports and does not inhibit the City's continued participation in regional planning to meet air quality goals.
Greenhouse Gases	PH-7.6	The City shall provide incentives for new projects, particularly new multifamily residential buildings and other sensitive land uses, to incorporate design features that achieve good indoor air quality above and beyond State and Federal requirements.	Yes: The Project supports and does not inhibit the City's continued promotion of design features that create good indoor air quality.
Greenhouse Gases	PH-7.7	The City shall support programs that educate the public on climate change and encourage residents and businesses to become involved in activities and lifestyle changes that will aid in reduction of greenhouse gas emissions.	Yes: The Project does not inhibit the City's support and encourage the reduction of greenhouse gas emissions.
Hazards and Hazardous Materials	PH-3.4	Educational Information on Natural and Man-made Hazards. The City shall continue to provide informational materials on potential harm, abatement, and response to probable natural and man-made hazards in the region.	Yes: The Project does not inhibit the City continuing to provide these informational materials.
Hazards and Hazardous Materials	PH-3.5	Social Support Networks. The City shall support residents' and community organizations' efforts to cultivate social support networks to improve community preparedness, response, and recovery from hazards and disasters to minimize injury and loss of life.	Yes: The Project does not inhibit the City continuing to support the Social Support Networks.
Hazards and Hazardous Materials	PH-6.4	Household Hazardous Waste Education. The City shall support educational programs that inform the public about household hazardous waste and proper disposal methods.	Yes: The Project does not inhibit the City continuing to support these educational programs.
Hazards and Hazardous Materials	PH-6.5	Integrated Pest Management Practices. The County shall encourage and support the use of Integrated Pest Management	Yes: The Project does not inhibit the County continuing to support the use of Integrated Pest Management practices.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
		practices to reduce pesticide use and human health risks.	
Hazards and Hazardous Materials	PH-6.6	Notification of Pesticide Application. The City will work to obtain notification of the application of restricted materials (pesticides applied by spray techniques) for areas inside or within the ¼ mile of the Kerman Planning Area.	Yes: The Project does not inhibit the City continuing to provide notification of pesticide application.
Hydrology and Water Quality	COS-4.1	Public Landscaping Irrigation: The City shall reduce use of potable water for landscaping irrigation at parks, schools, rights-of-way, and other public spaces to the extent feasible.	Yes: The project includes minimal public spaces for landscaping, thus will not result in significant water use for public spaces, parks, etc.
Hydrology and Water Quality	COS-4.3	Native and Drought-Tolerant Plants: The City shall require the use of native and drought-tolerant plants for new landscaping in existing and future parks and street medians.	Yes: The project will utilize native and drought tolerant plants for public spaces.
Hydrology and Water Quality	COS-4.6	Water Use Efficiency for New Development: The City shall encourage new development and majority retrofits of existing development to incorporate water conservation techniques. Such techniques include requiring low-flow plumbing fixtures in new construction that meet or exceed the California Plumbing Code, use of graywater for landscaping, retention of stormwater runoff for groundwater recharge, use of reclaimed water for outdoor irrigation (where available), and landscape water efficiency standards that meet or exceed the standards in the California Model Water Efficiency Landscape Ordinance.	Yes: The project will incorporate these water efficiency measures.
Hydrology and Water Quality	PFS-2.5	Pollutants from Water Run-off: During the development review process, the City shall require new development to provide facilities and/or measures to reduce pollutants in water run-off prior to entering the city's stormwater collection system. Options could include bioswales and other best management practices	Yes: The project will incorporate best management practices and will adhere to regulations regarding stormwater runoff.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
		currently available at time of development.	
Hydrology and Water Quality	PFA-2.7	North Kings Groundwater Sustainable Agency: The City shall continue to be a member of the North Kings Groundwater Sustainable Agency (NKGSA) and work closely with the NKGSA to develop the Sustainable Groundwater Management Plan for Kerman and the North Kings region	Yes: The Project does not inhibit the City continuing to be a member of the NKGSA.
Land Use and Planning	LU-1.1*	Land Designated for Service Commercial Uses. The City shall continue to designate adequate land for service commercial uses.	Yes: The Project includes development of single-family and multi-family residences, along with general commercial. Project includes approximately 6.0 acres of commercial use.
Land Use and Planning	LU-1.2*	Location of Neighborhood Commercial Sites. The City shall designate neighborhood commercial sites in proper locations so that they meet the needs of the neighborhood and do not negatively impact adjacent residential uses.	Yes: The Project includes development of single-family and multi-family residences, along with general commercial. Project includes approximately 6.0 acres of commercial use.
Land Use and Planning	LU-1.5*	High-Density Residential Development Near Goods and Services. The City shall encourage the development of high-density residential uses near commercial uses, parks, and schools.	Yes: The Project includes development of single-family and multi-family residences, along with general commercial.
Land Use and Planning	LU-1.6	Agricultural Buffers. The City shall require non-agricultural land uses adjacent to active agricultural uses to incorporate adequate buffers (e.g., setbacks, fences) to protect public health and limit conflicts with adjoining agricultural operations and pesticide applications.	Yes: Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east. A block wall will provide buffer between the proposed project and agricultural uses.
Land Use and Planning	LU-3.1*	Strong Community Edge. The City shall develop and maintain a strong community edge that clearly separates urban and agricultural uses, including through the use of man-made or natural barriers such as streets, railroads, and canals.)	Yes: Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east. The Project is within a planned/developing area of the City.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
Land Use and Planning	LU-3.2*	<p>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 of the GP).</p> <ul style="list-style-type: none"> • The City may consider requests to amend the current Sphere of Influence and City limits into Area 1 (shown on Figure 3-2 of the GP) based on the ability of the City to provide services to the area. • The City may consider requests to amend the current Sphere of Influence and City limits into Area 2 (shown on Figure 3-2 of the GP) if Area 1 has reached the 80 percent infill criteria (for residentially designated lands). The City Council may, at that time, consider allowing development beyond the Area 1 Growth Boundary Line. • For any change in Sphere of Influence or City limits, the following considerations will be used: <ul style="list-style-type: none"> ○ 80 percent of Area 1's residentially designated land has been developed or has approved development plans. ○ Residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing. ○ Community needs such as open space, recreational facilities, parks, schools, etc. ○ Obstacles to growth such as cost of infrastructure, Williamson Act properties, etc. ○ Economic development needs. 	<p>Yes: The Project includes development of single-family and multi-family residences, along with general commercial. Once annexed, the Project will be within the City limits.</p>

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
Land Use and Planning	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.	Yes: The Project includes development of single-family and multi-family residences, along with general commercial. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east. The Project is proposed in an area planned for growth adjacent to existing development.
Land Use and Planning	LU-5.3	Environmental Justice Considerations. The City shall consider potential adverse health and safety impacts associated with land use decisions to reduce negative impacts upon residents from hazardous materials, industrial activities, agricultural operations using pesticides applied by spray techniques, facility locations, design features, and other aspects that may negatively impact health or quality of life for affected county residents.	Yes: The Project does not inhibit the City continuing to consider environmental justice in its land use decisions.
Land Use and Planning	LU-5.5	Placement of New Residential Uses. The City shall consider and mitigate potential adverse health and safety impacts associated with the establishment of new residential and other sensitive land uses near industrial land uses, agricultural operations using pesticides applied by spray techniques, the wastewater treatment plant, landfills and waste treatment facilities, and other existing land uses that would be incompatible with adjacent residential uses.	Yes: The Project does not inhibit the City continuing to consider health and safety impacts of placement of new residential units.
Land Use and Planning	LU-7.3	CEQA Compliance. The City shall review projects for compliance with the California Environmental Quality Act (CEQA), including the requirements outlined in Table B-1 in Appendix B to reduce adversity to environmental impacts.	Yes: The Project is evaluated for compliance with CEQA, including the current EIR.
Noise	LU-1.4	The City shall limit residential development from fronting State Highway 145 and State Highway 180 to ensure	Yes: An Acoustical Analysis was conducted for the project which included mitigation measures to address

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
		public safety. Residential development along these facilities shall be designed and buffered to reduce noise and air pollutant impacts to the maximum extent reasonably feasible and consistent with CEQA review.	noise impacts to residential and other noise-sensitive land uses. Based on the analysis and mitigation measures, the project will not exceed the City's noise thresholds.
Noise	PH-8.1	Tranquil Residential Areas. The City shall strive to preserve the tranquility of residential areas by preventing noise-producing uses from encroaching on existing or planned noise-sensitive uses.	Yes: An Acoustical Analysis was conducted for the project which included mitigation measures to address noise impacts to residential and other noise-sensitive land uses. Based on the analysis and mitigation measures, the project will not exceed the City's noise thresholds.
Noise	PH-8.2	<p>Noise Compatibility Standards. The City shall review new projects for noise compatibility with surrounding uses. The City shall determine noise based on the following standards:</p> <ul style="list-style-type: none"> ▪ New noise-sensitive uses in areas exposed to existing or projected future levels of noise from transportation noise sources shall not be permitted in areas where the noise level exceeds 60 dB Ldn in outdoor activity areas or 45 dB Ldn in interior spaces. ▪ New transportation noise sources, including roadway improvement projects, shall not exceed 60 dB Ldn within outdoor activity areas, and 45 dB Ldn within interior spaces of existing noise-sensitive land uses. 	Yes: An Acoustical Analysis was conducted for the project which included mitigation measures to address noise impacts to residential and other noise-sensitive land uses. Based on the analysis and mitigation measures, the project will not exceed the City's noise thresholds.
Noise	PH-8.3	Noise Reduction. The City shall ensure that noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be reduced so as not to exceed the noise level standards listed on Table 7-	Yes: An Acoustical Analysis was conducted for the project which included mitigation measures to address noise impacts to residential and other noise-sensitive land uses. Based on the analysis and mitigation measures, the project will not exceed the City's noise

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
		1 on lands designated for noise-sensitive uses. This policy does not apply to noise levels associated with agricultural operations.	thresholds.
Noise	PH-8.4	Acoustical Analysis Requirement. The City shall require an acoustical analysis by a qualified acoustical engineer for new projects involving noise exposure or noise generation in excess of the established Noise Compatibility Standards above. The City shall also require an acoustical analysis by a qualified acoustical engineer for new commercial development located adjacent to existing and/or planned noise-sensitive uses to ensure that noise created by new commercial development shall be reduced so as not to exceed the noise level standards listed on Table 7-1 on lands designated for noise-sensitive uses. The project shall implement the requirements identified in the acoustical analysis before the City issues the building permit. Section 7.10 identifies the acoustical analysis requirements.	Yes: An Acoustical Analysis was conducted for the project which included mitigation measures to address noise impacts to residential and other noise-sensitive land uses. Based on the analysis and mitigation measures, the project will not exceed the City's noise thresholds.
Noise	PH-8.5	Site and Building Design. The City shall require projects to comply with adopted noise standards through proper site and building design features, such as building location and orientation, setbacks, natural barriers and vegetation, and building construction.	Yes: An Acoustical Analysis was conducted for the project which included mitigation measures to address noise impacts to residential and other noise-sensitive land uses. Based on the analysis and mitigation measures, the project will not exceed the City's noise thresholds.
Public Services	PH-1.1	Police Officer Ratio: The City shall strive to achieve a ratio of one officer per 700 citizens to ensure adequate staffing to provide law enforcement services.	Yes: The Project will be required to pay impact fees for police protection.
Public Services	PH-1.2	Police Department Response Times: The City shall continue to support the Police Department in maintaining prompt response times.	Yes: The Project does not inhibit the City continuing to support prompt response times. The Project will be required to pay impact fees for police protection.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
Public Services	PH-1.3	Community Crime Prevention and Public Safety: The City shall actively involve the community in crime prevention and public safety awareness by educating and involving the public in all the tenets of community-oriented public safety.	Yes: The Project does not inhibit the City continuing to involve the community in crime prevention and public awareness.
Public Services	PH-1.4	Video Policing Plan for New Projects: The City shall require large residential developments (50 or more units) and large commercial developments (more than 50,000 square feet) to include a video policing plan.	Yes: The Project will be required to prepare a video policing plan.
Public Services	PH-2.1	Adequate Staffing and Equipment: The City shall coordinate with the North Central Fire District through the site plan review process and the State's environmental review process to ensure that future development does not outpace the expansion of the Central County Fire Department staffing, and the development of strategically located and fully equipped fire stations.	Yes: The Project will be required to pay impact fees for fire protection.
Public Services	PH-2.2	Adequate Water Supply for Fire Suppression: The City shall require new projects to have adequate water supplies to meet the fire-suppression needs of the project without compromising existing fire suppression services to existing uses.	Yes. The Project will provide adequate water supply for fire suppression.
Transportation	CIRC-1.1	<p>Consistency between Land Use and Transportation Planning: The City shall ensure land use and transportation planning are cohesive, consistent, mutually supportive, and strive to reduce vehicle miles traveled (VMT). This will include:</p> <ul style="list-style-type: none"> • Maintaining land use patterns that encourage people to walk, bicycle, or use public transit routinely 	Yes. A traffic impact study was prepared for the project to determine VMT impacts. All VMT impacts were determined to be less than significant.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
		<p>for a significant number of their daily trips;</p> <ul style="list-style-type: none"> • Using the City's provision of public services to direct development to the most appropriate locations; and • Promoting the infill of vacant land and redevelopment sites. 	
Transportation	CIRC-1.2	Complete Streets: The City shall plan a multimodal transportation system that provides safe, comfortable, and convenient access that accommodates various vehicle types and users, including automobiles, agricultural equipment, public transit, bicyclists, and pedestrians.	Yes. The Project has been designed with complete streets.
Transportation	CIRC-1.3	Eliminate Gaps: The City shall create a more comprehensive multimodal transportation system by identifying and eliminating "gaps" in roadways, bikeways, and pedestrian networks; increasing public transit access; and removing natural and man-made barriers to accessibility and connectivity.	Yes. The Project includes sidewalks, trails and transit access, resulting in the elimination of multimodal transportation gaps in the Project area.
Transportation	CIRC-1.4	The City shall consider the needs of all segments of the population when improving or expanding the transportation network to provide safe and improved mobility opportunities for all residents and employees, including persons with disabilities, youth, and elderly.	Yes. The Project provides improved mobility in the area for all segments of the population.
Transportation	CIRC-1.5	ADA Compliance: The City shall strive to ensure that the circulation system is safe and accessible, consistent with the American with Disabilities Act (ADA), to allow mobility-impaired users, such as disabled persons and seniors, to safely travel within and beyond the city.	Yes. The Project is compliant with ADA.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
Transportation	CIRC-1.6	Safe Routes to School: The City shall encourage the construction of facilities and provision of programs that ensure children, families, and caretakers can walk, bike, and take public transit to school safely.	Yes. The Project has been designed with sidewalks and trails for walking and biking to school.
Transportation	CIRC-1.10	Adequate Egress/Ingress: During subdivision review process, the City shall require that all subdivisions, except for cul-de-sac streets, have a minimum of two egress/ingress points.	Yes. The Project contains multiple points of ingress/egress.
Transportation	CIRC-1.11	New Street Names: During the review of subdivisions, the City shall ensure the new street names are continuations of existing streets for streets that are aligned, and that addresses are logically assigned.	Yes. The Project will comply with this policy.
Transportation	CIRC-1.12	Residential Driveways: During the development review process, the City shall strive to restrict residential driveways from entering onto collector and arterial streets	Yes. The Project does not include any residential driveways that enter onto a collector or arterial street.
Transportation	CIRC-2.1	Level of Service (LOS) and Vehicle Miles of Travel (VMT) Standards: The City shall maintain LOS standards for use in considering conditions of approval for discretionary development projects and use VMT analysis as the standard for evaluating environmental impacts under the California Environmental Quality Act (CEQA).	Yes. A traffic impact study was prepared for the project to determine VMT impacts. All VMT impacts were determined to be less than significant.
Transportation	CIRC-2.2	Maintain Adequate Level of Service (LOS): The City shall plan the roadway system to maintain adequate roadway LOS to avoid congestion and reduce VMT. A level of service of C will be the desirable minimum service level in Kerman at which highway, arterial, and collector segments will operate. A level of service of B will be the desirable minimum service level in Kerman at which intersections and rail crossings will operate.	Yes. A traffic impact study was prepared for the project to determine LOS impacts. All LOS impacts were determined to be less than significant.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
Transportation	CIRC-2.3	CO Hotspot Screening: The City shall require new development projects to demonstrate LOS reductions for any project associated intersection to a LOS E or F or worsen an existing LOS F. If this requirement is not met, a project-specific CO Hotspot analysis shall be conducted using a protocol developed by the Institute of Transportation Studies at University of California, Davis entitled Transportation Project-Level Carbon Monoxide Protocol. If the results demonstrate that the project will potentially have a significant effect on any intersection, the City shall conduct a CO Hot Spot analysis. If the CO analysis shows levels above current SJVAPCD ambient air quality standards, the project proponent shall be required to make intersection improvements to reduce CO emissions at the intersection, alter the project to reduce the impact, or implement other programs that can demonstrate a reduction in CO Hot Spot emissions below SJVAPCD ambient air quality standards at the impacted intersection(s).	Yes. According to the Air Study prepared for the Project, there are no CO hotspots associated with the Project.
Transportation	CIRC-2.4	Vehicle Trip Length and Travel Time Reduction: The City shall continue to improve the street network to be efficient and provide multiple routes that are efficient to reduce trip length, travel time, idling time, intersection delays, and other emissions producing activities.	Yes. A traffic impact study was prepared for the project to determine VMT impacts. All VMT impacts were determined to be less than significant.
Transportation	CIRC-2.5	Greenhouse Gas Reduction: The City shall strive to achieve VMT reductions consistent with the California Air Resources Board (CARB) 2017 Scoping Plan statewide greenhouse gas (GHG) emission reduction goals of 40 percent below 1990 emissions levels by 2030, or the latest guidance from CARB, as updated.	Yes. A traffic impact study was prepared for the project to determine VMT impacts. All VMT impacts were determined to be less than significant. In addition, greenhouse gases were determined to be less than significant.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
Transportation	CIRC-2.6	Vehicle Miles Traveled (VMT) Standards: The City shall establish a 13 percent below baseline conditions as a clear and realistic VMT threshold of significance to determine impacts on the environment related to development projects, or as determined and adopted through the Fresno Council of Governments (FCOG) SB 743 Regional Guidelines Development process. The City will develop a baseline using the FCOG VMT calculation tool.	Yes. A traffic impact study was prepared for the project to determine VMT impacts. All VMT impacts were determined to be less than significant.
Transportation	CIRC-2.7	<p>Mitigation of Vehicle Miles Traveled (VMT) Transportation Impacts: The City shall require projects having potentially significant VMT transportation impacts under CEQA to implement feasible mitigation measures necessary to reduce the VMT for or induced by the project to the applicable performance metrics. Such mitigation measures may include, but are not limited to:</p> <ul style="list-style-type: none"> • Provide infrastructure and facilities for walking and bicycling, particularly those that connect with and ensure access to existing active transportation infrastructure and transit; • Include on-site EV charging capabilities; • Incorporate traffic-calming measures ; • Unbundle parking (separate/optional cost) from residential units in multifamily housing developments; • Provide incentives to carpool or use active transportation; and/or 	Yes. A traffic impact study was prepared for the project to determine VMT impacts. All VMT impacts were determined to be less than significant.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
		<ul style="list-style-type: none"> Provide payment into an in-lieu fee program to reduce VMT. 	
Transportation	CIRC-4.2	Parking Lots for New Projects: During the development review process, the City shall ensure that parking lots for new projects incorporate landscaping, adequate lighting, proper pedestrian and bicycle connectivity, and are designed to facilitate vehicle maneuverability.	Yes. The Project's parking lots have been designed to incorporate these features.
Transportation	CIRC-5.1	Alternative Modes of Transportation: The City shall encourage project site designs and subdivision street and lot designs that support alternative modes of transportation, including public transit, bicycling, and walking.	Yes. The Project includes sidewalks and trails for alternative transportation. In addition, the site is near public transit.
Transportation	CIRC-5.4	Safe Sidewalks Along Whitesbridge and South Madera Avenues: The City shall work with Caltrans to improve the sidewalks along Whitesbridge Avenue and South Madera Avenue to provide a safe, continuous, and ADA-compliant network that encourages walking, and contributes to a sense of community.	Yes. The Project includes sidewalks to provide continuous access in the area.
Transportation	CIRC-5.5	Pedestrian Network: The City shall design a continuous, safe, and attractive pedestrian environment within the community and providing a safe linkage to key destinations, including schools and parks.	Yes. The Project includes sidewalks and trails to provide pedestrian access in the area.
Utilities and Service Systems	PFS-2.5	Pollutants from Water Run-off: During the development review process, the City shall require new development to provide facilities and/or measures to reduce pollutants in water run-off prior to entering the city's stormwater collection system. Options could include bioswales and other best management practices currently available at time of development.	Yes. The Project will be required to implement a SWPPP and adhere to best management practices pertaining to stormwater runoff.

Chapter	Policy No.	Goal/Objective/Policy Text	Consistency Determination
<i>* denotes policy that is referenced in multiple Chapters/topics.</i>			

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

Mitigation Measures

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. The geographic area of this cumulative analysis is the areas covered by the City of Kerman General Plan. As discussed above, the Project does not divide an existing community.

The anticipated impacts of the Project in conjunction with cumulative development in the Project area would increase urbanization and result in the loss of open space and agricultural lands. Potential land use impacts require evaluation on a case-by-case basis because of the interactive effects of a specific development and its immediate environment. As described in Table 3.11-2, the Project would be consistent with the goals and policies of the Kerman 2040 General Plan. In addition, with approval of all discretionary actions, the Project would be a permitted use that would not conflict with the land use designation or zone classification for the sites. As such, implementation of the proposed Project would not make a cumulatively considerable contribution to any significant impact to land use and planning.

3.12 Mineral Resources

This section of the DEIR describes impacts on mineral resources associated with proposed Project development. No NOP comment letters were received pertaining to this topic.

Environmental Setting

The most economically significant mineral resources in Fresno County are sand, gravel, and crushed stone, used as sources for aggregate (road materials and other construction). The two major sources of aggregate are alluvial deposits (river beds, and floodplains), and hard rock quarries. Consequently, most Fresno County mines are located along rivers at the base of the Sierra foothills. The proposed Project site is located on relatively flat land that has historically been used for agricultural purposes. There are no known mineral resources associated with the proposed Project site.

Regulatory Setting

State of California Regulations

Mineral Resource Zones

Sections 2761(a) and (b) and 2790 of the Surface Mining and Reclamation Act (SMARA) provide for a mineral lands inventory process termed classification-designation. The California Division of Mines and Geology, and the State Mining and Geology Board are the state agencies responsible for administering this process. The primary objective of the process is to provide local agencies, such as cities and counties, with information on the location, need, and importance of minerals within their respective jurisdictions. It is also the intent of this process, through the adoption of Draft General Plan mineral resource management policies, that this information be considered in future local land-use planning decisions. Areas are classified on the basis of geologic factors, without regard to existing land use and land ownership. The areas are categorized into four MRZs. Of the four categories, lands classified as MRZ-2 are of the greatest importance because they identify significant mineral deposits of a particular commodity. MRZ-3 areas are also of interest because they identify areas that may contain additional resources of economic importance. Areas designated by the Mining and Geology Board as "regionally significant" are incorporated by regulation into Title 14, Division 2 of the California Code of Regulations. Such designations require that a lead agency's land use decisions involving designated areas are made in accordance with its mineral resource management policies, and that they consider the

importance of the mineral resource to the region or the state as a whole and not just the lead agency's jurisdiction.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Appendix G Checklist:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Impacts and Mitigation Measures

Impact 3.12-1: *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state or a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

No Impact. As described in the Environmental Setting, there are no known mineral resources within the proposed Project area and as such, no loss of availability to known mineral resources would occur as a result of proposed Project development. According to the Kerman General Plan Update, there are no significant mineral resources within the planning area. No known mining of mineral resources has occurred in the City of Kerman. Raisin City field represents the closest significant mineral resource, which is an oil field for petroleum extraction about five miles south of Kerman. There would be *no impact*.

Mitigation Measures

None are required.

Cumulative Impacts

No Cumulative Impact. The scope for considering cumulative impacts to mineral resources is generally site-specific rather than cumulative in nature because each project site has different mineral-related considerations that would be subject to review. As discussed above, there are no known mineral resources within the proposed Project area and as such, Project development would not cumulatively impact any known mineral resources. There is *no cumulatively considerable impact*.

3.13 Noise

This section evaluates the potential for noise and groundborne vibration impacts resulting from implementation of the proposed Project. This includes the potential for the proposed Project to result in impacts associated with a substantial temporary and/or permanent increase in ambient noise levels in the vicinity of the Project site; exposure of people in the vicinity of the Project site to excessive noise levels, groundborne vibration, or groundborne noise levels; and whether this exposure is in excess of standards established in the local general plan or noise ordinance. The data utilized for analysis of this section is based, in part, on the *Acoustical Analysis – Del Norte Estates* prepared for this Project by WJV Acoustics (Appendix F).

Fundamentals of Sound and Environmental Noise

Sound is technically described in terms of amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Table 3.13-1, Representative Environmental Noise Levels, illustrates representative noise levels in the environment.

**Table 3.13-1
Representative Environmental Noise Levels**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	—110—	Rock Band
Jet Fly-over at 100 feet		
	—100—	
Gas Lawnmower at 3 feet		
	—90—	
		Food Blender at 3 feet
Diesel Truck going 50 mph at 50 feet	—80—	Garbage Disposal at 3 feet
Noisy Urban Area during Daytime		
Gas Lawnmower at 100 feet	—70—	Vacuum Cleaner at 10 feet
Commercial Area		Normal Speech at 3 feet
Heavy Traffic at 300 feet	—60—	
		Large Business Office
Quiet Urban Area during Daytime	—50—	Dishwasher in Next Room
Quiet Urban Area during Nighttime	—40—	Theater, Large Conference Room (background)
Quiet Suburban Area during Nighttime		
	—30—	Library
Quiet Rural Area during Nighttime		Bedroom at Night, Concert Hall (background)
	—20—	
		Broadcast/Recording Studio
	—10—	
Lowest Threshold of Human Hearing	—0—	Lowest Threshold of Human Hearing
<i>Source: California Department of Transportation, Technical Noise Supplement, October 1998.</i>		

Several rating scales have been developed to analyze the adverse effect of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise upon people is largely dependent upon the total acoustical energy content of the noise, as well as the time of day when the noise occurs. Those that are applicable to this analysis are as follows:

- L_{eq} – An L_{eq} , or equivalent energy noise level, is the average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
- L_{max} – The maximum instantaneous noise level experienced during a given period of time.
- L_{min} – The minimum instantaneous noise level experienced during a given period of time.
- L_{dn} – The Day-Night Average Level, is a 24-hour average L_{eq} with a 10 dBA “weighting” added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity

in the nighttime. The logarithmic effect of these additions is that a 60 dBA 24 hour L_{eq} would result in a measurement of 66.4 dBA L_{dn} .

- CNEL – The Community Noise Equivalent Level is a 24-hour average L_{eq} with a 5 dBA “weighting” during the hours of 7:00 P.M. to 10:00 P.M. and a 10 dBA “weighting” added to noise during the hours of 10:00 P.M. to 7:00 A.M. to account for noise sensitivity in the evening and nighttime, respectively. The logarithmic effect of these additions is that a 60 dBA 24 hour L_{eq} would result in a measurement of 66.7 dBA CNEL.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day, night, or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60–70 dBA range, and high above 70 dBA. Noise levels greater than 85 dBA can cause temporary or permanent hearing loss. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet suburban residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate level noise environments are urban residential or semi-commercial areas (typically 55–60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60–75 dBA) or dense urban or industrial areas (65–80 dBA).

Under controlled conditions, in an acoustics laboratory, the trained (enhanced listening abilities) healthy human ear is able to discern changes in sound levels of 1 dBA, when exposed to steady, single frequency “pure tone” signals in the mid-frequency range. Outside of such controlled conditions, the trained ear can detect changes of 2 dBA in normal environmental noise. It is widely accepted that in the community noise environment the average healthy ear can barely perceive CNEL noise level changes of 3 dBA. CNEL changes from 3 to 5 dBA may be noticed by some individuals who are extremely sensitive to changes in noise. A 5 dBA CNEL increase is readily noticeable, while the human ear perceives a 10 dBA CNEL increase as a doubling of sound.

Noise levels from a particular source generally decline as distance to the receptor increases. Other factors, such as the weather and reflecting or barriers, also help intensify or reduce the noise level at any given location. A commonly used rule of thumb for roadway noise is that for every doubling of distance from the source, the noise level is reduced by about 3 dBA at acoustically “hard” locations (i.e., the area between the noise source and the receptor is nearly complete asphalt, concrete, hard-packed soil, or other solid materials) and 4.5 dBA at acoustically “soft” locations (i.e., the area between the source and receptor is normal earth or has vegetation,

including grass). Noise from stationary or point sources is reduced by about 6 to 7.5 dBA for every doubling of distance at acoustically hard and soft locations, respectively. Noise levels are also generally reduced by 1 dBA for each 1,000 feet of distance due to air absorption. Noise levels may also be reduced by intervening structures – generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The normal noise attenuation within residential structures with open windows is about 17 dBA, while the noise attenuation with closed windows is about 25 dBA.¹

Fundamentals of Environmental Groundborne Vibration

Vibration is sound radiated through the ground. Vibration can result from a source (e.g., train operations, motor vehicles, machinery equipment, etc.) causing the adjacent ground to move, thereby, creating vibration waves that propagate through the soil to the foundations of nearby buildings. This effect is referred to as groundborne vibration. The peak particle velocity (PPV) or the root mean square (RMS) velocity is usually used to describe vibration levels. PPV is defined as the maximum instantaneous peak of the vibration level, while RMS is defined as the square root of the average of the squared amplitude of the level. PPV is typically used for evaluating potential building damage, while RMS velocity in decibels (VdB) is typically more suitable for evaluating human response.

The background vibration velocity level in residential areas is usually around 50 VdB. The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people. Most perceptible indoor vibration is caused by sources within buildings, such as the operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

The general human response to different levels of groundborne vibration velocity levels is described in Table 3.13-2, Human Response to Different Levels of Groundborne Vibration.

¹ National Cooperative Highway Research Program Report 117, Highway Noise: A Design Guide for Highway Engineers, 1971.

Table 3.13-2
Human Response to Different Levels of Groundborne Vibration

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.
<i>Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006.</i>	

Environmental Setting

Study Area

The 48-acre Project site is located northwest of the intersection of W. Whitesbridge Avenue (SR 180) and N. Del Norte Avenue, in a currently unincorporated portion of Fresno County, near the City of Kerman, California. The project will be annexed within the City of Kerman as part of the project. The project site is currently bordered to the north and east by agricultural land uses, and to the south and west by residential land uses. Kerman High School is located southeast of the project site. Existing sources of noise in the project vicinity are dominated by traffic noise associated with vehicles traveling on W. Whitesbridge Avenue and N. Del Norte Avenue. Additional sources of noise observed during project site visits include noise associated with agricultural activities, noise associated with Kerman High School, noise associated with residential land uses (barking dogs, landscaping activities, construction activities, etc.) and occasional aircraft overflights.

Regulatory Setting

Federal Regulations

Noise Standards

There are no federal noise standards that directly regulate environmental noise related to the construction or operation of the proposed Project. With regard to noise exposure and workers, the Office of Safety and Health Administration (OSHA) regulations safeguard the hearing of workers exposed to occupational noise.

Vibration Standards

The Federal Transit Administration (FTA) has adopted vibration standards that are used to evaluate potential building damage impacts related to construction activities. The vibration damage criteria adopted by the FTA are shown in Table 3.13-3, Construction Vibration Damage Criteria.

**Table 3.13-3
Construction Vibration Damage Criteria**

Building Category	PPV (in/sec)
I. Reinforced-concrete, steel or timber (no plaster)	0.5
II. Engineered concrete and masonry (no plaster)	0.3
III. Non-engineered timber and masonry buildings	0.2
IV. Buildings extremely susceptible to vibration damage	0.12
<i>Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment, May 2006.</i>	

In addition, the FTA has also adopted standards associated with human annoyance for groundborne vibration impacts for the following three land-use categories: (1) Vibration Category 1 – High Sensitivity, (2) Vibration Category 2 – Residential, and (3) Vibration Category 3 – Institutional. The FTA defines Category 1 as buildings where vibration would interfere with operations within the building, including vibration-sensitive research and manufacturing facilities, hospitals with vibration-sensitive equipment, and university research operations. Vibration-sensitive equipment includes, but is not limited to, electron microscopes, high-resolution lithographic equipment, and normal optical microscopes. Category 2 refers to all residential land uses and any buildings where people sleep, such as hotels and hospitals. Category 3 refers to institutional land uses such as schools, churches, other institutions, and quiet offices that do not have vibration-sensitive equipment, but still have the potential for activity interference.

Under conditions where there are an infrequent number of events per day², the FTA has established thresholds of 65 VdB for Category 1 buildings, 80 VdB for Category 2 buildings, and 83 VdB for Category 3 buildings.

² The Federal Transit Administration, Transit Noise and Vibration Impact Assessment (May 2006) defines “Infrequent Events” as “fewer than 30 vibration events of the same kind per day.” Page 8-3.

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf. Accessed December 2022.

Under conditions where there are an occasional number of events per day³, the FTA has established thresholds of 65 VdB for Category 1 buildings, 75 VdB for Category 2 buildings, and 78 VdB for Category 3 buildings. No thresholds have been adopted or recommended for commercial, office, and industrial uses.

State of California Regulations

California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services as shown in Table 3.13-4, California Land Use Compatibility Noise Guidelines.

The guidelines rank noise/land use compatibility in terms of “normally acceptable,” “conditionally acceptable” and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 CNEL and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. Schools, libraries, and churches are “normally acceptable” up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

**Table 3.13-4
California Land Use Compatibility Noise Guidelines**

Land Use Category	Community Noise Exposure (dBA CNEL)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential – Low Density, Single-Family, Duplex, Mobile Homes	50 - 60	55 - 70	70 – 75	75 – 85
Residential – Multiple Family	50 - 65	60 - 70	70 – 75	70 – 85
Playgrounds, Neighborhood Parks	50 - 70	NA	67.5 – 75	72.5 – 85

³ The Federal Transit Administration, Transit Noise and Vibration Impact Assessment (May 2006) defines “Occasional Events” as “between 30 and 70 vibration events of the same source per day.” Page 8-3.

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf. Accessed December 2022.

California State Building Code

The State Building Code, Title 24, Part 2 of the State of California Code of Regulations establishes uniform minimum noise insulation performance standards to protect persons within new buildings which house people, including hotels, motels, dormitories, apartment houses and dwellings other than single-family dwellings. Title 24 mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB L_{dn} or CNEL in any habitable room.

Title 24 also mandates that for structures containing noise-sensitive uses to be located where the L_{dn} or CNEL exceeds 60 dB, an acoustical analysis must be prepared to identify mechanisms for limiting exterior noise to the prescribed allowable interior levels. If the interior allowable noise levels are met by requiring that windows be kept closed, the design for the structure must also specify a ventilation or air conditioning system to provide a habitable interior environment.

Local Regulations

The following lists goals and policies from the City General Plan pertaining to noise that are applicable to the proposed Project.

- LU-1.4** The City shall limit residential development from fronting State Highway 145 and State Highway 180 to ensure public safety. Residential development along these facilities shall be designed and buffered to reduce noise and air pollutant impacts to the maximum extent reasonably feasible and consistent with CEQA review.
- PH-8.1** Tranquil Residential Areas. The City shall strive to preserve the tranquility of residential areas by preventing noise-producing uses from encroaching on existing or planned noise-sensitive uses.
- PH-8.2** Noise Compatibility Standards. The City shall review new projects for noise compatibility with surrounding uses. The City shall determine noise based on the following standards:
 - New noise-sensitive uses in areas exposed to existing or projected future levels of noise from transportation noise sources shall not be permitted in areas where the noise level exceeds 60 dB L_{dn} in outdoor activity areas or 45 dB L_{dn} in interior spaces.

- New transportation noise sources, including roadway improvement projects, shall not exceed 60 dB Ldn within outdoor activity areas, and 45 dB Ldn within interior spaces of existing noise-sensitive land uses.

PH-8.3 Noise Reduction. The City shall ensure that noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be reduced so as not to exceed the noise level standards listed on Table 7-1 on lands designated for noise-sensitive uses. This policy does not apply to noise levels associated with agricultural operations.

PH-8.4 Acoustical Analysis Requirement. The City shall require an acoustical analysis by a qualified acoustical engineer for new projects involving noise exposure or noise generation in excess of the established Noise Compatibility Standards above. The City shall also require an acoustical analysis by a qualified acoustical engineer for new commercial development located adjacent to existing and/or planned noise-sensitive uses to ensure that noise created by new commercial development shall be reduced so as not to exceed the noise level standards listed on Table 7-1 on lands designated for noise-sensitive uses. The project shall implement the requirements identified in the acoustical analysis before the City issues the building permit. Section 7.10 identifies the acoustical analysis requirements.

PH-8.5 Site and Building Design. The City shall require projects to comply with adopted noise standards through proper site and building design features, such as building location and orientation, setbacks, natural barriers and vegetation, and building construction.

City of Kerman General Plan Noise Element

The City of Kerman 2040 General Plan (adopted July 2020) sets noise compatibility standards for transportation noise sources in terms of the Day-Night Average Level (Ldn). Implementing Policy PH-8.2 of the Public Health and Safety Element establishes a land use compatibility criterion as 60 dB Ldn for exterior noise exposure within outdoor activity areas of residential land uses. Outdoor activity areas generally include backyards of single-family residences, individual patios or decks of multi-family developments and common outdoor recreation areas of multi-family

developments. The intent of the exterior noise level requirement is to provide an acceptable noise environment for outdoor activities and recreation.

Additionally, Implementing Policy PH-8.2 of the Public Health and Safety Element requires that interior noise levels attributable to exterior transportation noise sources not exceed 45 dB Ldn. The intent of the interior noise level standard is to provide an acceptable noise environment for indoor communication and sleep.

The City of Kerman General Plan also provides exterior noise level standards for nontransportation (stationary) noise sources. The standards become more restrictive during the nighttime hours (10:00 p.m. to 7:00 a.m.). The stationary noise level standards are established in terms of the hourly average equivalent noise level (Leq) and the maximum hourly noise level (Lmax). Table 3.13-5 provides the applicable City of Kerman exterior noise level standards for stationary noise sources.

**Table 3.13-5
Non-Transportation Noise Level Standards, dBA
City of Kerman General Plan**

Daytime (7 AM – 10 PM)		Nighttime (10 PM – 7 AM)	
Leq	Lmax	Leq	Lmax
50	70	45	65

Construction and Noise Vibration

Section 9.26 (Prohibition of Unreasonably Loud and Unnecessary Noise) of The City of Kerman Code of Ordinances prohibits construction activities outside of the hours of 7:00 a.m. to 10:00 p.m. There are no City of Kerman vibration level standards.

Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, the Project would have a significant impact on noise if it would cause any of the following conditions to occur:

- Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- Generation of excessive groundborne vibration or groundborne noise levels?
- For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

CEQA does not define what constitutes a substantial increase in noise levels. Some guidance is provided by the 1992 findings of the Federal Interagency Committee on Noise (FICON), which assessed changes in ambient noise levels resulting from aircraft operations. The FICON recommendations are based upon studies that relate aircraft and traffic noise levels to the percentage of persons highly annoyed by the noise. The rationale for the FICON recommendations is that it is possible to consistently describe the annoyance of people exposed to transportation noise in terms of the DNL (or CNEL). Annoyance is a summary measure of the general adverse reaction of people to noise that results in speech interference, sleep disturbance, or interference with other daily activities.

Impacts and Mitigation Measures

Impact 3.13-1: *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Less Than Significant With Mitigation. The data utilized for analysis of this section is based, in part, on the *Acoustical Analysis – Del Norte Estates* prepared for this Project by WJV Acoustics (Appendix F) The results of the study is summarized herein.

Background Noise Level Measurements

Measurements of existing ambient noise levels in the project vicinity were conducted on January 31 & February 1, 2024. Long-term (24-hour) ambient noise level measurements were conducted at two (2) locations (sites LT-1 and LT-2). Ambient noise levels were measured for a period of 24 continuous hours at each of the two locations. Site LT-1 was located along the eastern project boundary, along N. Del Norte Avenue, approximately 1,000 feet north of Whitesbridge Avenue. Site LT-1 was predominantly exposed to noise sources associated with vehicle traffic on N. Del Norte Avenue as well as noise sources associated with nearby agricultural activities. Site LT-2 was located near the southwest corner of the project site, in the vicinity of existing residential

land uses adjacent to the project site. Site LT-2 was predominantly exposed to noise associated with vehicles traveling on Whitebridge Avenue.

Measured hourly energy average noise levels (L_{eq}) at site LT-1 ranged from a low of 49.8 dB between 1:00 a.m. and 2:00 a.m. to a high of 61.9 dB between 6:00 a.m. and 7:00 a.m. Hourly maximum (L_{max}) noise levels at site LT-1 ranged from 70.1 to 87.4 dB. Residual noise levels at the monitoring site, as defined by the L_{90} , ranged from 40.1 to 48.5 dB. The L_{90} is a statistical descriptor that defines the noise level exceeded 90% of the time during each hour of the sample period. The L_{90} is generally considered to represent the residual (or background) noise level in the absence of identifiable single noise events from traffic, aircraft, and other local noise sources. The measured L_{dn} value at site LT-1 was 63.1 dB L_{dn} . Figure 3 graphically depicts hourly variations in ambient noise levels at site LT-1. Figure 4 provides a photograph of measurement site LT-1.

Measured hourly energy average noise levels (L_{eq}) at site LT-2 ranged from a low of 53.9 dB between midnight and 1:00 a.m. to a high of 66.8 dB between 7:00 a.m. and 8:00 a.m. Hourly maximum (L_{max}) noise levels at site LT-2 ranged from 74.8 to 90.1 dB. Residual noise levels at the monitoring site, as defined by the L_{90} , ranged from 44.2 to 51.0 dB. The measured L_{dn} value at site LT-2 was 67.2 dB L_{dn} . Figure 5 graphically depicts hourly variations in ambient noise levels at site LT-2. Figure 6 provides a photograph of measurement site LT-2.

Additionally, short-term (15-minute) ambient noise level measurements were conducted at four (4) locations (Sites ST-1 through ST-4). Two (2) individual measurements were taken at each of the four short-term sites to quantify ambient noise levels in the morning and afternoon hours.

Short-term noise measurements were conducted for 15-minute periods at each of the four sites. Site ST-1 was located at the corner of W. Sapphire Avenue and N. Almond Avenue, in the residential neighborhood west of the project site. Site ST-2 was located near the corner of W. Isabella Avenue and N. Almond Avenue, in the residential neighborhood west of the project site. Site ST-3 was located near W. Gateway Boulevard and S. Del Norte Avenue, near the residential neighborhood south of the project site, and in the vicinity of Kerman High School. Site ST-4 was located near the northwest corner of Whitesbridge Avenue and Del Norte Avenue.

Table IV of Appendix F summarizes short-term noise measurement results. The noise measurement data included energy average (L_{eq}) maximum (L_{max}) as well as five (5) individual statistical parameters. Observations were made of the dominant noise sources affecting the measurements. The statistical parameters describe the percent of time a noise level was exceeded

during the measurement period. For instance, the L90 describes the noise level exceeded 90 percent of the time during the measurement period.⁴

Traffic Noise Exposure

Project-Site noise exposure from traffic on adjacent roadways was calculated for existing and future (2044) conditions using the FHWA Traffic Noise Model and traffic data obtained from the project traffic engineer, Ruettgers & Schuler Civil Engineers. A description of the noise model, applied data, methodology and findings is provided below.

WJVA utilized the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108). The FHWA Model is a standard analytical method used for roadway traffic noise calculations. The model is based upon reference energy emission levels for automobiles, medium trucks (2 axles) and heavy trucks (3 or more axles), with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA Model was developed to predict hourly Leq values for free-flowing traffic conditions, and is generally considered to be accurate within ± 1.5 dB. To predict Ldn values, it is necessary to determine the hourly distribution of traffic for a typical day and adjust the traffic volume input data to yield an equivalent hourly traffic volume.

Annual Average Daily Traffic (AADT) data for W. Whitesbridge Avenue and N. Del Norte Avenue in the project vicinity was obtained from the project traffic study. Truck percentages and the day/night distribution of traffic were estimated by WJVA, based upon previous studies conducted in the project vicinity since project-specific data were not available from government sources. A speed limit of 40 mph was assumed for N. Del Norte Avenue and 50 mph for W. Whitesbridge Avenue. Table V in Appendix F summarizes annual average traffic data used to model noise exposure within the project site.

The City of Kerman General Plan Noise Element establishes an exterior noise level standard of 60 dB Ldn for outdoor activity areas of residential uses. Outdoor activity areas generally include backyards of single-family residences and individual patios or decks and common outdoor activity areas of multi-family developments. The noise element also requires that interior noise levels attributable to exterior noise sources not exceed 45 dB Ldn.

The proposed project includes sensitive receptors (residential land uses) that could be impacted by traffic noise exposure adjacent to W. Whitesbridge Avenue and N. Del Norte Avenue. WJVA

⁴ Acoustical Analysis – Del Norte Estates (WJV Acoustics), May 2024, page 5.

used the above-described FHWA traffic noise model and traffic noise modeling assumptions to determine the distances from the center of each roadway to the 60 dB Ldn noise exposure contours. Table 3.13-6 provides the distances from the center of N. Del Norte Avenue and W. Whitesbridge Avenue (adjacent to the project site) to the 60 dB Ldn noise exposure contours. Table 3.13-6 provides the contour distances for 2044 Cumulative conditions as they represent a worst-case assessment of noise exposure at proposed sensitive receptor locations.⁵

Table 3.13-6
Distances to Traffic Noise Contours
Cumulative 2044 Conditions

Roadway Segment	Distance (feet) from Roadway Centerline to 60 dB Ldn Contour
N. Del Norte Ave	49
W. Whitesbridge Ave	229

Potential Impacts

A noise impact would occur if the outdoor activity areas of proposed sensitive receptors are located within the 60 dB Ldn traffic noise contours. Based upon a review of the project site plan (provided as Figure 1 of Appendix F), WJVA estimates that the setback distances from the center of the closest proposed backyards to the centerline of both Del Norte Avenue and Whitesbridge Avenue to be approximately seventy (70) feet. At this distance exterior noise levels within the closest residential backyards to Whitesbridge Avenue would be approximately 68 dB Ldn. As such, noise mitigation would be required for the closest proposed residential lots to Whitesbridge Avenue.⁶

Mitigation Measures

Noise levels from transportation noise sources may be effectively mitigated by incorporating noise mitigation measures into the project design that consider the geographical relationship between the noise sources of concern and potential receptors, the noise-producing characteristics of the sources and the path of transmission between noise sources and sensitive receptors.

⁵ Acoustical Analysis – Del Norte Estates (WJV Acoustics), May 2024, page 7.

⁶ Ibid, page 8.

Options for noise mitigation include the use of building setbacks and the construction of sound walls.

Based upon a review of the project site plan, mitigation would be required for the closest proposed residential lots along Whitebridge Avenue. To mitigate exterior traffic noise exposure along W. Whitesbridge Avenue it will be necessary to construct a sound wall along the roadway. The sound wall will provide acoustical shielding of backyards located closest to the roadways.

A sound wall insertion loss program based on the FHWA Model was used to calculate the insertion loss (noise reduction) provided by the proposed sound walls. The model calculates the insertion loss of a wall of given height based on the effective height of the noise source, height of the receiver, distance from the receiver to the wall, and distance from the noise source to the wall. The standard assumptions used in the sound wall calculations are effective source heights of 8, 2 and 0 feet above the roadway for heavy trucks, medium trucks, and automobiles, respectively. The standard height of a residential receiver is five feet above the ground elevation. It was assumed by WJVA that the building pad elevations at the closest proposed homes to E. Ashlan Avenue will be approximately the same elevation as the roadway pavement.

Based upon the above-described assumptions and method of analysis, the noise level insertion loss values for sound walls of various heights were calculated. The calculations indicated that a sound wall along W. Whitesbridge Avenue (at the residential lots adjacent to the roadway) constructed to a minimum height of seven-and-a-half (7.5) feet above project site grade would result in exterior noise levels of approximately 59 dB Ldn within the closest proposed backyards to W. Whitesbridge Avenue. It should be noted that the sound wall will be effective at first-floor receiver locations only. If two-story construction is proposed along the closest lots to Whitesbridge Avenue, noise levels would exceed 60 dB Ldn at any second-floor balconies facing the roadway.⁷

Interior Noise Exposure

The City of Kerman interior noise level standard is 45 dB Ldn. The worst-case noise exposure within the proposed residential development would be approximately 59 dB Ldn at first-floor receiver locations and approximately 68 dB Ldn at second-floor receiver locations, if two-story construction is proposed (above-described sound wall would be effective at first-floor elevations

⁷ Acoustical Analysis – Del Norte Estates (WJV Acoustics), May 2024, page 8.

only). This means that the proposed residential construction must be capable of providing a minimum outdoor-to-indoor noise level reduction (NLR) of approximately 23 dB ($68-45=23$).

A specific analysis of interior noise levels was not performed. However, it may be assumed that residential construction methods complying with current building code requirements will reduce exterior noise levels by approximately 25 dB if windows and doors are closed. This will be sufficient for compliance with the City's 45 dB Ldn interior standard at all proposed lots. Requiring that it be possible for windows and doors to remain closed for sound insulation means that air conditioning or mechanical ventilation will be required.⁸

Project-related Increases in Traffic Noise Exposure

WJVA utilized the FHWA Traffic Noise Model to quantify expected project-related increases in traffic noise exposure along roadways in the project vicinity. The FHWA Model is a standard analytical method used by state and local agencies for roadway traffic noise prediction. The model is based upon reference energy emission levels for automobiles, medium trucks (2 axles) and heavy trucks (3 or more axles), with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA Model was developed to predict hourly Leq values for free-flowing traffic conditions, and is generally considered to be accurate within ± 1.5 dB. To predict Ldn values, it is necessary to determine the hourly distribution of traffic for a typical day and adjust the traffic volume input data to yield an equivalent hourly traffic volume.

Traffic noise exposure levels for Existing, Existing Plus Project, 2044 Cumulative and 2044 Cumulative Plus Project traffic conditions were calculated based upon the FHWA Model and traffic volumes provided by the project traffic engineer, Ruettgers & Schuler Civil Engineers. The day/night distribution of traffic and the percentages of used for modeling were estimated based upon previous studies WJVA has conducted along similar roadways as such data was not available from governmental sources. The Noise modeling assumptions used to calculate project traffic noise are provided as Appendix C of Appendix F.

Project-related significant impacts would occur if an increase in traffic noise associated with the project would result in noise levels exceeding the City's applicable noise level standards at the location(s) of sensitive receptors. For the purpose of this analysis a significant impact is also assumed to occur if traffic noise levels were to increase by 3 dB at sensitive receptor locations

⁸ Acoustical Analysis – Del Norte Estates (WJV Acoustics), May 2024, page 9.

where noise levels already exceed the City's applicable noise level standards (without the project), as 3 dB generally represents the threshold of perception in change for the human ear. This analysis of project traffic noise focuses on residential land uses, as they represent the most restrictive noise level criteria by land use type provided in the General Plan.

The City's exterior noise level standard for residential land uses is 60 dB Ldn. Traffic noise was modeled at ten (10) receptor locations. The ten modeled receptors are located at roadway setback distances representative of the sensitive receptors (residences) along each analyzed roadway segment. With the exception of receptors R-1, R-4 and R-6, all receptors either have an existing sound wall or the backyards are acoustically shielded by the house structures. The modeled traffic noise receptors are described below and provided graphically as Figure 7 of Appendix F.⁹

- R-1: Residence located approximately 80 feet from the centerline of W. Nielsen Ave
- R-2: Residence located approximately 100 feet from the centerline of Whitesbridge Ave
- R-3: Residence located approximately 85 feet from the centerline of S. Del Norte Ave
- R-4: Residence located approximately 115 feet from the centerline of N. Del Norte Ave
- R-5: Residence located approximately 135 feet from the centerline of W. Kearney Blvd
- R-6: Residence located approximately 90 feet from the centerline of S. Del Norte Ave
- R-7: Residence located approximately 90 feet from the centerline of S. Del Norte Ave
- R-8: Residence located approximately 130 feet from the centerline of W. Kearney Blvd
- R-9: Residence located approximately 115 feet from the centerline of W. Kearney Blvd
- R-10: Residence located approximately 110 feet from the centerline of W. Kearney Blvd

Existing Conditions

Table VII of Appendix F provides Existing and Existing Plus Project traffic noise exposure levels at the ten analyzed receptor locations. Reference to Table VII of Appendix F indicates that project-related traffic for Existing conditions would not result in noise levels at any sensitive receptors to exceed the City's noise level standard, nor result in an increase of 3 dB in any sensitive receptor locations where noise levels already exceed the City's noise level standard without the implementation of the project.¹⁰

2044 Cumulative Conditions

⁹ Acoustical Analysis – Del Norte Estates (WJV Acoustics), May 2024, page 10.

¹⁰ Ibid, page 11.

Table VIII of Appendix F provides 2044 Cumulative traffic noise exposure levels at the ten analyzed representative receptor locations, and provides what the project contribution would be to 2044 Cumulative conditions. Reference to Table VIII of Appendix F indicates that project-related traffic for 2044 Cumulative conditions would not result in noise levels at any sensitive receptors to exceed the City's noise level standard, nor result in an increase of 3 dB in any sensitive receptor locations where noise levels already exceed the City's noise level standard without the implementation of the project.¹¹

Commercial/Retail Noise Levels

The project would include an approximately 6-acre commercial component, to be located within the southeast portion of the overall project site. The exact uses and tenants of the commercial component were not known at the time this analysis was prepared, but it is assumed it may house a mid-major tenant of 15,000 square feet, with additional pads which may be drive through facilities.

Without more specific information regarding the commercial component, it is not possible to precisely determine noise levels and potential impacts on both existing and proposed sensitive receptors near the commercial land uses. Typical examples of stationary noise sources associated with such commercial/retail land uses include:

- HVAC/Mechanical equipment
- Truck deliveries
- Parking lot activities (closing of car doors and trunks, stereos, alarms etc.)
- Drive Through operations
- Loading docks
- Compactors

HVAC Mechanical Equipment

It is assumed that the project would include roof-mounted HVAC units on commercial buildings. The heating, ventilating, and air conditioning (HVAC) requirements for the buildings would likely require the use of multiple packaged roof-top units. For the purpose of noise and aesthetics, roof-mounted HVAC units are typically shielded by means of a roof parapet. WJVA has conducted reference noise level measurements at numerous commercial and retail buildings with

¹¹ Acoustical Analysis – Del Norte Estates (WJV Acoustics), May 2024, page 12.

roof-mounted HVAC units, and associated noise levels typically range between approximately 45-50 dB at a distance of 50 feet from the building façade.

Truck Movements

At the time of this analysis, truck delivery times and frequency as well as truck access route (or routes) had not been designated for potential uses. WJVA has conducted measurements of the noise levels produced by slowly moving trucks for a number of studies. Such truck movements would be expected to produce noise levels in the range of 65 to 71 dBA at a distance of 100 feet. The range in measured truck noise levels is due to differences in the size of trucks, their speed of movement and whether they have refrigeration units in operation during the pass-by.

Parking Lot Activities

Noise due to traffic in parking lots is typically limited by low speeds and is not usually considered to be significant. Human activity in parking lots that can produce noise includes voices, stereo systems and the opening and closing of car doors and trunk lids. Such activities can occur at any time. The noise levels associated with these activities cannot be precisely defined due to variables such as the number of parking movements, time of day and other factors. It is typical for a passing car in a parking lot to produce a maximum noise level of 60-65 dBA at a distance of 50 feet, which is comparable to the level of a raised voice.

Drive-Through Retail

It is anticipated that the project would include commercial/retail uses that would include drive-through operations. The current site plan (Figure 1) indicates a drive-through use near the southeast corner of the project site (near the intersection of Whitesbridge Avenue and Del Norte Avenue). The drive-through would be located approximately 250 feet from existing sensitive receptor locations and approximately 400 feet from the closest proposed sensitive receptors. A discussion of potential noise levels associated with typical drive-through quick-service restaurants is provided below.

In order to assess noise levels associated with potential drive-through operations, a description of previously measured noise levels is provided. WJVA conducted reference noise measurements at a Wendy's drive-through restaurant located on South Mooney Boulevard in Visalia. Measurements were conducted during the early afternoon of July 11, 2011 between 12:45 p.m. and 1:45 p.m. using the previously-described noise monitoring equipment.

The microphone used by customers to order food and the loudspeaker used by employees to confirm orders are both integrated into a menu board that is located a few feet from the

drivethrough lane at the approximate height of a typical car window. Vehicles would enter the drivethrough lane from the west and then turn to the north along the east side of the restaurant.

Reference noise measurements were obtained at a distance of approximately 40 feet from the menu board containing the microphone/loudspeaker system at an angle of about 45° toward the rear of the vehicle being served. This provided a worst-case exposure to sound from the loudspeaker system since the vehicle was not located directly between the loudspeaker and measurement location. Cars were lined up in the access lane during the noise measurement period indicating that the drive-through lane was operating at or near a peak level of activity.

Each ordering cycle was observed to take approximately 60 seconds including vehicle movements. A typical ordering cycle included 5-10 seconds of loudspeaker use with typical maximum noise levels in the range of 60-62 dB at the 40 foot-reference location. Vehicles moving through the drive-through lane produced noise levels in the range of 55-60 dBA at the same distance. Vehicles parked at the ordering position (between the menu board and measurement site) were observed to provide significant acoustic shielding during the ordering sequence. The effects of such shielding are reflected by the noise measurement data. Noise levels were measured to approximately 60 dB Leq at the measurement site, and included noise from all sources, including the loudspeaker, vehicle movements and HVAC equipment.

As described above, the closest existing sensitive receptors to the drive-through location are approximately 250 feet and the closest proposed sensitive receptors are approximately 400 feet from the drive-through. At these distances, noise associated with drive-through operations would be in the range of approximately 40-44 dB. Such levels do not exceed City of Kerman noise level standards or existing ambient noise levels.

Loading Dock Activities

It was not known at the time this analysis was prepared if the commercial component of the project would include any loading docks. Noise sources typically associated with loading dock activities include truck engines, the operation of truck-mounted refrigeration units, fork lifts, the banging of hand carts and roll-up doors, noise from P.A. systems, and the voices of truck drivers and store employees. Truck engines and/or refrigeration units are typically turned off while trucks are in loading dock areas to reduce noise and save energy.

Based upon noise level measurements conducted by WJVA for other studies, loading dock noise levels would be expected to be in the range of approximately 59 to 77 dB at a distance of 100 feet.

Compactor

Commercial/Retail uses could include outdoor refuse and cardboard compactors. Based upon noise studies conducted by WJVA for other projects, the maximum noise level produced by a typical un-enclosed trash compactor (Hydra-Fab Model 1200) is approximately 74 dB at a distance of 10 feet from the equipment.¹²

Potential Impact

Noise levels from new stationary noise sources cannot be predicted with any certainty at this time since specific uses have not yet been proposed and the locations of stationary noise sources relative to the locations of noise sensitive uses are not known. However, under some circumstances there is a potential for such uses to exceed the City's noise standards for stationary noise sources at the locations of sensitive receptors.¹³

Mitigation Measures

Noise levels from new stationary noise sources may be effectively mitigated by incorporating noise mitigation measures into the project design that consider the geographical relationship between the noise sources of concern and potential receptors, the noise-producing characteristics of the sources and the path of transmission between noise sources and sensitive receptors. Options for noise mitigation include the use of building setbacks, the construction of sound walls and the use of noise source equipment enclosures.

When specific uses within the study area are proposed that could result in a noise-related conflict between a commercial or other stationary noise source and existing or proposed noise-sensitive receptor, an acoustical analysis should be required that quantifies project-related noise levels and recommends appropriate mitigation measures to achieve compliance with the City's noise standards. The acoustical analysis should be the responsibility of the project applicant and should be completed prior to issuance of a building permit.

Construction Noise and Vibration

Construction noise would occur at various locations within and near the project site through the buildout period. Existing sensitive receptors could be located as close as 100 feet from

¹² Acoustical Analysis – Del Norte Estates (WJV Acoustics), May 2024, page 12.

¹³ Ibid, page 15.

construction activities. Table VII of Appendix F provides typical construction-related noise levels at distances of 50, 100 feet, 200 feet, and 300 feet.

Construction noise is not considered to be a significant impact if construction is limited to the allowed hours and construction equipment is adequately maintained and muffled. Extraordinary noise-producing activities (e.g., pile driving) are not anticipated. The City of Kerman limits hours of construction activities to occur between 7:00 a.m. and 10:00 p.m. A noise impact could occur if construction activities were to occur outside the allowable hours of 7:00 a.m. to 10:00 p.m.

The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. None of these activities are anticipated to occur with construction or operation of the proposed project. Vibration from construction activities could be detected at the closest sensitive land uses, especially during movements by heavy equipment or loaded trucks and during some paving activities. Typical vibration levels at distances of 25, 100 feet and 300 feet are summarized by Table X of Appendix F. These levels would not be expected to exceed any significant threshold levels for annoyance or damage, as provided in Table II and Table III of Appendix F.¹⁴

Impact Determination and Mitigation Measures

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

A noise impact could occur if new proposed sensitive receptors (residential land uses) are located within the cumulative 60 dB Ldn traffic noise contours. Table 3.13-6 provides the setback distances from the centerline of Del Norte Avenue and Whitesbridge Avenue to the 60 dB Ldn exterior noise level contour. Based upon the project site plan and the analysis on traffic noise exposure levels, noise levels at the closest proposed residential lots to Whitesbridge Avenue would be expected to be approximately 68 dB Ldn (future 2044 traffic conditions) within individual backyards. Based upon the traffic noise analysis and the site plan, noise levels at the closest proposed residential land uses to Del Norte Avenue would not be expected to exceed 60

¹⁴ Acoustical Analysis – Del Norte Estates (WJV Acoustics), May 2024, page 15.

dB Ldn. Mitigation Measure NOI – 2 will be implemented to reduce this impact to a less than significant level.

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

Mitigation Measures

NOI - 1: Noise levels from new commercial stationary noise sources may be effectively mitigated by incorporating appropriate noise mitigation measures into the project design that consider the geographical relationship between the noise sources of concern and potential receptors, the noise-producing characteristics of the sources and the path of transmission between noise sources and sensitive receptors. When specific uses within the study area are proposed that could result in a noise-related conflict between a commercial or other stationary noise source and existing or proposed noise-sensitive receptor, an acoustical analysis shall be required by the City that quantifies project-related noise levels and recommends appropriate mitigation measures to achieve compliance with the City's noise standards.

NOI - 2: Noise levels from transportation noise sources may be effectively mitigated by incorporating noise mitigation measures into the project design that consider the geographical relationship between the noise sources of concern and potential receptors, the noise-producing characteristics of the sources and the path of transmission between noise sources and sensitive receptors. The calculations indicated that a sound wall along W. Whitesbridge Avenue (at the residential lots adjacent to the roadway) shall be constructed to a minimum height of seven-and-a-half (7.5) feet above project site grade, which would result in exterior noise levels of approximately 59 dB Ldn within the closest proposed backyards to W. Whitesbridge Avenue. It should be noted that the sound wall would be effective at first-floor receiver locations only. Second story residential buildings are prohibited for properties abutting Whitesbridge Avenue unless a sound study is provided to the City of Kerman demonstrating that the proposed design will not result in noise impacts exceeding 60 dB Ldn at any second-floor balconies facing

the roadway. Evidence of compliance shall be submitted to the City of Kerman Community Development Department.

NOI - 3: The project shall implement the following measures pertaining to construction noise:

- Per the City of Kerman Code of Ordinances, construction activities shall not occur outside the hours of 7:00 a.m. to 10:00 p.m. unless otherwise authorized by the Code of Ordinances.
- All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source.
- Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor.
- All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses.
- Locate construction staging areas, to the extent possible, at the greatest possible distances from any noise-sensitive land uses.
- Signs shall be posted at the construction site and near adjacent sensitive receptors displaying hours of construction activities and providing a contact phone number of a designated noise disturbance coordinator.

Impact 3.13-2: *Generation of excessive groundborne vibration or groundborne noise levels?*

Less Than Significant. The dominant sources of man-made vibration are sonic booms, blasting, pile driving, heavy demolition, diesel locomotives, and rail-car coupling. None of these activities are anticipated to occur with construction or operation of the proposed Project. Vibration from construction activities could be detected at the closest sensitive land uses, especially during movements by heavy equipment or loaded trucks and during some paving activities (if they were to occur). Typical vibration levels at distances of 100 feet and 300 feet are summarized by Table 3.13-7. These levels would not be expected to exceed any significant threshold levels for annoyance or damage.

**Table 3.13-7
Typical Vibration Levels During Construction¹⁵**

Equipment	PPV (in/sec)	
	@ 100'	@ 300'
Bulldozer (Large)	0.011	0.006
Bulldozer (Small)	0.0004	0.00019
Loaded Truck	0.01	0.005
Jackhammer	0.005	0.002
Vibratory Roller	0.03	0.013
Caisson Drilling	0.01	0.006

After full Project build out, it is not expected that ongoing operational activities will result in any significant vibration impacts at nearby sensitive uses. Activities involved in trash bin collection could result in minor on-site vibrations as the bin is placed back onto the ground. Such vibrations would not be expected to be felt at the closest off-site sensitive uses. Any impacts would be *less than significant*.

Mitigation Measures

None are required.

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

Less Than Significant. The Project is not located within two miles of a public airport or private airstrip. The nearest public airport is the Fresno Chandler Executive Airport, approximately 13.45 miles east of the Project site. Fresno Yosemite International Airport is located approximately 19.4 miles to the east. The Project site is not within any airport land use plans and the Project would not expose people residing or working in the Project area to excessive airport-related noise levels. Therefore, there is *no impact*.

Mitigation Measures

None are required.

¹⁵ Acoustical Analysis – Del Norte Estates (WJV Acoustics), May 2024, page 16.

Cumulative Impacts

Less Than Cumulatively Considerable. Construction of the individual development projects allowed under the land use designations of the City of Kerman's and County of Fresno's General Plans may result in the generation of site-specific noise increases from stationary noise sources, and may contribute incrementally to noise from mobile sources. Due to the localized nature of noise impacts, cumulative impacts would be largely limited to areas within the general vicinity of the Project, which is generally considered 1,000 feet. As shown in Section 3.13-1, the Project will result in less than significant impacts pertaining to increases in ambient noise levels (with implementation of Mitigation Measures NOI – 1 through NOI – 3) at both the project and cumulative level.

The proposed Project's temporary construction activities, in combination with the construction of other reasonably foreseeable projects in the area, could result in increased short-term construction noise levels in the Project area (depending upon the specific timing of the construction of those other projects and proximity to the Project site). Construction activities associated with other projects in proximity to the Project site could occur at the same time as the proposed Project. However, other projects would also be required to adhere to all City noise-related regulations. Implementation of Mitigation Measure NOI-3 would reduce and minimize cumulative construction noise level and cumulative impacts would be less than significant level.

Cumulative construction may also result in the exposure of people to or the generation of excessive groundborne vibration. The same receptors as identified for construction noise would be the closest to be impacted by the Project with respect to construction related vibration as well. Due to these distances, and the rapid attenuation of groundborne vibration, the Project and any nearby other project would not be in close enough proximity to the sensitive receptors such that any sensitive receptor would be exposed to substantial groundborne vibration levels, since there are no significant vibration-producing construction activities (such as pile driving). Therefore, cumulative impact in terms of groundborne vibration would be less than significant.

As indicated herein, the Project will not result in significant permanent (operational) increases in noise or vibration levels. In addition, while temporary construction noise does not constitute a significant impact either at the project-level or cumulative level, construction noise mitigation is included to ensure impacts are less than significant. Therefore, with implementation of NOI-1 through NOI-3 the proposed Project's incremental contribution to both temporary (construction) and permanent (operational) cumulative noise impacts would be *less than cumulatively considerable*.

3.14 Population and Housing

This section of the DEIR evaluates the potential environmental effects related to population and housing associated with implementation of the proposed Project. No comments pertaining to population and housing were received during the NOP public review period.

Environmental Setting

Proposed Project

The Project Applicant is proposing entitlement and development of 48.38 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs. The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south and will require annexation to the City of Kerman. The proposed Project is proposing a General Plan Amendment, Rezone, Cancellation of a Williamson Act Contract, and Tentative Subdivision Map to accommodate the Project. The Project will require annexation into the City of Kerman. The annexation includes the proposed 48-acre mixed use development (Project Site) and the adjacent parcel to the east (23 acres). Development is not being proposed on the additional 23 acres included in the annexation. However, to allow for annexation, the land will be pre-zoned consistent with the planned land use of the City of Kerman General Plan. The total land area associated with the annexation is approximately 71 acres, all of which are currently within the Sphere of Influence of the City of Kerman. These additional lands are being included in the annexation in order to prevent the creation of an “island” or “peninsula” as shown in Figure 2-3. Upon annexation, any future development projects associated with the additional 23 acres will require a separate site-specific environmental evaluation by the City of Kerman.

The Project site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres. The eastern parcel of APN 02012030S currently consists of rural residences which will be removed as part of the Project. The parcels are outside the City of Kerman limits, but within the Sphere of Influence. The Project site is located in an area with a mix of urban and rural residential, and agricultural area Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east.

The proposed Project includes a City of Kerman General Plan planned land use designation change from 15.0 acres of “General Commercial” planned land use to 6.0 acres of General Commercial planned land use and 4.0 acres of High Density Residential planned land use. The amount of medium density residential planned land use will increase by 3 acres from 35 acres to 38 acres. The Project also includes amendment of the current zoning from Fresno County Agricultural Zoning (AE-20, Exclusive Agriculture 20 acre minimum) to the following City of Kerman zone districts; 38 acres of R-1 zoning (Single Family Residential), 4.0 acres of R-3 zoning (High Density Residential), and 6.0 acres of General Commercial zoning. These zone districts are consistent with the proposed General Plan land use designations. The project also includes annexation of adjacent parcels into the City limits (no development proposed on those parcels) as described in Chapter Two – Project Description.

Population

The population of City of Kerman in Fresno County was 16,955 as of 1/1/2023.¹

Housing Units

According to the latest State of California Department of Finance estimates, the City of Kerman had a total of 4,880 housing units as of 1/1/2023. Of these, 3,730 are Single detached or attached units, 972 two to four or five plus units, and 178 mobile homes.²

Regulatory Setting

Federal Regulations

US Department of Housing and Urban Development (HUD)

HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a

¹ Population and Housing Estimates for Cities, Counties, and the State, 2020-2023, Department of Finance, State of California.
<https://dof.ca.gov/Forecasting/Demographics/Estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>. Accessed April 2024.

² Ibid.

platform for improving quality of life; build inclusive and sustainable communities free from discrimination; and transform the way HUD does business.³

State of California Regulations

California Department of Housing and Community Development (HCD)

HCD's mission is to "[p]romote safe, affordable homes and vibrant, inclusive, sustainable communities for all Californians".⁴ In 1977, the State Department of Housing and Community Development (HCD) adopted regulations under the California Administrative Code, known as the Housing Element Guidelines, which are to be followed by local governments in the preparation of local housing elements. AB 2853, enacted in 1980, further codified housing element requirements. Since that time, new amendments to State Housing Law have been enacted.

State Housing Law also mandates that local governments identify existing and future housing needs in a Regional Housing Needs Assessment (RHNA). The RHNA process refers to the first two steps (Determination and Allocation) of a multi-step process that California governments utilize to plan for housing needs in each region of the state.⁵

California Relocation Assistance Act

The State of California adopted the California Relocation Assistance Act (*California Government Code* §7260 et seq.) in 1970. This State law, which follows the federal Uniform Relocation Assistance and Real Property Acquisition Act, requires public agencies to provide procedural protections and benefits when they displace businesses, homeowners, and tenants in the process of implementing public programs and projects. This State law calls for fair, uniform, and equitable treatment of all affected persons through the provision of relocation benefits and assistance to minimize the hardship of displacement on the affected persons.

³ U.S. Department of Housing and Urban Development, Mission, <https://www.hud.gov/about/mission>. Accessed April 2024.

⁴ California Department of Housing and Community Development, Mission, <https://www.hcd.ca.gov/about-hcd>. Accessed April 2024.

⁵ Regional Housing Needs Allocation, Housing and Community Development. <https://www.hcd.ca.gov/planning-and-community-development/regional-housing-needs-allocation>. Accessed April 2024.

Local Regulations

City of Kerman General Plan

- LU-1.1 Land Designated for Service Commercial Uses. The City shall continue to designate adequate land for service commercial uses.
- LU-1.2 Location of Neighborhood Commercial Sites. The City shall designate neighborhood commercial sites in proper locations so that they meet the needs of the neighborhood and do not negatively impact adjacent residential uses.
- LU-1.5 High-Density Residential Development Near Goods and Services. The City shall encourage the development of high-density residential uses near commercial uses, parks, and schools.
- LU-2.1 Attractive Community. The City shall continue to promote a clean, well-maintained community.
- LU-3.1 Strong Community Edge: The City shall develop and maintain a strong community edge that clearly separates urban and agricultural uses, including through the use of man-made or natural barriers such as streets, railroads, and canals.)
- LU-3.2 Urban Form To maintain the City's compact form, the City shall maintain growth management controls by managing changes to the City's Sphere of Influence and incorporated City limits. Future changes to the City's Sphere of Influence will be managed by two growth lines, shown on Figure 3-2 of the GP).
- The City may consider requests to amend the current Sphere of Influence and City limits into Area 1 (shown on Figure 3-2 of the GP) based on the ability of the City to provide services to the area.
 - The City may consider requests to amend the current Sphere of Influence and City limits into Area 2 (shown on Figure 3-2 of the GP) if Area 1 has reached the 80 percent infill criteria (for residentially designated lands). The City Council may, at that time, consider allowing development beyond the Area 1 Growth Boundary Line.
 - For any change in Sphere of Influence or City limits, the following considerations will be used:

- 80 percent of Area 1's residentially designated land has been developed or has approved development plans.
- Residential housing needs such as affordable housing or a desire for a wider and more diverse range of housing.
- Community needs such as open space, recreational facilities, parks, schools, etc.
- Obstacles to growth such as cost of infrastructure, Williamson Act properties, etc.
- Economic development needs.

Housing Element

The City of Kerman entered into a Memorandum of Understanding with the Fresno Council of Governments, to prepare a Multi-Jurisdictional Housing Element. The latest Multi-Jurisdictional Housing Element is its Sixth Cycle, covering the planning period of December 31, 2023, through December 31, 2031.⁶ The previous Housing Element was the Fifth Cycle, adopted in April 2016, and covered the planning period of December 2015 through December 2023. According to the Fifth Housing Element, the City of Kerman will provide for a variety of housing types and ensure that adequate sites are available to meet its total Regional Housing Needs Allocation (RHNA) of 1,332 units. As part of the Housing Element update, the City developed a parcel-specific inventory of sites suitable for future residential development. The suitability of these sites were determined based on the development standards in place and their ability to facilitate the development of housing to meet the needs of the City's current and future residents. However, the City had a remaining need of 168 lower-income units from the Fourth Cycle RHNA.⁷

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item.

- *Induce substantial unplanned population growth in an area, either directly or indirectly?*

⁶ Housing Element, City of Kerman. 2016. <https://www.cityofkerman.net/173/Housing-Element>. Accessed April 2024.

⁷ Appendix 2F: City of Kerman, Fresno Multi-Jurisdictional Housing Element. April 2016. Pg 2F-3.

- *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Impacts and Mitigation Measures

Impact 3.14-1: *Induce substantial unplanned population growth in an area, either directly or indirectly?*

Less Than Significant Impact. Project implementation will have a direct, growth inducing impact on the area's population and housing stock by facilitating the development of up to 300 new households within the City of Kerman. According to the latest California Department of Finance estimates, the average household size in the City of Kerman was 3.55 as of 1/1/2023.⁸

Therefore, the Project's population estimate (at full buildout) is estimated to be approximately 1,065 persons (300 housing units X 3.55 persons per household = 1,065 persons).

Population

For purposes of evaluating the environmental impact of population growth in Kerman under CEQA, the question becomes whether or not the Project will induce population beyond what the City has or will plan for and/or can accommodate at full buildout of the Project. The assessment takes into account Project-related impacts to topics like traffic, water supply, public services (police, fire, etc.), sewer / storm drain capacity, and other related topics.

According to the latest Department of Finance estimates, the City of Kerman had a total population 16,955 as of 1/1/2023.⁹ According to the General Plan, additional development of 1,500 new residential units and approximately 30.9 acres of commercial/office area is projected.¹⁰ According to the City's General Plan EIR, the City currently anticipates population increase of 4,170 residents, with the total population of 19,650 by the 2040 General Plan buildout.¹¹ New development within the 2040 General Plan would involve primarily infill, commercial, industrial and residential development within the City limits and SOI which would be consistent with the

⁸ Ibid.

⁹ Ibid.

¹⁰ Section 3. Land Use Element, City of Kerman 2040 General Plan. Table 3-1.

¹¹ City of Kerman 2040 General Plan Draft EIR. Table 4.3-5.

surrounding suburban and urban nature of development within the city. Based on this information, the City anticipates a population change of approximately 1%, from 2018 to 2040.¹²

The City's current (2023) population of 16,955 residents would be increased by approximately 6.29% to 18,020 from the proposed Project buildout. Table 3.14-1 shows the City's existing population, the increase in population from the proposed Project, and the City's General Plan projected population in Year 2040, assuming full buildout of the General Plan. The last column shows the additional population that could be accommodated under the City's General Plan even with full buildout of the proposed Project.

Table 3.14-1: Population Estimates

Existing Population (2023)	Proposed Project Population	Existing Plus Project Population	General Plan 2040 Projected Population	Additional Population That Could Be Accommodated Under the 2040 General Plan
16,955	1,065	18,020	19,650	1,630

As identified in Table 3.14-1, the Project would not induce population growth beyond what could be accommodated under the City's General Plan. However, it should be noted that other residential projects are also pending in the City including a 174 unit development and a 163 unit development. Based on the population that can be accommodated under the General Plan (an additional 1,630 persons after full buildout of the Del Norte Estate project), it is reasonable to assume that the Project and other pending projects are within the population growth projections of the City's General Plan.

Housing Units

According to the latest State of California Department of Finance estimates, the City of Kerman had a total of 4,880 housing units as of 1/1/2023. Of these, 3,730 are Single detached or attached units, 972 two to four or five plus units, and 178 mobile homes.¹³

According to the Fifth Fresno Multi-Jurisdictional Housing Element, the City of Kerman will provide for a variety of housing types and ensure that adequate sites are available to meet its total

¹² Ibid, Table 4.13-4.

¹³ Ibid.

Regional Housing Needs Allocation (RHNA) of 1,332 units.¹⁴ According to the Sixth Housing Element, the City of Kerman will provide for a variety of housing types and ensure that adequate sites are available to meet its RHNA of 1,063 units.¹⁵

The proposed Project would develop up to 300 residential units at full buildout. Table 3.14-2 shows the number of units in the City (per CA Department of Finance - Year 2023), the number of units proposed by the Project, and the potential number of future units based on buildout of the City's General Plan. The last column shows the additional number of housing units that could be accommodated under the City's 2040 General Plan even with full buildout of the proposed Project.

Table 3.14-2: Residential Units

Existing Units (2023)	Proposed Project Number of Units	Existing Plus Project Number of Units	Potential Number of Units in the City at Full Buildout of the 2040 General Plan	Additional Housing Units That Could Be Accommodated Under the 2040 General Plan
4,880	300	5,180	5,715	535

Based on the City's General Plan projections, the City could accommodate the proposed Project while still leaving capacity for approximately 535 units that could be developed in other areas of the City. As previously mentioned, there are residential developments of 174 units and 163 units that are pending (337 units). If the proposed Project and these additional projects are fully built out, that would leave an additional 198 units that could be developed under the General Plan. In addition, the Project would aid the City in meeting its RHNA allocation. The Project contains a mix of detached single-family homes and multi-family units which will assist the City in meeting some of its Housing Element goals and requirements.

Determination

As shown in the tables above, the anticipated population and housing unit increase associated with the proposed Project is within the growth projections of the City's 2040 General Plan and the City's Housing Element.

¹⁴ Housing Element, City of Kerman. 2016. <https://www.cityofkerman.net/173/Housing-Element>. Accessed April 2024.

¹⁵ Appendix 1G: City of Kerman, Fresno Multi-Jurisdictional 2023-2031 Housing Element. Draft 3 – February 2024, Revised April 2024. https://www.cityofkerman.net/DocumentCenter/View/1202/1G_KERMAN_2023-2031-Housing-Element_HCD-Submittal-Draft-3_revised-41124?bidId=. Accessed April 2024.

While other future residential developments are also likely to occur in the City, it is anticipated that the City can accommodate the Project and other residential developments in the City. The City's General Plan anticipates a population increase of 4,170 residents, with the total population of 19,650 by the 2040 General Plan buildout.¹⁶ Given the City's current population (16,955 persons) and housing stock (4,880 units), the City could accommodate the proposed Project plus an additional 1,630 persons and 535 housing units according to the City's General Plan.

Based on the City's General Plan, infrastructure planning documents, and the City's Housing Element, it is determined that the proposed Project will not induce unplanned population growth beyond that which can be accommodated by the City. It has been determined that the City has adequate capacity to serve the Project and therefore, the Project will have a *less than significant* impact occurring from inducement of unplanned population.

Mitigation Measures: None are required.

Impact 3.14-2: *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

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

Mitigation Measures: None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. The proposed project would result in population growth in an area currently designated for agricultural uses. Growth will also occur in other areas of the City and unincorporated communities in Fresno County in areas surrounding the City. However, as noted above, it is anticipated that the City can accommodate the Project and other residential developments in the City. The General Plan anticipated a population of up to 19,650 people with

¹⁶ City of Kerman 2040 General Plan Draft EIR. Table 4.3-5.

up to 5,715 residential units by the 2040 buildout. Given the City's current population (16,955 persons) and housing stock (4,880 units), the City could accommodate the proposed Project plus an additional 1,630 persons and 535 housing units according to the City's General Plan.

The Project in conjunction with the current and reasonably foreseeable projects would lead to what is anticipated population growth. It should also be noted that while the proposed Project and other projects would result in an increase in new housing, related population growth, and associated environmental impacts discussed throughout this EIR, they would also help meet a documented need for housing supply in the region, thus beneficially affecting the region's continued demand for housing. The City of Kerman, Fresno County, and other incorporated and unincorporated jurisdictions are required by State law to use the General Plan process, the CEQA process, as well as other planning processes, such as utility master plans, to plan for and control future growth. Since the proposed Project will not result in an increase in population and housing units above what was planned for in the City's General Plan, there would not be a cumulative impact associated with unplanned growth adversely affecting population and housing. As a result, the proposed project would *not contribute to a significant cumulative impact*.

3.15 Public Services

This section of the DEIR identifies potential impacts associated with the City's police and fire protection services, school facilities, and other public facilities. No NOP comment letters were received pertaining to this topic.

Environmental Setting

Fire Protection

Fire protection services in the vicinity of the Project site are provided by the North Central Fire Protection District. North Central Fire Protection District Station 55, located in Kerman, California, is one of five stations serving the district's population of 51,000. The station responds to an average of 4,235 calls annually and is part of the North Central Fire Protection District.¹ The station is located at 15850 W. Kearney Boulevard, Kerman, CA 93630 and is approximately one-half mile southwest of the Project site.

Police Services

Law enforcement services in Kerman are provided by the Kerman Police Department (KPD). KPD's services include patrol, investigations, traffic, youth services and other programs designed to enhance the quality of life in Kerman. The Department's administration handles scheduling, crime analysis, budget development, confidential files, and training.² KPD is located at 850 S. Madera Avenue, Kerman, CA 93630 and is approximately one mile southeast of the Project site.

Schools

Kerman Unified School District (KUSD) provides public education from kindergarten through 12th Grade in the City of Kerman and nearby rural areas. The District includes five elementary schools, one middle school, two high schools, a preschool, an online school, and additional support programs.³ The nearest school to the Project site is Kerman High School, located approximately 500 feet southeast of the Project site.

¹ <https://www.countyoffice.org/north-central-fire-protection-district-station-21-headquarters-kerman-ca-d08/> (accessed June 2024).

² <https://www.cityofkerman.net/223/About-Us> (accessed June 2024).

³ <https://www.kermanusd.com/domain/8> (accessed June 2024).

Parks

There are no public parks on or adjacent to the Project site. Kerman's nine parks make up almost 42 acres of land in the city. These parks provide amenities such as sports fields, picnic areas, playgrounds, and open gathering areas. In total, the existing and planned parks fulfill Kerman's requirements for total parkland and provide numerous recreational opportunities in the city.

In addition to parks, the City also provides a comprehensive range of quality recreational programs and activities that reflect the needs of residents and the community's identity. Recreational programs include Youth Performing Arts, Start Smart Pre-Sports, Teen Fest, Zumba, as well as a plethora of special one-day events for residents of all ages.⁴

The nearest park to the Project site is Katey's Kids Park located approximately 500 feet southwest of the site.

Libraries

There are no public libraries in the immediate vicinity of the Project site. The nearest public library is the Kerman Branch Library, located at 15081 W. Kearney Boulevard, Kerman, CA 93630, approximately three-quarter miles southeast of the Project site.

Regulatory Setting

Federal Regulations

There are no federal regulations pertaining to public services that apply to the proposed Project.

State of California Regulations

California Occupational Safety and Health Administration

In accordance with California Code of Regulations Title 8 Sections 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Equipment," the California Occupational Safety and Health Administration (Cal- OSHA) has established minimum standards for fire suppression and emergency medical services (EMS). The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the

⁴ Kerman 2040 General Plan, page 6-4.

use of compressed air, access roads, and the testing, maintenance and use of all firefighting and emergency medical equipment.

City Emergency Response/Evacuation Plans

The State of California passed legislation authorizing the Office of Emergency Services (OES) to prepare a Standard Emergency Management System (SEMS) program, which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

California Fire Code

The California Fire Code (CFC) contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The CFC also contains specialized technical regulations related to fire and life safety.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for building standards, fire protection and notification systems, fire protection devices such as extinguishers, smoke alarms, high-rise buildings, childcare facility standards, and fire suppression training.

Government and Education Codes (Funding for Schools)

Funding for schools and school facilities impacts is outlined in Education Code Section 17620 and Government Code Section 65995 et. seq., which governs the amount of fees that can be levied against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed “full and complete mitigation.”

Local Regulations

City of Kerman General Plan

Public Health and Safety

Law Enforcement

PH – 1.1 Police Officer Ratio: The City shall strive to achieve a ratio of one officer per 700 citizens to ensure adequate staffing to provide law enforcement services.

PH – 1.2 Police Department Response Times: The City shall continue to support the Police Department in maintaining prompt response times.

PH – 1.3 Community Crime Prevention and Public Safety: The City shall actively involve the community in crime prevention and public safety awareness by educating and involving the public in all the tenets of community-oriented public safety.

PH – 1.4 Video Policing Plan for New Projects: The City shall require large residential developments (50 or more units) and large commercial developments (more than 50,000 square feet) to include a video policing plan.

Fire Protection

PH – 2.1 Adequate Staffing and Equipment: The City shall coordinate with the North Central Fire District through the site plan review process and the State's environmental review process to ensure that future development does not outpace the expansion of the Central County Fire Department staffing, and the development of strategically located and fully equipped fire stations.

PH – 2.2 Adequate Water Supply for Fire Suppression: The City shall require new projects to have adequate water supplies to meet the fire-suppression needs of the project without compromising existing fire suppression services to existing uses.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item as follows.

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

Impacts and Mitigation Measures

Impact 3.15-1: *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

Less Than Significant With Mitigation. The proposed Project consists of entitlement and development of 48 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs, and the annexation of 2.3 acres of adjacent property that will not be developed at this time. If approved and annexed into the City, the City would provide public services to the Project. Impacts to public services are largely determined by the potential new population from the Project that would require access to these services. According to the latest California Department of Finance estimates, the average household size in the City of Kerman was 3.55 as of 1/1/2023.⁵ Therefore, the Project's population estimate (at full buildout) is estimated to be approximately 1,065 persons (300 housing units X 3.55 persons per household = 1,065 persons).

Potential impacts to public services are discussed individually by topic below.

Fire Protection

Fire protection services would be required to serve the proposed Project. As previously described, fire protection services in the vicinity of the Project site are provided by the North Central Fire Protection District (NCFPD). The station is located at 15850 W. Kearney Boulevard, Kerman, CA 93630 and is approximately one-half mile southwest of the Project site.

Policy PH-2.1 of the City's General Plan requires that the City coordinate with the NCFPD through the site plan review process and the environmental review process. In addition, Policy PH-2.2 requires that the Project have adequate water supplies to meet fire suppression needs. The Project will be reviewed by the NCFPD to determine the appropriate level of fire protection staffing and/or equipment needs to serve the project.

The Project Site Plan will be reviewed by the NCFPD and the City of Kerman to ensure that the Project meets or exceeds local and state standards for fire-related components such as adequate emergency access, location of fire hydrants, adequate defensible space around the site, use of fire-retardant materials, etc. In addition, the proposed Project will be required to pay fire service impact fees from new development based on projected impacts from the development. This fee will be determined by the City prior to issuance of building permits. Payment of the applicable impact fees by the Project applicant, and ongoing revenues that would come from property taxes,

⁵ Population and Housing Estimates for Cities, Counties, and the State, 2020-2023, Department of Finance, State of California. <https://dof.ca.gov/Forecasting/Demographics/Estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>. Accessed April 2024.

sales taxes, and other revenues generated by the Project, would fund capital and labor costs associated with fire protection services. The impact fee amount will be the amount established in the City's adopted impact fee program in place at the time of submittal of building permit applications. Thus, the impact is less than significant.

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

Police Protection

Police protection services would be required to serve the proposed Project. As previously described, the KPD provides police services for the City. KPD is located at 850 S. Madera Avenue, Kerman, CA 93630 and is approximately one mile southeast of the Project site.

Policy PH-1.1 of the City's General Plan identified a service ratio for the KPD as 1.0 officers (sworn, reserve, and civilian) per 700 residents served by the City's Planning Area boundary. In order to maintain adequate levels of service, the KPD will need to consider the typical nature and type of calls for service; crime prevention and safety; appropriate measures for determining adequate levels of service; and the requirements for additional facilities and staffing. Based on the City's ratio of 1.0 officers per 700 residents, the proposed Project would require an additional 1.52 officers at full buildout ($1,065 \text{ residents} / 700 = 1.52 \times 1.0 = 1.52$).

The Project Site Plan will be reviewed by the KPD and the City of Kerman to ensure that the Project meets or exceeds local and state standards for police-related services. In addition, the proposed Project will be required to pay police service impact fees from new development based on projected impacts from the development. This fee will be determined by the City prior to issuance of building permits. Payment of the applicable impact fees by the Project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the Project, would fund capital and labor costs associated with police protection services. The impact fee amount will be the amount established in the City's adopted impact fee program in place at the time of submittal of building permit applications. Thus, the impact is less than significant.

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

Schools

The proposed Project will include up to 300 dwelling units. According to the State Allocation Board, the standard Student Yield Factor per dwelling unit in California is 0.7 for a Unified School District.⁶ With 300 units, this would result in the addition of approximately 210 new students in the KUSD ($300 \times 0.7 = 210$).

Funding for schools and school facilities impacts are outlined in Education Code Section 17620 and Government Code Section 65995 et. seq., which governs the amount of fees that can be levied against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed "full and complete mitigation."

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

Parks

Policy COS 2-1 of the City's General Plan states that the City of Kerman will strive to achieve and maintain a citywide standard of at least four acres of neighborhood and community parks per

⁶ www.dgs.ca.gov (accessed June 2024).

1,000 residents. The Project is proposing to construct up to 200 single-family dwelling units and 100 multi-family dwelling units for a total of 300 units. According to the latest California Department of Finance estimates, the average household size in the City of Kerman was 3.55 as of 1/1/2023.⁷

Therefore, the Project's population estimate (at full buildout) is estimated to be approximately 1,065 persons (300 housing units X 3.55 persons per household = 1,065 persons).

The proposed Project could have a total population of 1,065 persons at build-out which would equate to a need for a minimum of 4.26 acres of parkland based on the City's standard of four acres per 1,000 residents (1,065 divided by 1,000 and multiplied by 4.0).

Determination

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

Other Public Facilities

Development of the Project will increase the demand for other public services such as libraries, governmental services, emergency services and health services. However, the increase in demand will not in and of itself require construction of additional facilities. As described in Section 3.14 – Population and Housing, the anticipated population and housing unit increase associated with the proposed Project is within the growth projections of the City's General Plan. Based on the City's General Plan and infrastructure master planning documents, it is determined that the proposed Project will not induce unplanned population growth beyond that which can be accommodated by these other public services.

⁷ Population and Housing Estimates for Cities, Counties, and the State, 2020-2023, Department of Finance, State of California. <https://dof.ca.gov/Forecasting/Demographics/Estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>. Accessed April 2024.

Therefore, with payment of impact fees, the proposed Project will have a *less than significant impact* on public services.

Mitigation Measures:

Mitigation Measure REC-1 is required for parks. No other Mitigation is required.

Cumulative Impacts

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to public services is generally area-specific rather than cumulative in nature because each project site has different considerations that would be subject to review. The service area for the City of Kerman services is considered the cumulative analysis area. Cumulative growth that would occur over the life of the Kerman General Plan / EIR will result in increased demand for public services. As the demand for public services increases, there will likely be a need to increase staffing and equipment in order to maintain acceptable performance standards. Cumulative impacts to public services are primarily related to other development projects that could occur during the same time frame as those considered for this Project and within the same vicinity as this Project. Because the Project will be required to construct and/or pay fair share fees for public services and does not result in significant long-term impacts to public services, the Project's incremental contribution to cumulative impacts to public services would be *less than cumulatively considerable*.

3.16 Recreation

This section of the DEIR identifies potential impacts associated with the proposed Project on the City's recreational facilities and services. NOP comment letters were received pertaining to this topic.

Environmental Setting

A park is an open area that provides recreation and leisure opportunities for a community. Parks can supply active as well as passive recreation where activities can range from family picnics to organized sporting events. Kerman's nine parks make up almost 42 acres of land in the city. These parks provide amenities such as sports fields, picnic areas, playgrounds, and open gathering areas. In total, the existing and planned parks fulfill Kerman's requirements for total parkland and provide numerous recreational opportunities in the city.

In addition to parks, the City also provides a comprehensive range of quality recreational programs and activities that reflect the needs of residents and the community's identity. Recreational programs include Youth Performing Arts, Start Smart Pre-Sports, Teen Fest, Zumba, as well as a plethora of special one-day events for residents of all ages.¹

Project Site

The proposed Project would be located on approximately 48.38 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue, adjacent to and north of the City of Kerman, California.

The Project Applicant is proposing entitlement and development of 48.38 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs. Refer also to Chapter 2: Project Description.

The Project site is located in an area with a mix of urban and rural residential, and agricultural area. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east. The nearest park to the Project site is Katey's Kids Park located approximately 500 feet southwest of the site.

¹ Kerman 2040 General Plan, page 6-4.

Regulatory Setting

State of California Regulations

Quimby Act

The Quimby Act (California Government Code Section 66477) states that “the legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative or parcel map.” Requirements of the Quimby Act apply only to the acquisition of new parkland and do not apply to the physical development of new park facilities or associated operations and maintenance costs. The Quimby Act seeks to preserve open space needed to develop parkland and recreational facilities; however, the actual development of parks and other recreation facilities is subject to discretionary approval and is evaluated on a case-by-case basis with new residential development.

Local Regulations

Kerman General Plan

The City of Kerman General Plan includes specific goals and policies related to parks and recreation. Those that apply to the proposed project are listed below.

Conservation, Open Space, Parks and Recreation

COS-2.1 Parkland Standard: The City shall continue to acquire and develop adequate park sites to serve future City growth at a standard of 4 acres of combined park and open space land per 1,000 residents.

COS-2.2 Parkland Dedication: The City shall continue to require developers to dedicate parkland or pay in-lieu fees.

COS-2.3 Future Park Locations: The City shall continue to require developers to dedicate parkland or pay in-lieu fees. The City shall ensure that future park locations are accessible to all residents and consider connectivity and visibility from major roadways. Park locations should provide for equitable distribution of parks within the community and strive to provide walkable access to a park from existing or new residential areas.

COS-2.5 Amenities at Parks and Recreational Facilities: The City shall provide a variety of types of park sites and recreational facilities with an array of amenities to fulfill the

city's diverse needs. Amenities shall include adequate lighting, restroom facilities, water fountains, and continuous trails connecting the sites.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Guidelines Appendix G.

- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Impacts and Mitigation Measures

Impact 3.16-1: *Would the project increase the use of exiting neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated OR does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Less Than Significant Impact With Mitigation. Policy COS 2-1 of the City's General Plan states that the City of Kerman will strive to achieve and maintain a citywide standard of at least four acres of neighborhood and community parks per 1,000 residents. The Project is proposing to construct up to 200 single-family dwelling units and 100 multi-family dwelling units for a total of 300 units. According to the latest California Department of Finance estimates, the average household size in the City of Kerman was 3.55 as of 1/1/2023.² Therefore, the Project's population estimate (at full buildout) is estimated to be approximately 1,065 persons (300 housing units X 3.55 persons per household = 1,065 persons).

² Population and Housing Estimates for Cities, Counties, and the State, 2020-2023, Department of Finance, State of California. <https://dof.ca.gov/Forecasting/Demographics/Estimates/e-5-population-and-housing-estimates-for-cities-counties-and-the-state-2020-2023/>. Accessed April 2024.

The proposed Project could have a total population of 1,065 persons at build-out which would equate to a need for a minimum of 4.26 acres of parkland based on the City's standard of four acres per 1,000 residents (1,065 divided by 1,000 and multiplied by 4.0).

Determination

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

Mitigation Measures:

REC – 1 Prior to or together with the issuance of building permits, the Project Applicant shall develop 4.26 acres of parkland to serve the Project or pay equivalent in-lieu development fees to maintain the City's established requirement of four acres of parkland per thousand residents.

Cumulative Impacts

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to recreational facilities is generally area-specific rather than cumulative in nature because each project site has different recreational considerations that would be subject to review. As described above, the proposed Project implementation would not result in a significant increased demand for recreational facilities, the deterioration of existing facilities, or the construction or expansion of recreational facilities, after mitigation. The proposed Project's incremental contribution to cumulative recreation impacts would be *less than cumulatively considerable*.

3.17 Transportation/Traffic

This section of the DEIR identifies potential impacts of the proposed Project pertaining to transportation and traffic in and around the Project vicinity. The analysis presented in this EIR section is based, in part, on the Traffic Study prepared for the Project by Ruettgers & Schuler Civil Engineers, Inc. which is included as Appendix G.

Environmental Setting

The Project site is located northwest of the intersection of W. Whitesbridge Avenue (SR 180) and N. Del Norte Avenue, in a currently unincorporated portion of Fresno County, near the City of Kerman, California. The project will be annexed within the City of Kerman as part of the project. The project site is currently bordered to the north and east by agricultural land uses, and to the south and west by residential land uses.

The proposed Project consists of entitlement and development of 48 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs. An adjacent 23-acre property will also be annexed, but not developed at this time.

The Project traffic study area includes a total of five stop-controlled intersections and four signalized intersections along Nielsen Avenue, Whitesbridge Avenue, and Kearney Boulevard.

Area Roadways

Del Norte Avenue is a north-south collector that extends throughout the western portion of the city of Kerman. In the vicinity of the project, Del Norte Avenue exists as a two-lane roadway and provides access to agricultural, educational, and residential land uses.

Kearney Boulevard is an east-west collector that extends throughout the center of the city of Kerman. In the vicinity of the project, Kearney Boulevard exists as a two-lane, divided roadway and provides access to agricultural, educational, religious, and residential land uses.

Madera Avenue (SR 145) is a north-south expressway that extends throughout the center of the city of Kerman. In the vicinity of the project, Madera Avenue exists as a four-lane roadway and provides access to agricultural, commercial, and residential land uses.

Nielsen Avenue is an east-west collector that extends throughout the northern portion of the city of Kerman. In the vicinity of the project, Nielsen Avenue exists as a two-lane roadway and provides access to agricultural land uses.

Whitesbridge Avenue (SR 180) is an east-west expressway that extends throughout the northern portion of the city of Kerman. In the vicinity of the project, Whitesbridge Avenue exists as a three- to four-lane roadway and provides access to agricultural, commercial, religious, and residential land uses.

Siskiyou Avenue is a north-south collector that extends throughout the western portion of the city of Kerman. In the vicinity of the project, Siskiyou Avenue exists as a two-lane roadway and provides access to agricultural, educational, and residential land uses.

Vineland Avenue is a north-south collector that extends throughout the eastern portion of the city of Kerman. In the vicinity of the project, Vineland Avenue exists as a two-lane roadway and provides access to agricultural and residential land uses.

Regulatory Setting

Federal Regulations

Several federal regulations govern transportation issues. They include:

- Title 49, CFR, Sections 171-177 (49 CFR 171-177), governs the transportation of hazardous materials, the types of materials defined as hazardous, and the marking of the transportation vehicles.
- 49 CFR 350-399, and Appendices A-G, Federal Motor Carrier Safety Regulations, address safety considerations for the transport of goods, materials, and substances over public highways.
- 49 CFR 397.9, the Hazardous Materials Transportation Act of 1974, directs the U.S. Department of Transportation to establish criteria and regulations for the safe transportation of hazardous materials.

State of California Regulations

California Department of Transportation

The California State Department of Transportation (Caltrans) has jurisdiction over state highways and sets maximum load limits for trucks and safety requirements for oversized vehicles that

operate on California highways. The City of Visalia and Tulare County are under the jurisdiction of Caltrans District 6. The following Caltrans regulations apply to the potential transportation impacts of the Project:

- California Vehicle Code, Division 15, Chapters 1 through 5 (Size, Weight, and Load). Includes regulations pertaining to licensing, size, weight, and load of vehicles operated on highways.
- California Street and Highway Code, Sections 660-711, 670-695. Requires permits from Caltrans for any roadway encroachment during truck transportation and delivery, includes regulations for the care and protection of state and county highways and provisions for the issuance of written permits, and requires permits for any load that exceeds Caltrans weight, length, or width standards for public roadways.

Senate Bill 743

Senate Bill (SB) 743 was approved by then Governor Brown on September 27, 2013. SB 743 created a path to revise the definition of transportation impacts according to California Environmental Quality Act (CEQA). The revised CEQA Guidelines requiring a vehicle miles traveled (VMT) analysis became effective December 28, 2018; however, agencies had until July 1, 2020 to finalize their local guidelines on VMT analysis. The intent of SB 743 is to align CEQA transportation study methodology with and promote the statewide goals and policies of reducing VMT and greenhouse gases (GHG). Three objectives of SB 743 related to development are to reduce GHG, diversify land uses, and focus on creating a multimodal environment.

Local Regulations

City of Kerman General Plan

The Circulation Element of the 2040 General Plan is intended to provide guidance and specific actions to ensure the continued safe and efficient operation of Kerman's circulation system. The applicable policies are as follows:

CIRC-1.1 Consistency between Land Use and Transportation Planning: The City shall ensure land use and transportation planning are cohesive, consistent, mutually supportive, and strive to reduce vehicle miles traveled (VMT). This will include:

- Maintaining land use patterns that encourage people to walk, bicycle, or use public transit routinely for a significant number of their daily trips;

- Using the City's provision of public services to direct development to the most appropriate locations; and
- Promoting the infill of vacant land and redevelopment sites.

CIRC-1.2 Complete Streets: The City shall plan a multimodal transportation system that provides safe, comfortable, and convenient access that accommodates various vehicle types and users, including automobiles, agricultural equipment, public transit, bicyclists, and pedestrians.

CIRC-1.3 Eliminate Gaps: The City shall create a more comprehensive multimodal transportation system by identifying and eliminating "gaps" in roadways, bikeways, and pedestrian networks; increasing public transit access; and removing natural and man-made barriers to accessibility and connectivity.

CIRC-1.4 Inclusive Mobility: The City shall consider the needs of all segments of the population when improving or expanding the transportation network to provide safe and improved mobility opportunities for all residents and employees, including persons with disabilities, youth, and elderly.

CIRC-1.5 ADA Compliance: The City shall strive to ensure that the circulation system is safe and accessible, consistent with the American with Disabilities Act (ADA), to allow mobility-impaired users, such as disabled persons and seniors, to safely travel within and beyond the city.

CIRC-1.6 Safe Routes to School: The City shall encourage the construction of facilities and provision of programs that ensure children, families, and caretakers can walk, bike, and take public transit to school safely.

CIRC-1.9 Landscaped Medians: The City shall continue to expand the construction and maintenance of landscaped medians on all expressways, arterials, and major collector roadways, focusing on low-water-use and drought tolerant plants.

CIRC-1.10 Adequate Egress/Ingress: During subdivision review process, the City shall require that all subdivisions, except for cul-de-sac streets, have a minimum of two egress/ingress points.

CIRC-1.11 New Street Names: During the review of subdivisions, the City shall ensure the new street names are continuations of existing streets for streets that are aligned, and that addresses are logically assigned.

CIRC-1.12 Residential Driveways: During the development review process, the City shall strive to restrict residential driveways from entering onto collector and arterial streets.

CIRC-2.1 Level of Service (LOS) and Vehicle Miles of Travel (VMT) Standards: The City shall maintain LOS standards for use in considering conditions of approval for discretionary development projects and use VMT analysis as the standard for evaluating environmental impacts under the California Environmental Quality Act (CEQA).

CIRC-2.2 Maintain Adequate Level of Service (LOS): The City shall plan the roadway system to maintain adequate roadway LOS to avoid congestion and reduce VMT. A level of service of C will be the desirable minimum service level in Kerman at which highway, arterial, and collector segments will operate. A level of service of B will be the desirable minimum service level in Kerman at which intersections and rail crossings will operate.

CIRC-2.3 CO Hotspot Screening: The City shall require new development projects to demonstrate LOS reductions for any project associated intersection to a LOS E or F or worsen an existing LOS F. If this requirement is not met, a project-specific CO Hotspot analysis shall be conducted using a protocol developed by the Institute of Transportation Studies at University of California, Davis entitled Transportation Project-Level Carbon Monoxide Protocol. If the results demonstrate that the project will potentially have a significant effect on any intersection, the City shall conduct a CO Hot Spot analysis. If the CO analysis shows levels above current SJVAPCD ambient air quality standards, the project proponent shall be required to make intersection improvements to reduce CO emissions at the intersection, alter the project to reduce the impact, or implement other programs that can demonstrate a reduction in CO Hot Spot emissions below SJVAPCD ambient air quality standards at the impacted intersection(s).

CIRC-2.4 Vehicle Trip Length and Travel Time Reduction: The City shall continue to improve the street network to be efficient and provide multiple routes that are efficient to reduce trip length, travel time, idling time, intersection delays, and other emissions producing activities.

CIRC-2.5 Greenhouse Gas Reduction: The City shall strive to achieve VMT reductions consistent with the California Air Resources Board (CARB) 2017 Scoping Plan statewide greenhouse gas (GHG) emission reduction goals of 40 percent below 1990 emissions levels by 2030, or the latest guidance from CARB, as updated.

CIRC-2.6 Vehicle Miles Traveled (VMT) Standards: The City shall establish a 13 percent below baseline conditions as a clear and realistic VMT threshold of significance to determine

impacts on the environment related to development projects, or as determined and adopted through the Fresno Council of Governments (FCOG) SB 743 Regional Guidelines Development process. The City will develop a baseline using the FCOG VMT calculation tool.

CIRC-2.7 Mitigation of Vehicle Miles Traveled (VMT) Transportation Impacts: The City shall require projects having potentially significant VMT transportation impacts under CEQA to implement feasible mitigation measures necessary to reduce the VMT for or induced by the project to the applicable performance metrics. Such mitigation measures may include, but are not limited to:

- Provide infrastructure and facilities for walking and bicycling, particularly those that connect with and ensure access to existing active transportation infrastructure and transit;
- Include on-site EV charging capabilities;
- Incorporate traffic-calming measures;
- Unbundle parking (separate/optional cost) from residential units in multifamily housing developments;
- Provide incentives to carpool or use active transportation; and/or
- Provide payment into an in-lieu fee program to reduce VMT.

CIRC-4.2 Parking Lots for New Projects: During the development review process, the City shall ensure that parking lots for new projects incorporate landscaping, adequate lighting, proper pedestrian and bicycle connectivity, and are designed to facilitate vehicle maneuverability.

CIRC-5.1 Alternative Modes of Transportation: The City shall encourage project site designs and subdivision street and lot designs that support alternative modes of transportation, including public transit, bicycling, and walking.

CIRC-5.2 Active Transportation: The City shall encourage bicycling, walking, taking public transit, and carpooling as alternatives to driving single-passenger vehicles to reduce VMT, traffic congestion, and associated emissions from additional automobile use.

CIRC-5.3 Continuous Bicycle Network: The City shall design a safe and logical bicycle path network that links key destinations within the planning area to promote the use of bicycles as a mode of transportation to reduce greenhouse gas emissions and to encourage exercise.

CIRC-5.4 Safe Sidewalks Along Whitesbridge and South Madera Avenues: The City shall work with Caltrans to improve the sidewalks along Whitesbridge Avenue and South Madera

Avenue to provide a safe, continuous, and ADA-compliant network that encourages walking, and contributes to a sense of community.

CIRC-5.5 Pedestrian Network: The City shall design a continuous, safe, and attractive pedestrian environment within the community and provide a safe linkage to key destinations, including schools and parks.

Thresholds of Significance

In accordance with the CEQA Guidelines, a project impact would be considered significant if the project would:

- Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities
- Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)
- Result in inadequate emergency access

Impacts and Mitigation Measures

Ruettgers & Schuler Civil Engineers, Inc. (R&S) prepared a Traffic Study (see Appendix G) analyzing potential impacts the proposed Project would have on the existing roadway and transportation system.

The Traffic Study provides an analysis of the surrounding roadway system and the effects of the proposed Project on the existing and planned roadway infrastructure, including potential mitigation measures to reduce Project transportation impacts. Study results are summarized in the text below. For the full text, graphics, and traffic counts, please refer to Appendix G.

Level of Service Analysis Methodology

Level of service (LOS) is a qualitative index of the performance of an element of the transportation system. LOS is a rating scale running from “A” to “F”, with “A” indicating no congestion of any kind and “F” indicating unacceptable congestion and delays. It describes the operating conditions for signalized and unsignalized intersections. It should be noted that LOS is no longer a requirement to be studied under CEQA. Instead, a project’s transportation impacts are evaluated

through an analysis of vehicle miles traveled (VMT) pursuant to Senate Bill 743. Data pertaining to LOS is being provided for evaluation and informational purposes by the City of Kerman. However, the Project's VMT analysis is provided in Impact 3.17-2.

While LOS is no longer the criteria of significance for traffic impacts in the state of California, the City of Kerman is continuing to review traffic LOS as the means in which it plans for roadway improvements in support of its General Plan. LOS analysis is still appropriate and necessary to determine consistency with General Plan policies as they relate to LOS. More specifically, Appendix G of the CEQA Guidelines asks whether a project would “conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.” As the City's currently adopted General Plan Circulation Element includes a LOS standard, to ensure that a project is consistent with the General Plan policy, an LOS analysis may be required at the request of the City Traffic Engineer to determine necessary roadway infrastructure improvements and capacity.

The *Highway Capacity Manual* (HCM) is the standard reference published by the Transportation Research Board and contains the specific criteria and methods to be used in assessing LOS. Synchro software was used to determine LOS in this evaluation. Details regarding these calculations are included in Appendix G.

Criteria of Significance. The City of Kerman has an operational level of service goal of LOS C or better. Caltrans endeavors to maintain a target LOS at the transition between LOS C and D on State highway facilities consistent with the *Caltrans Guide for the Preparation of Traffic Impact Studies* dated December 2002. However, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS.

Analysis Locations

The scope of the study was developed in association with staff at the City of Kerman and the County of Fresno, and includes the nine intersections listed below.

Study Intersections:

- Siskiyou Avenue & Nielsen Avenue
- Del Norte Avenue & Nielsen Avenue
- Madera Avenue & Nielsen Avenue
- Del Norte Avenue & Whitesbridge Avenue
- Madera Avenue & Whitesbridge Avenue
- Vineland Avenue & Whitesbridge Ave

- Del Norte Avenue & Kearney Boulevard
- Madera Avenue & Kearney Boulevard
- Vineland Avenue & Kearney Boulevard

Traffic counts were conducted between the hours 6:00 to 8:00 AM and 4:00 to 6:00 PM. AM Peak Hour was determined to be 7:00 to 8:00 AM and 4:30 to 5:30 PM.

Analysis Scenarios

A capacity analysis of the study intersections was conducted using Synchro software from Trafficware. The following scenarios were analyzed:

- Existing (2024)
- Existing (2024) + Project
- Future (2044)
- Future (2044) + Project

Project Site Circulation and Access

The overall layout of the proposed Project is block form, with shortened roadway lengths and a cul-de-sac in order provide limited thru-traffic and to create a walkable urban environment. The residential site has been designed with four points of ingress and egress. Additional access points will be provided for the commercial uses. The Project will be responsible for construction of internal roadways. The Project also includes improvements and landscaping along the frontage roads and within the site itself.

Impacts and Mitigation Measures

Impact 3.17-1: *Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Less Than Significant Impact. The proposed Project includes the construction and operation of a 48-acre mixed-use Project, which could result in potentially significant increases in traffic in and around the Project area. Based on the previously described methodology, the following information describes the Project's transportation impacts and mitigation measures.

While LOS is no longer the criteria of significance for traffic impacts in the state of California, the City of Kerman is continuing to review traffic LOS as the means in which it plans for roadway improvements in support of its General Plan. LOS analysis is still appropriate and necessary to

determine consistency with General Plan policies as they relate to LOS. More specifically, Appendix G of the CEQA Guidelines asks whether a project would “conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.” As the City’s currently adopted General Plan Circulation Element includes a LOS standard, to ensure that a Project is consistent with the General Plan policy, an LOS analysis may be required at the request of the City Traffic Engineer to determine necessary roadway infrastructure improvements and capacity.

Project Trip Generation

The trip generation volumes for the residential development were calculated using the Institute of Transportation Engineers (ITE) Trip Generation, 11th Edition. Trip generation and design hour volumes for all land uses are shown in Table 3.17-1.

The Average Daily Trips, AM and PM peak hour rate equations, and peak hour directional splits for ITE Land Use Codes 210 (Single-Family Detached Housing), 220 (Multifamily Housing – Low Rise), 822 (Strip Retail <40k), and 934 (Fast-Food with Drive-Through) were used to estimate the project traffic.

**Table 3.17-1
Project Trip Generation**

Land Use			Daily Trips		AM Peak Hour Trips			PM Peak Hour Trips		
ITE Code	Development Type	Variable	ADT Rate	ADT	Rate	IN Split Trips	OUT Split Trips	Rate	IN Split Trips	OUT Split Trips
210	Single-Family Detached Housing	200 Dwelling Units	eq	1,909	eq	25% 35	75% 105	eq	63% 120	37% 71
220	Multifamily Housing (Low Rise)	100 Dwelling Units	eq	716	eq	24% 13	76% 41	eq	63% 40	37% 24
822	Strip Retail Plaza (<40k)	15 1000 sq ft GLA	eq	863	eq	60% 23	40% 15	eq	50% 52	50% 52
934	Fast-Food with Drive-Through	7 1000 sq ft GFA	467.48	3,272	44.61	51% 159	49% 153	33.03	52% 120	48% 111
SUBTOTAL				6,761		230	314		332	258
REDUCTIONS										
Internal Trips				207		9	8		9	8
Pass-By Trips				589		26	24		25	23
TOTAL				5,965		195	282		298	227

Internal trip capture rate of 5% applied to ITE Codes 822 and 934

Pass-by rate of 15% applied to external trips (calculated trips - internal trips) generated by ITE Codes 822 and 934

Trip Distribution and Assignment

The project trip distribution shown below represents the most likely travel routes for traffic accessing the project. Project traffic distribution was estimated based on a review of the potential draw from population centers within the region and the types of land uses involved. Project trip distribution is as follows:

<u>Direction</u>	<u>Percent</u>
North	5
East	40
South	50
West	5

Project Impacts

Intersection Analysis

A capacity analysis of the study intersections was conducted using Synchro software from Trafficware for the following scenarios:

- Existing (2024)
- Existing (2024) + Project
- Future (2044)
- Future (2044) + Project

As previously described, the City of Kerman has an operational level of service goal of LOS C or better. Level of service for the study intersections is presented in Tables 3.17-2 and 3.17-3. Delays are shown for all intersections operating below LOS C.

Table 3.17-2
PM Intersection Level of Service

#	Intersection	Control Type	2024	2024+ Project	2044	2044+ Project
1	Siskiyou Ave & Nielsen Ave	ASWC	A	A	A	A
2	Del Norte & Nielsen Ave	NB SB	A A	A A	A A	A A
3	Madera Ave & Nielsen Ave	EB	B	B	B	C
4	Del Norte Ave & Whitesbridge Ave	Signal	B	C	C	C
5	Madera Ave & Whitesbridge Ave	Signal	D (42.6)	D (44.8)	D (47.9)	D (53.2)
6	Vineland Ave & Whitesbridge Ave	Signal	B	B	C	C
7	Del Norte Ave & Kearney Blvd	AWSC	B	B	C	C
8	Madera Ave & Kearney Blvd	Signal	D (35.1)	D (39.7)	D (36.0)	D (39.0)
9	Vineland Ave & Kearney Blvd	AWSC	B	B	C	C

Intersections 5 & 8 operate at LOS D prior to the addition of project traffic. Therefore, the project does not degrade the intersection.

Table 3.17-3
AM Intersection Level of Service

#	Intersection	Control Type	2024	2024+ Project	2044	2044+ Project
1	Siskiyou Ave & Nielsen Ave	AWSC	A	A	A	A
2	Del Norte & Nielsen Ave	NB SB	A A	A A	A A	A A
3	Madera Ave & Nielsen Ave	EB	B	B	B	C
4	Del Norte Ave & Whitesbridge Ave	Signal	C	C	C	C
5	Madera Ave & Whitesbridge Ave	Signal	D (37.9)	D (42.5)	D (43.6)	D (46.2)
6	Vineland Ave & Whitesbridge Ave	Signal	C	C	C	C
7	Del Norte Ave & Kearney Blvd	AWSC	A	A	B	B
8	Madera Ave & Kearney Blvd	Signal	C	C	D (37.7)	D (39.0)
9	Vineland Ave & Kearney Blvd	AWSC	B	B	B	C

Intersections 5 & 8 operate at LOS D prior to the addition of project traffic. Therefore, the project does not degrade the intersection.

As shown in Tables 3.17-2 and 3.17-3, all intersections operate at a LOS of C or better with the exception of the intersections of Madera Avenue/Whitesbridge Avenue and Madera Avenue/Kearney Boulevard. Both intersections are projected to operate at LOS D without the Project by 2044. The addition of the Project does not change the LOS in 2044 for those

intersections. All other intersections remain at LOS C or better with or without the Project. Therefore, there is a less than significant impact regarding intersection LOS.

Traffic Signal Warrant Analysis

Peak hour signal warrants were evaluated for the unsignalized intersection within the study based on the California Manual on Uniform Traffic Control Devices (MUTCD). Peak hour signal warrants assess delay to traffic on the minor street approaches when entering or crossing a major street. Signal warrant analysis results for PM & AM peak hour are shown in Tables 3.17-4 and 3.17-5, respectively.

**Table 3.17-4
PM Traffic Signal Warrants**

#	Intersection	2024			2024+Project			2044			2044+Project		
		Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met	Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met	Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met	Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met
1	Siskiyou Ave at Nielsen Ave	87	6	NO	87	9	NO	96	8	NO	96	11	NO
2	N Del Norte Ave at Nielsen Ave	68	6	NO	87	20	NO	74	8	NO	93	22	NO
3	S Madera Ave at Nielsen Ave	779	3	NO	787	8	NO	1116	4	NO	1124	9	NO
7	N Del Norte Ave at W Kearney Blvd	479	131	NO	528	185	NO	778	160	NO	827	214	YES
9	S Vineland Ave at W Kearney Blvd	472	144	NO	551	174	NO	597	260	YES	676	290	YES

**Table 3.17-5
AM Traffic Signal Warrants**

#	Intersection	2024			2024+Project			2044			2044+Project		
		Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met	Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met	Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met	Major Street Total Approach Vol	Minor Street High Approach Vol	Warrant Met
1	Siskiyou Ave at Nielsen Ave	133	4	NO	133	6	NO	146	5	NO	146	7	NO
2	Del Norte Ave at Nielsen Ave	75	0	NO	94	10	NO	83	0	NO	102	10	NO
3	Madera Ave at Nielsen Ave	566	1	NO	571	7	NO	833	1	NO	838	7	NO
7	Del Norte Ave at Kearney Blvd	348	107	NO	380	173	NO	590	131	NO	622	197	NO
9	Vineland Ave at Kearney Blvd	408	150	NO	478	191	NO	520	242	NO	590	264	YES

It is important to note that a signal warrant defines the minimum condition under which signalization of an intersection might be warranted. Meeting this threshold does not suggest traffic signals are required, but rather, that other traffic factors and conditions be considered in order to determine whether signals are truly justified.

It is also noted that signal warrants do not necessarily correlate with level of service. An intersection may satisfy a signal warrant condition and operate at or above an acceptable level of service or operate below an acceptable level of service and not meet signal warrant criteria.

Roadway Analysis

A capacity analysis of the study roadways was conducted using Table 4 in the State of Florida Department of Transportation *Quality/Level of Service Handbook* dated June 2020. Roadway LOS analysis for PM and AM peak hour results are shown in Tables 3.17-6 and 3.17-7, respectively.

Table 3.17-6
PM Roadway Level of Service

Roadway Segment	2024 Two-Way LOS		2024+Project Two-Way LOS		2044 Two-Way LOS		2044+Project Two-Way LOS	
	VOL	LOS	VOL	LOS	VOL	LOS	VOL	LOS
Nielsen Ave: Siskiyou Ave - Del Norte Ave	9	C	36	C	12	C	39	C
Nielsen Ave: Del Norte Ave - Madera Ave	12	C	17	C	16	C	21	C
Whitesbridge Ave: Del Norte Ave - Madera Ave	1319	C	1612	C	2002	C	2295	C
Whitesbridge Ave: Madera Ave - Vineland Ave	1319	C	1608	C	2002	C	2291	C
Kearney Blvd: Del Norte Ave - Madera Ave	1414	C	1593	C	2264	C	2443	C
Kearney Blvd: Madera Ave - Vineland Ave	506	C	583	C	740	C	817	C
Del Norte Ave: Nielsen Ave - Whitesbridge Ave	362	C	445	C	492	C	575	C
Del Norte Ave: Whitesbridge Ave - Kearney Blvd	69	C	368	C	80	C	379	C
Madera Ave: Nielsen Ave - Whitesbridge Ave	362	C	524	C	492	C	654	C
Madera Ave: Whitesbridge Ave - Kearney Blvd	959	C	1069	C	1224	C	1334	C
Vineland Ave: Whitesbridge Ave - Kearney Blvd	1064	C	1140	C	1344	C	1420	C
N Vineland Ave: W Whitesbridge Ave - W Kearney Blvd	505	C	603	C	674	C	772	C

Table 3.17-7
AM Roadway Level of Service

Roadway Segment	2024 Two-Way LOS		2024+Project Two-Way LOS		2044 Two-Way LOS		2044+Project Two-Way LOS	
	VOL	LOS	VOL	LOS	VOL	LOS	VOL	LOS
Nielsen Ave: Siskiyou Ave - Del Norte Ave	2	C	6	C	2	C	6	C
Nielsen Ave: Del Norte Ave - Madera Ave	2	C	29	C	3	C	30	C
Whitesbridge Ave: Del Norte Ave - Madera Ave	1056	C	1324	C	1602	C	1870	C
Whitesbridge Ave: Madera Ave - Vineland Ave	1202	C	1466	C	1828	C	2092	C
Kearney Blvd: Del Norte Ave - Madera Ave	1129	C	1293	C	1774	C	1938	C
Kearney Blvd: Madera Ave - Vineland Ave	378	C	448	C	547	C	617	C
Del Norte Ave: Nielsen Ave - Whitesbridge Ave	75	C	151	C	82	C	158	C
Del Norte Ave: Whitesbridge Ave - Kearney Blvd	228	C	334	C	307	C	413	C
Madera Ave: Nielsen Ave - Whitesbridge Ave	300	C	400	C	832	C	932	C
Madera Ave: Whitesbridge Ave - Kearney Blvd	715	C	815	C	903	C	1003	C
Vineland Ave: Whitesbridge Ave - Kearney Blvd	423	C	521	C	572	C	670	C

All roadways within the scope of the Project operate at acceptable levels of service with and without Project traffic.

Determination

All intersections currently operate at an acceptable level of service and are anticipated to do so through 2044, prior to and with the addition of Project traffic. Therefore, no intersection improvements are required. All roadway segments within the scope of the study currently operate at or above LOS C and are expected to continue to do so through the year 2044, prior to and with the addition of project traffic. Therefore, no roadway improvements are required.

Therefore, the Project will result in *less than significant impacts*.

Mitigation Measures

None are required.

Impact 3.17-2: *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

Less Than Significant Impact. An analysis of project VMT (vehicle miles traveled) was conducted following guidance provided in *Fresno County SB 743 Implementation Regional Guidelines*, Fresno Council of Governments, dated January 2021 (VMT Guidelines). The analysis involved comparing an estimate of VMT attributable to the project to the County threshold and assessing whether project VMT would result in a significant transportation impact under CEQA.

Project Screening

The VMT Guidelines contain criteria for determining whether a land use project may be screened from a detailed VMT analysis. Projects meeting one or more of these “screening” criteria are presumed to create a less than significant transportation impact and no further analysis is required. However, as per the VMT Guidelines, these criteria may not be used for this study since the project requires a General Plan Amendment and zone change. Therefore, a detailed VMT analysis was conducted.

Mixed-Use Projects

The project includes a mix of residential and retail land uses. As per the VMT Guidelines, a land development with mixed uses may be analyzed either based on individual project land uses or the project’s predominant land use. The latter approach was taken for this study since, based on the project trip generation estimates presented in Table 3.17-1, the retail land uses generate over 60 percent of the daily project trips, as shown in Table 3.17-8.

Table 3.17-8
Total Daily Trips by Project Land Use

Project Land Use	Development Type(s)	Daily Trips	Percent of Total Trips
Residential	Single-Family Detached Housing	2,625	38.8%
	Multifamily Housing (Low Rise)		
Retail	Strip Retail Plaza (<40,000 SF)	4,135	61.2%
	Fast-Food Restaurant w/Drive-Through Window		
TOTAL		6,760	100%

Detailed Analysis

As defined in the VMT Guidelines, the appropriate metric for analyzing land development projects with retail land uses is total VMT (daily) for the region (Fresno County). Projects resulting in a net increase in total VMT would be expected to create a significant transportation impact and mitigation would be required.

In accordance with the VMT Guidelines, the detailed analysis was conducted using the Fresno COG ABM. Model runs for the analysis were developed and generated by Fresno COG staff and accounted for internal trip capture (see Appendix G for model output). The VMT analysis results are presented in Table 3.17-9.

Table 3.17-9
VMT Analysis Results

Project Land Use	Metric: Total Regional VMT		Significant Impact	Reduction Needed
	NO Project	PLUS Project		
Retail	23,332,228	23,321,660	NO	---

As shown above, the project results in a net decrease in total VMT. Therefore, the project is not expected to result in a significant transportation impact under CEQA and no mitigation is required.

Based on the established thresholds, the Project would have a *less than significant impact*.

Mitigation Measures:

None are required.

Impact 3.17-3: *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? OR Would the project result in inadequate emergency access?*

Less Than Significant Impact. As previously noted, the overall layout of the proposed Project is block form, with shortened roadway lengths and a cul-de-sac in order to provide limited thru-traffic and to create a walkable urban environment. The residential site has been designed with four points of ingress and egress. Additional access points will be provided for the commercial uses. All proposed internal roadways will be constructed to meet local and State standards and requirements. No sharp roadway curves currently exist in the proposed Project area, nor would

such curves be created by the proposed Project. No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. There are no agricultural uses (such as farm equipment) associated with the Project. Access for emergency vehicles is adequate and available at the four points of ingress/egress (for the residential portion) and additional access points for the commercial portion of the Project. Any impacts would be *less than significant*.

Mitigation Measures

None are required.

Cumulative Impacts

The potential for cumulative transportation impacts exists where there are multiple projects proposed in an area that have overlapping operational phases that could affect similar resources. Projects with overlapping schedules for operations could result in a substantial contribution to increased traffic levels throughout the surrounding roadway network. The Traffic Study prepared for the project evaluated cumulative conditions in Year 2044. This includes modeling of traffic which takes into account population growth and other factors when determining future traffic scenarios. As shown in the Traffic Study and in the impact sections above, the Project will not result in or contribute to a significant cumulative impact, as all intersections and roadways are projected to operate at acceptable levels of service, and the Project does not result in VMT impacts. Implementation of the proposed Project would not make a cumulatively considerable contribution to any significant impact to transportation.

3.18 Tribal Cultural Resources

This section of the DEIR evaluates the potential impacts to Tribal Cultural Resources (TCRs) associated with Project implementation. A Cultural Resources Survey was prepared for the Project (see Appendix D). In addition, applicable Tribes were notified to request consultation on the Project.

Environmental Setting

The project site is located in California's San Joaquin Valley. The San Joaquin Valley is a large, nearly flat alluvial plain bordered by the Sierra Nevada to the east, the Tehachapi Mountains to the south, the California coast ranges to the west, and the Sacramento-San Joaquin Delta to the north.

The site lies immediately outside the northern city limits of the City of Kerman, in an area heavily influenced by urban and intensive agricultural uses. It is bordered by an orchard to the north, North Del Norte Avenue and orchard land to the east, California State Route 180 (West Whitesbridge Avenue) and residential uses to the south, and an orchard and residential area to the west.

The project site consists of an almond orchard, a disked field, and a small residential area and has been used for agricultural purposes since at least 1998. The site is relatively flat with an elevation of approximately 220 feet National Geodetic Vertical Datum (NGVD).

Regulatory Setting

State of California Regulations

Assembly Bill (AB) 52

AB 52, which was approved in September 2014 and became effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if requested by the tribe. A provision of the bill, chaptered in CEQA Section 21086.21, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

1. Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources; or
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

- a. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and
- b. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating TRCs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

According to AB 52, it is the responsibility of the tribes to formally request of a lead agency that they be notified of projects in the lead agency’s jurisdiction so that they may request consultation related to TCRs. The City of Kerman conducted the required tribal outreach related to the proposed Project in 2020.

Native American Heritage Commission

PRC Section 5097.91 established the NAHC, the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. Section 5097.98 of the PRC specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner

Senate Bill 18

SB 18 (Statutes of 2004, Chapter 905), which went into effect January 1, 2005, requires local governments (city and county) to consult with Native American tribes before making certain planning decisions and to provide notice to tribes at certain key points in the planning process. The intent is to “provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places” (Governor’s Office of Planning and Research, 2005).

The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level, land use designations are made by a local government. The consultation requirements of SB 18 apply to general plan or specific plan processes proposed on or after March 1, 2005.

According to the Tribal Consultation Guidelines: Supplement to General Plan Guidelines (Governor’s Office of Planning and Research, 2005), the following are the contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government’s jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county’s jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352).

Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.

- Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item.

- Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i. Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1j(k) or
 - ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

As described in detail above, to evaluate the project's potential effects on tribal cultural resources a SLF search was conducted by the NAHC, and SB 18 and AB 52 notification letters were sent to Native American groups and individuals indicated by the NAHC to solicit information regarding the presence of tribal cultural resources. Impacts to tribal cultural resources may include direct impacts resulting from ground-disturbing activities or indirect visual impacts associated with the construction of above ground structures within the view shed of an identified tribal cultural resource.

Impacts and Mitigation Measures

Impact 3.15-1: *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

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

Less Than Significant. A records search of the Native American Heritage Commission (NAHC) Sacred Lands File was requested for the Project. Outreach letters and follow-up emails were sent to the tribal organizations on the NAHC contact list (Confidential Appendix B of Appendix D). A response was received from the Santa Rosa Indian Community of the Santa Rosa Rancheria on Feb. 27, 2024, from the Table Mountain Rancheria on Feb. 28, 2024, and from the Big Sandy Rancheria of Western Mono Indians on June 3, 2024.

Santa Rosa Indian Community of the Santa Rosa Rancheria requested that an ethnographic study of the Kerman region tribal influence be completed by ASM and forwarded to them, which ASM provided. The Table Mountain Rancheria expressed interest in this project as it lies within its cultural area of interest and requested the results of the Records Search, which ASM provided. The Big Sandy Rancheria of Western Mono Indians had no comments or concerns on the proposed Project. No other responses have been received from the provided list of tribes.

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

Mitigation Measures:

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. The scope for considering cumulative impacts to tribal cultural resources are the geographic areas in Fresno County as well as the areas designated by the Native American Heritage Commission as having potential to impact TCRs as a result of the Project. As discussed above, the proposed Project area is not known to contain any TRCs; therefore, cumulative impacts are considered *less than cumulatively considerable*.

3.19 Utilities and Service Systems

This section of the DEIR identifies potential impacts of the proposed Project pertaining to water supply and infrastructure, wastewater service, solid waste and other utility services. No NOP comment letters were received pertaining to Utilities.

Environmental Setting

The Project will be required to connect to water, sewer, stormwater and wastewater services provided by the City of Kerman and may be subject to water use fees and/or development fees to be provided such service. In addition, the Project will require solid waste disposal services.

Project Site

The Project Applicant is proposing entitlement and development of 48 acres of land with up to 200 single-family dwelling units, 100 multi-family dwelling units, a 15,000 square foot retail plaza, and two 3,500 square foot fast-food restaurants with drive-throughs. The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The proposed site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south. The site is comprised of two adjacent parcels: APN 02012029S of approximately 24.24 acres and APN 02012030S of approximately 24.14 acres. The parcels are outside the City of Kerman limits, but within the Sphere of Influence. The Project site and some surrounding areas are proposed to be annexed into the City of Kerman, but the other surrounding annexed area is not proposed for development at this time.

The Project site is located in an area with a mix of urban and rural residential, and agricultural area. Residential subdivisions are located to the west and south of the site, agricultural land to the east and north, and rural residences to the east.

The Project site is currently developed with agriculture. There are no canals or water ways on or adjacent to the Project site.

The Project site is designated Flood Insurance Rate Map Zone “X” (outside the 500-year flood zone). Urban development is allowed under this flood zone.

Water Provider

According to the City’s Urban Water Management Plan (2020), the City of Kerman provides potable water service to a population of approximately 16,016 residents, as well as commercial,

industrial, institutional, and public facilities within its service area boundary. Located on the west side of Fresno County, in the southern portion of the San Joaquin Valley. The City is situated approximately 15 miles west of the City of Fresno and 20 miles south of the City of Madera. The City is bisected by State Route 145 (Madera Ave), which runs north/south, and State Route 180 (Whitesbridge Road), which runs east/west.

The City of Kerman is the governing agency and the sole purveyor of water within City limits. The City owns and operates a public water system that provides water services to 3,767 metered connections. Historically, the City has provided water to residential, commercial, institutional/governmental, and industrial customers and for fire protection and flushing activities by use of groundwater wells. The City currently uses six active wells, Well Nos. 09A, 10, 12, 14, 15, and 17, to extract groundwater from the Kings Subbasin. The City's groundwater wells have individual capacities ranging from 900 gallons per minute (gpm) to 1,500 gpm.

The groundwater underlying the City is part of the larger San Joaquin Valley Groundwater Basin within the San Joaquin River Hydrologic Region. The San Joaquin Valley Groundwater Basin is further divided into nine subbasins. The City of Kerman lies within the Kings Subbasin.¹

Wastewater

The City's wastewater treatment plant (WWTP) is located south of Church Avenue on the Del Norte Avenue alignment and provides a secondary level of treatment. The original WWTP was designed with a hydraulic capacity of approximately 1.34 million gallons per day (mgd) but was upgraded in 2011 to a capacity of 2.0 mgd. The upgraded WWTP consists of an influent pump station, headworks, two new clarifiers, a sludge press, expanded storage and disposal ponds, one acre of new drying beds, and a new 5,000-gallon storage tank for receiving domestic septic. The aeration tanks from the original plant were also converted to digesters. Treated effluent from the plant is discharged into disposal ponds where it is allowed to evaporate and percolate into the soil and recharge the groundwater table. The City's secondary effluent is not disinfected. Secondary effluent is reclaimed to irrigate non-potable crops. The flows at the treatment plant exhibit very little seasonal variation. This condition occurs because the flows are predominantly from residential uses since there are not significant industrial, agriculture-related or seasonally operated industries within the City. The average daily flow for 2015 was 0.99 mgd.

¹ Kerman Urban Water Management Plan (2020), page 18.

Solid Waste

Kerman contracts with Mid Valley Disposal for solid waste, recycling, and composting services. Collection is provided four days a week to residential, commercial, and industrial customers. Mid Valley Disposal hauls solid waste to the American Avenue Landfill, about 6 miles southwest of Kerman, and recyclables to their new state-of-the-art Material Recovery Facility (MRF) in Fresno. The MRF is capable of processing 35 tons of material an hour for diversion to manufacturers and can process wood into wood chips and mulch safe for public use. Mid Valley hauls compostable organic waste to a 68,000 square foot composting facility located in Kerman.

Electricity and Natural Gas

Electricity, a consumptive utility, is a man-made resource. The production of electricity requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into energy. The delivery of electricity involves a number of system components, including substations and transformers that lower transmission line power (voltage) to a level appropriate for on-site distribution and use. The electricity generated is distributed through a network of transmission and distribution lines commonly called a power grid. Conveyance of electricity through transmission lines is typically responsive to market demands. The proposed Project would be served with electricity and natural gas provided by Pacific Gas & Electric (PG&E).

Regulatory Setting

Federal Agencies and Regulations

Clean Water Act (CWA)

The Clean Water Act (CWA) is intended to restore and maintain the chemical, physical, and biological integrity of the nation's waters (33 CFR 1251). The regulations implementing the CWA protect waters of the U.S. including streams and wetlands (33 CFR 328.3). The CWA requires states to set standards to protect, maintain, and restore water quality by regulating point source and some non-point source discharges. Under Section 402 of the CWA, the National Pollutant Discharge Elimination System (NPDES) permit process was established to regulate these discharges.

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was established to protect the quality of drinking water in the United States. This SDWA focuses on all waters either designed or potentially designed for drinking water use, whether from surface water or groundwater sources. The SDWA and subsequent amendments authorized the EPA to establish health-based standards, or maximum contaminant levels (MCLs), for drinking water to protect public health against both natural and anthropogenic contaminants. All owners or operators of public water systems are required to comply with these primary (health-related) standards. State governments, which can be approved to implement these primary standards for the EPA, also encourage attainment of secondary (nuisance-related) standards. At the federal level, the EPA administers the SDWA and establishes MCLs for bacteriological, organic, inorganic, and radiological constituents (United States Code Title 42, and Code of Federal Regulations Title 40). At the State level, California has adopted its own SDWA, which incorporates the federal SDWA standards with some other requirements specific only to California (California Health and Safety Code, Section 116350 et seq.).

The 1996 Federal SDWA amendments established source water assessment programs pertaining to untreated water from rivers, lakes, streams, and groundwater aquifers used for drinking water supply. According to these amendments, the EPA must consider a detailed risk and cost assessment, as well as best available peer-reviewed science, when developing standards for drinking water. These programs are the foundation of protecting drinking water resources from contamination and avoiding costly treatment to remove pollutants. In California, the Drinking Water Source Assessment and Protection (DWSAP) Program fulfills these federal mandates. The California State Water Resources Control Board: Division of Drinking Water (SWRCB-DDW) is the primary agency for developing and implementing the DWSAP Program and is responsible for performing the assessments of existing groundwater sources.

Federal Emergency Management Agency (FEMA)

The National Flood Insurance Act (1968) makes available federally subsidized flood insurance to owners of flood-prone properties. To facilitate identifying areas with flood potential, Federal Emergency Management Agency (FEMA) has developed Flood Insurance Rate Maps (FIRM) that can be used for planning purposes.

Central Valley Project Improvement Act

The Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575) includes Title 34, the Central Valley Project Improvement Act (CVPIA). The CVPIA amended the previous authorizations of the California CVP to include fish and wildlife protection, restoration, and mitigation as project purposes having equal priority with irrigation and domestic uses and

fish and wildlife enhancement as a project purpose equal to power generation. The CVPIA identifies specific measures to meet the CVPIA's multiple purposes.

State of California Regulations

California Green Building Standards Code

Construction- and demolition-generated (C&D) waste is heavy, inert material. This material creates significant problems when disposed of in landfills. Since C&D debris is heavier than paper and plastic, it is more difficult for counties and cities to reduce the tonnage of disposed waste. For this reason, C&D waste debris has been specifically targeted by the State of California for diversion from the waste stream.

The California Green Building Standards Code (Standards Code) will apply to the construction related activities of this Project. The purpose of the Standards Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings using building concepts that have a positive environmental impact and encouraging sustainable construction practices. Provisions of the Standards Code shall apply to the design and construction of building structures subject to State regulation.

California Department of Resources Recycling and Recovery (CalRecycle)

CalRecycle is the State agency designated to oversee, manage, and track California's 76 million tons of waste generated each year. It is one of the six agencies under the umbrella of the California Environmental Protection Agency. CalRecycle develops regulations to control and manage waste, for which enforcement authority is typically delegated to the local government. The Board works jointly with local government to implement regulations and fund programs.

Assembly Bill 939 and Senate Bill 1016

The California Integrated Waste Management Act of 1989, or Assembly Bill (AB) 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of all solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures to assist in reducing these impacts to less-than-significant levels. With the passage of Senate Bill (SB) 1016 (the Per Capita Disposal Measurement System) in 2006, only per capita disposal rates are measured to determine if a jurisdiction's efforts are meeting the intent of AB 939.

State Water Resources Control Board

The State Water Resources Control Board (SWRCB), located in Sacramento, is the agency with jurisdiction over water quality issues in the State of California. The SWRCB is governed by the Porter-Cologne Water Quality Act (Division 7 of the California Water Code), which establishes the legal framework for water quality control activities by the SWRCB. The intent of the Porter-Cologne Act is to regulate activities which may adversely affect the quality of waters of the State to attain the highest water quality which is reasonable, considering a full range of demands and values. The act authorizes the SWRCB to establish water quality principles and guidelines for long-range resource planning including groundwater and surface water management programs and control and use of recycled water. Much of the implementation of the SWRCB's responsibilities is delegated to nine Regional Water Quality Control Boards (RWQCBs). The proposed Project site is located within the jurisdiction of the Central Valley RWQCB.

California Water Code (CWA)

The Federal CWA establishes certain guidelines for the states to follow in developing programs for the control of surface water pollution and for planning the development and use of water resources. Under certain circumstances, the CWA allows the federal Environmental Protection Agency (EPA) to withdraw the primary responsibility for these programs from states with inadequate implementation mechanisms.

California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act of 1970 (Division 7 of the California Water Code) (Porter-Cologne Act). The Porter-Cologne Act grants the SWRCB and each of the RWQCBs power to protect water quality, and is the primary vehicle for implementation of California's responsibilities under the Federal CWA. The Porter-Cologne Act grants the SWRCB and the RWQCBs authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

Each RWQCB must formulate and adopt a water quality control plan (Basin Plan) for its region. The regional plans must conform with the policies set forth in the Porter-Cologne Act and established by the State water policy adopted by the SWRCB. The Porter-Cologne Act also provides that a RWQCB may include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

Water Code Section 13260 requires all dischargers of waste that may affect water quality in waters of the state to prepare and provide a water quality discharge report to the RWQCB. Section 13260a-c is as follows:

- (a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:
 - (1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.
 - (2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.
 - (3) A person operating, or proposing to construct, an injection well.
- (b) No report of waste discharge need be filed pursuant to subdivision (a) if the requirement is waived pursuant to Section 13269.
- (c) Each person subject to subdivision (a) shall file with the appropriate regional board a report of waste discharge relative to any material change or proposed change in the character, location, or volume of the discharge.

Water Code section 10910 (SB 610)

Water Code section 10910 (SB 610) requires that a lead agency obtain a water supply assessment from an applicable public water system for certain projects subject to the California Environmental Quality Act, which are defined as (a) a residential development of more than 500 dwelling units; (b) a shopping center or business employing more than 1,000 persons or having more than 500,000 square feet of floor space; (c) a commercial office building employing more than 1,000 persons or having more than 250,000 square feet; (d) a hotel or motel with more than 500 rooms; (e) an industrial or manufacturing establishment housing more than 1,000 persons or having more than 650,000 square feet or 40 acres; (f) of mixed use project containing any of the foregoing; or (g) any other project that would have a water demand at least equal to a 500 dwelling unit project.

Regional Water Quality Board

The Central Valley RWQCB administers the NPDES storm water-permitting program in the Central Valley region, including Visalia. Construction activities on one acre or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The plan must include specifications for Best Management Practices (BMPs) that will be implemented during proposed construction to control degradation of surface water by preventing the potential erosion of sediments or discharge of pollutants from the construction area. The General Construction Permit program was established by the SWRCB and the Central Valley RWQCB for the specific purpose of reducing impacts to surface waters that may occur due to construction activities. BMPs have been established in the California Storm Water Best Management Practice Handbook (2003), and are recognized as effectively reducing degradation of surface waters to an acceptable level. Additionally, the SWPPP describes measures to prevent or control runoff degradation after construction is complete, and identifies a plan to inspect and maintain these facilities or project elements.

Waste Discharge Requirements

The Central Valley RWQCB typically requires a Waste Discharge Requirements (WDR) permit for any facility or person discharging or proposing to discharge waste that could affect the quality of the waters of the state, other than into a community sewer system. Those discharging pollutants (or proposing to discharge pollutants) into surface waters must obtain an NPDES permit from the Central Valley RWQCB.

The NPDES serves as the WDR. For other types of discharges, such as those affecting groundwater or in a diffused manner (e.g., erosion from soil disturbance or waste discharges to land), a Report of Waste Discharge must be filed with the Central Valley RWQCB in order to obtain a WDR. For specific situations, the Central Valley RWQCB may waive the requirement to obtain a WDR for discharges to land or may determine that a proposed discharge can be permitted more effectively through enrollment in a general NPDES permit or general WDR.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, waters of the state fall under the jurisdiction of the appropriate Regional Water Quality and Control Board (RWQCB). Under the act, the RWQCB must prepare and periodically update water quality control basin plans. Each

basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control nonpoint and point sources of pollution to achieve and maintain these standards. Projects that affect wetlands or waters must meet waste discharge requirements of the RWQCB, which may be issued in addition to a water quality certification or waiver under CWA Section 401.

Assembly Bill 1881

AB 1881 expanded previous legislation related to landscape water use efficiency. AB 1881, the Water Conservation in Landscaping Act of 2006, enacted landscape efficiency recommendations of the California Urban Water Conservation Council (CUWCC) for improving the efficiency of water use in new and existing urban irrigated landscapes in California. AB 1881 required the DWR to update the existing Model Local Water Efficient Landscape Ordinance and local agencies to adopt the updated model ordinance or an equivalent. The law also requires the California Energy Commission to adopt performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, moisture sensors, emission devices, and valves to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy or water.

Assembly Bill 2882

AB 2882 was passed in 2008 and encourages public water agencies throughout California to adopt conservation rate structures that reward consumers who conserve water. AB 2882 clarifies the allocation-based rate structures and establishes standards that protect consumers by ensuring a lower base rate for those who conserve water.

Sustainable Groundwater Management Act

In 2014, California enacted the Sustainable Groundwater Management Act (SGMA) (Water Code §10720 et seq.). SGMA requires that groundwater basins designated by the state Department of Water Resources (DWR) as high priority and/or critically overdrafted must be managed under a Groundwater Sustainability Plan (GSP) that avoids “undesirable results” as defined in the Act within 20 years from January 31, 2020. The GSP must be developed by a Groundwater Sustainability Agency (GSA) approved by the DWR. The WWD service area boundary largely overlaps with DWR-designated San Joaquin Valley groundwater subbasin 5.22-9, which is commonly called the “Westside Subbasin.” The DWR has designated the Westside Subbasin as high priority and critically overdrafted, and SGMA requires that a GSP be adopted by an approved GSA for the subbasin by January 31, 2020.

Senate Bills 610 (Chapter 643, Statutes of 2001) and 221 (Chapter 642, Statutes of 2001)

SB 610 and SB 221 are companion measures that seek to promote more collaborative planning among local water suppliers and cities and counties. They require that water supply assessments occur early in the land use planning process for all large-scale development projects. If groundwater is the supply source, the required assessments must include detailed analyses of historic, current, and projected groundwater pumping and an evaluation of the sufficiency of the groundwater basin to sustain a new project's demands. They also require an identification of existing water entitlements, rights, and contracts and a quantification of the prior year's water deliveries. In addition, the supply and demand analysis must address water supplies during single and multiple dry years presented in five-year increments for a 20-year projection. Under SB 221, approval by a city or county's legislative body of a subdivision of more than 500 homes requires an affirmative written verification of a sufficient water supply.

California Drought Regulations

Beginning in January 2014, Governor Jerry Brown issued three Executive Orders (EOs), B-26-14, B-28-14, and B-29-15, regarding water supply, water demand, and water use within the State during severe drought conditions. EO B-29-15, issued April 1, 2015, sets limitations not only for existing land uses and water supply systems, but also for new construction. Some of these restrictions include:

- The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
- The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.
- The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

In addition, EO B-29-15 requires that DWR update the State Model Water Efficient Landscape Ordinance through expedited regulation by the end of 2015. This ordinance will increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf (EO B-29-15, Increase Enforcement Against Water Waste, Action #11, 2015).

On November 13, 2015, Governor Brown issued EO B-36-15, which upheld the previous EOs, and directs the SWRCB to extend urban water use restrictions through October 31, 2016 based on drought conditions known through January 2016. The SWRCB issued emergency regulations on February 2, 2016, in compliance with EO B-36-15. These emergency regulations maintain the current tiers of

required water reductions; however, additional adjustments in response to stakeholders; equity concerns were included in the emergency regulations.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) was enacted in 1976 to address the huge volumes of municipal and industrial solid waste generated nationwide. After several amendments, the Act as it stands today governs the management of solid and hazardous waste and underground storage tanks (USTs). RCRA is an amendment to the Solid Waste Disposal Act of 1965. RCRA has been amended several times, most significantly by the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRA is a combination of the first solid waste statutes and all subsequent amendments. RCRA authorizes the EPA to regulate waste management activities. RCRA authorizes states to develop and enforce their own waste management programs, in lieu of the federal program, if a state's waste management program is substantially equivalent to, consistent with, and no less stringent than the federal program.

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation and land disposal, the State Legislature passed the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. According to AB 939, all cities and counties are required to divert 25 percent of all solid waste from landfill facilities by January 1, 1995, and 50 percent by January 1, 2000, and beyond. Solid waste plans are required to explain how each city's AB 939 plan will be integrated with the respective county plan. They must promote (in order of priority) source reduction, recycling and composting, and environmentally safe transformation and land disposal.

Local Regulations

City of Kerman General Plan

The following lists policies and implementing actions from the City of Kerman General Plan pertaining to hydrology and water quality that are applicable to the proposed Project.

Conservation, Open Space and Recreation Element

COS-4.1 Public Landscaping Irrigation: The City shall reduce use of potable water for landscaping irrigation at parks, schools, rights-of-way, and other public spaces to the extent feasible.

COS-4.3 Native and Drought-Tolerant Plants: The City shall require the use of native and drought-tolerant plants for new landscaping in existing and future parks and street medians.

COS-4.6 Water Use Efficiency for New Development: The City shall encourage new development and majority retrofits of existing development to incorporate water conservation techniques. Such techniques include requiring low-flow plumbing fixtures in new construction that meet or exceed the California Plumbing Code, use of graywater for landscaping, retention of stormwater runoff for groundwater recharge, use of reclaimed water for outdoor irrigation (where available), and landscape water efficiency standards that meet or exceed the standards in the California Model Water Efficiency Landscape Ordinance.

Public Facilities and Services Element

PFS-2.1 Water, Sewer, and Storm Drain Infrastructure: The City shall continue to install and upgrade water, sewer, and storm drainage infrastructure to meet current and projected growth demand, as well as current water quality standards.

PFS-2.5 Pollutants from Water Run-off: During the development review process, the City shall require new development to provide facilities and/or measures to reduce pollutants in water run-off prior to entering the city's stormwater collection system. Options could include bioswales and other best management practices currently available at time of development.

PFS-2.7 North Kings Groundwater Sustainable Agency: The City shall continue to be a member of the North Kings Groundwater Sustainable Agency (NKGSA) and work closely with the NKGSA to develop the Sustainable Groundwater Management Plan for Kerman and the North Kings region.

Thresholds of Significance

The thresholds of significance for this section are established by the CEQA Checklist Item.

- Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?
- Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?
- Comply with federal, state and local management and reduction statutes and regulations related to solid waste?

Impacts and Mitigation Measures

Impact 3.19-1: *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Less Than Significant Impact. The Project is proposing annexation into the City of Kerman. Once annexed, the Project site would be required to connect to water, stormwater, and wastewater services, and will require solid waste collection services. As described herein, the City has reviewed the Project to determine adequate capacity in these systems and ensure compliance with applicable connection requirements. In addition to connections to water, stormwater, solid waste, and wastewater services, the Project would be served by PG&E for natural gas and electricity and by a private telecommunications provider for the Project site. Therefore, all wet and dry public utilities, facilities, and infrastructure are in place and available to serve the Project site without the need for relocated, new, or expanded facilities. While new utility and service connections would need to be extended to and from the Project site (e.g., water, sewer, stormwater, electrical), these new connections would not result in a need to modify the larger off-site infrastructure. Therefore, the proposed Project will not require or

result in the relocation or construction of new or expanded water or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities that will result in environmental impacts that are not analyzed elsewhere in this document. Any impacts are *less than significant*.

Mitigation Measures:

None are required.

Impact 3.19-2: *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Less Than Significant. The Project will be required to connect to the City of Kerman water system, which is reliant on groundwater to serve its customers. To meet the urban water use target requirement in the City's 2020 UWMP, the City was required to determine its baseline water use, as well as its target water use for the year 2020. Water use is measured in gallons per capita per day (GPCD). Annual gross water use is divided by annual service area population to calculate the annual per capita water use for each year in the baseline periods. The City's 10-year base daily per capita water use was 253 GPCD. Using Method 1 for 2020 Target calculation as described in Section 5.3 of the City's UWMP, the City's confirmed 2020 compliance target is 203 GPCD.

However, The City calculated its actual daily per capita water use for the 2020 calendar year in accordance with DWR's Methodologies document. Based on that analysis, the City's urban per capita water use in 2020 was 173 GPCD, which is well below the confirmed 2020 Target of 203 GPCD². However, for purposes of the analysis herein, the 203 GPCD was used to determine estimated water demand. The 203 GPCD is inclusive of water use from all sources (residential, commercial, manufacturing, etc.). Annual gross water use is divided by annual service area population to calculate the annual per capita water use.

As described in Section 3.14 Population and Housing, according to the latest California Department of Finance estimates, the average household size in the City of Kerman was 3.55 as of 1/1/2023. Therefore, the Project's population estimate (at full buildout) is estimated to be

² Kerman Urban Water Management Plan (2020), page 34.

approximately 1,065 persons (300 housing units X 3.55 persons per household = 1,065 persons). Using 203 GPCD, the Project would demand approximately 216,195 gallons per day (1,065 X 203 = 216,195). This equates to approximately 78,911,175 gallons per year (365 X 216,195 = 78,911,175).

The City's 2020 UWMP assumed an annual City growth rate of 1.69% and provided population projections that were used for the 2020 UWMP's analysis as follows:

<u>Year</u>	<u>2020 UWMP Population Assumptions³</u>
2020	16,016
2025	17,416
2030	18,939
2035	20,595
2040	22,369
2045	24,354

As described above, the Project could result in an increase in population of approximately 1,065 persons. Using the information from the 2020 UWMP, the City's 2020 population of 16,016 residents would be increased by approximately 6.6% to 17,081 from the Project alone. Table 3.19-1 shows the City's existing population (per the City's 2020 UWMP), the increase in population from the proposed Project, and the City's 2020 UWMP projected population in Year 2045. The last column shows the additional population that could be accommodated under the City's 2020 UWMP even with full buildout of the proposed Project. Although the table shows that the City can accommodate the Project by Year 2045, it should be noted that the Project may be built out before then. In addition, other residential projects are also pending in the City including a 174 unit development and a 163 unit development.

Table 3.19-1: UWMP Population Estimates

Year 2020 Population	Proposed Project Population	Existing Plus Project Population	UWMP 2045 Projected Population	Additional Population That Could Be Accommodated Under the 2020 UWMP Assuming Del Norte Estates full buildout
16,016	1,065	17,081	24,354	7,264

³ Ibid, page 21.

While other future residential developments are also likely to occur in the City, it is likely that many of the newer residents would populate the Del Norte Estates, as it would provide a variety of housing needs (multi-family and single-family). The City's 2020 UWMP anticipated a population of up to 24,354 people by 2045. Given the City's current population as identified in the 2020 UWMP (16,016 persons), the City could accommodate the proposed Project plus an additional 7,264 persons according to the underlying assumptions of the City's 2020 UWMP. Based on total capacity of the City's water supply system, it is reasonable to assume that the Project is within the population growth projections (and associated water availability) identified in the City's 2020 UWMP, and other residential projects can also be accommodated.

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

- Compliance with the State's Model Water Efficient Landscape Ordinance. Under this ordinance, landscaping (which typically demands the greatest amount of water for urban development) must demonstrate a 45-55% reduced water demand of "business as usual"
- Low flow toilets and shower heads
- Dwellings will be fitted with water meters
- During construction, hoses must be fitted with automatic shutoff devices (spray gun)

The impact is less than significant.

Mitigation Measures:

None are required.

Impact 3.19-3: *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less Than Significant. The Project will be required to connect to the City's existing sewer/WWTP system. According to the 2020 UWMP, the City owns and operates a citywide wastewater collection and treatment system. The City's existing sewer collection system consists of a network of 6 and 8-inch diameter collection lines that connect to larger mains that range from 10 to 27-inches in diameter. Wastewater from most of the southern half of Kerman flows into an 18-inch trunk line that runs along Madera Avenue from California Avenue to Church Avenue, and then to a 27-inch trunk line that runs along Church Avenue from Madera Avenue to the Wastewater Treatment Plant (WWTP). The remainder of the City's collection lines flow into an 18-inch trunk line that runs along Del Norte Avenue from Whitesbridge Avenue to Church Avenue and then along Church Avenue from the Del Norte Avenue alignment to the WWTP. The City's sewer collection system operates with one permanent lift station that is located at the intersection of Siskiyou and Kearney. This facility currently receives flows from the areas generally to the north and west of the lift station and discharges into the Del Norte Avenue line.

In 2011, the City's WWTP was upgraded to provide secondary level of treatment and the plant's designed hydraulic capacity was increased to 2.0 MGD. The upgraded WWTP meets State requirements for the removal of Nitrates, Biochemical Oxygen Demand (BOD) and sludge handling, and consists of an consist of an influent pump station, headworks, two new clarifiers, a sludge press and one acre of new drying beds. To make use of the original plant, the old aeration tanks were converted to digesters. A Biolac aeration treatment system was also installed as part of the upgrade. By using the aerobic and anaerobic cycle, the treatment system aerates the water, releasing nitrogen to eliminate additional nitrates to the groundwater table. The exiting storage ponds and disposal ponds were significantly expanded, and a new 5,000-gallon storage tank for receiving domestic septic was installed. As part of the upgrade, the City also installed a 0.5 megawatt solar park to buffer rising power cost to operate the WWTP.

Treated wastewater from the WWTP is currently discharged to 30 acres of disposal ponds where it is allowed to evaporate and percolate into the soil and recharge the groundwater table. The City's secondary effluent is not disinfected and is therefore classified as an "oxidized" (undisinfected secondary) wastewater according to California Code of Regulations (CCR) Title

22. The City does not currently treat any wastewater to disinfected tertiary water standards to allow it to be used as a component of its water supply.⁴

The proposed Project will result in wastewater from residential units and commercial facilities that will be discharged into the City's existing wastewater treatment system. The wastewater will be typical of other urban/residential developments consisting of bathrooms, kitchen drains and other similar features. The project will not discharge any unusual or atypical wastewater that would violate the City's waste discharge requirements.

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

Mitigation Measures:

None are required.

Impact 3.19-4: *Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

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

The proposed Project would be required to comply with all federal, State, and local regulations related to solid waste. Furthermore, the proposed Project would be required to comply with all standards related to solid waste diversion, reduction, and recycling during project construction

⁴ Kerman Urban Water Management Plan (2020), page 5.

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

Mitigation Measures: None are required.

Impact 3.16-5: *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Less Than Significant. See Response to Impact 3.19-4. The proposed Project would be required to comply with all federal, State, and local statutes and regulations related to the handling and disposal of solid waste and impacts would be less than significant.

Mitigation Measures: None are required.

Cumulative Impacts

Electrical and Natural Gas

Less Than Cumulatively Considerable. The Project will be required to access public utilities (PG&E) for electric power and natural gas. No new off-site electrical or natural gas infrastructure construction is anticipated to be required and there are less than significant impacts at the Project level. Therefore, cumulative impacts related to electrical and natural gas facilities would be less than significant.

Water Supply

Cumulatively Significant and Unavoidable. With respect to water supplies, the City of Kerman is part of the North Kings Groundwater Sustainability Agency. The proposed Project, if approved, would come under the jurisdiction and purview of the City of Kerman, which is subject to the GSA's Groundwater Sustainability Plan. The City of Kerman utilizes groundwater as its sole source of potable water. As identified herein, the City anticipates being able to provide adequate potable water to the City through the year 2045. However, development of the Project in combination with future projects within the Basin would increase the amount of overdraft in the Basin, which is already in a state of overdraft. Therefore, even with compliance with the GSP

and implementation of water-reduction measures required by the City, the Project would result in *cumulatively considerable and unavoidable significant impacts* to groundwater supplies in the Basin.

Wastewater

Less Than Cumulatively Considerable. The geographical area for considering cumulative impacts associated with wastewater (sewer) is the geographic area covered by the City's General Plan. As with the proposed Project, for future projects, the City collects development impact fees to help cover the cost of wastewater (sewer), water, and solid waste infrastructure and facilities. In addition, revenue from sales tax from future projects assists in maintaining these services. The City evaluates impact fees from new development on a project-by-project basis. The Project would be required to pay sewer impact fees prior to the issuance of a building permit. Other projects in the vicinity would be required to offset substantial increases in wastewater per City impact fees. Therefore, cumulative impacts related to wastewater would be less than significant.

Solid Waste

Less Than Cumulatively Considerable. The geographical area for considering cumulative impacts associated with solid waste is the geographic area covered by the American Avenue Landfill. The proposed Project would generate a minimal amount of waste during construction and is not expected to significantly impact the existing landfill. However, generation of waste from cumulative projects, including other residential, commercial and industrial developments could result in a cumulative impact. As described herein, there is adequate existing and future (planned) capacity at the existing American Avenue landfill. As such, the cumulative impacts are less than significant for solid waste.

3.20 Wildfire

This section of the DEIR addresses the potential for the proposed Project to exacerbate wildfire risks. Additionally, the potential impacts related to exposure to wildfire, including smoke and subsequent flooding and runoff, are assessed in this section. No NOP comment letters were received pertaining to this topic.

Environmental Setting

The proposed Project would be located on approximately 48 acres at the northwest corner of West Whitesbridge Road (Highway 180) and North Del Norte Avenue in Kerman, California. The subject site is currently in the unincorporated area of Fresno County and borders the City of Kerman on the west and south. The site has historically been used for agricultural purposes; however, the site is within the City of Kerman's Planning Area. The site is bordered by residential development to the west and south, and agricultural lands to the east and north.

A wildfire is an uncontrolled fire in an area of combustible vegetation that is generally extensive in size. Wildfires differ from other fires in that they take place outdoors in areas of grassland, woodlands, brush land, scrubland, peatland, and other wooded areas that act as a source of fuel, or combustible material. Buildings may become involved if a wildfire spreads to adjacent communities. The primary factors that increase an area's susceptibility to wildfire include topography, fuel (vegetation type), and weather.¹ These factors, as they exist and occur relative to the Project area are described below.

- **Topography.** According to the U.S Forest Service, fires burn faster uphill than downhill because the fuels above the fire are brought into closer contact with upward moving flames. The steeper the slope, the faster the fire burns. Additionally, steep slopes may hinder firefighting efforts. Following severe wildfires, sloping land is also more susceptible to landslide or flooding from increased runoff during substantial precipitation events. The proposed Project is located on the Valley floor in and adjacent to the City of Kerman and topography in the area is nearly flat.
- **Fuel.** Fuel is any combustible material. Wildland fuels are live and/or dead plant material. These vary from one area of the country to another within the ecosystem; however, they are grouped into four major types based on the primary fuel that carries the fire. These

¹ U.S. Forest Service. Fire Management Study Unit. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsm9_028958.pdf. Accessed March 2024..

are grasses, shrubs, timber litter and logging slash. Timber litter and logging slash are exclusively associated with forested areas, while grasses and shrubs are found in most ecosystems. The proposed Project site has historically been used for irrigated agricultural uses and currently has small areas of crops on the site. The remainder of the site has been cleared/disked.

- **Weather.** Wind, temperature, and relative humidity are the most influential weather elements in fire behavior and susceptibility. Fire moves more quickly under hot, dry, and windy conditions. Wind may also blow burning embers ahead of a fire, causing its spread. Drought conditions also lead to extended periods of excessively dry vegetation, increasing the fuel load and ignition potential. Generally, in an average or typical year, most precipitation is received from October through April. May through September are the driest parts of the year and coincide with what has traditionally been considered the fire season in California. However, increasingly persistent drought and climatic changes in California have resulted in drier winters and fires during the autumn, winter, and spring months are becoming more common. Prevailing winds in the Project area are generally westerly to southwesterly.² Westerly to southwesterly prevailing wind means that winds generally move across the City from the west to the east.

Wildfire Hazards

In California, responsibility for wildfire prevention and suppression is shared by federal, state and local agencies. Federal agencies are responsible for federal lands in Federal Responsibility Areas. The State of California has determined that some non-federal lands in unincorporated areas with watershed value are of statewide interest and have classified those lands as State Responsibility Areas (SRA), which are managed by CAL FIRE. All incorporated areas and other unincorporated lands are classified as Local Responsibility Areas (LRA). While nearly all of California is subject to some degree of wildfire hazard, there are specific features that make certain areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather and other relevant factors (Public Resources Code [PRC] 4201-4204 and California Government Code 51175-89). As described above, the primary factors that increase an area's susceptibility to fire hazards include slope, vegetation type and condition, and atmospheric conditions. CAL FIRE maps fire hazards based on zones, referred to as Fire Hazard Severity Zones. CAL FIRE maps three zones on SRA: 1) Moderate Fire Hazard Severity Zones; 2) High Fire Hazard Severity Zones; and 3) Very High Fire Hazard Severity Zones. Only

² California Air Resources Board, Aerometric Data Division. California Surface Wild Climatology. 1984. <https://ww3.arb.ca.gov/research/apr/reports/l013.pdf>. Accessed March 2024.

the Very High Fire Hazard Severity Zones are mapped on for LRA. Each of the zones influence how people construct buildings and protect property to reduce risk associated with wildland fires. Under state regulations, areas within very high fire hazard risk zones must comply with specific building and vegetation management requirements intended to reduce property damage and loss of life within these areas. According to LRA mapping, no land within the City of Kerman is designated as a Fire Hazard Severity Zone.³

Regulatory Setting

Federal Regulations

The Disaster Mitigation Act of 2000

The Disaster Mitigation Act of 2000 requires a State mitigation plan as a condition of disaster assistance. There are two different levels of State disaster plans: “Standard” and “Enhanced.” States that develop an approved Enhanced State Plan can increase the amount of funding available through the Hazard Mitigation Grant Program. The Act has also established new requirements for local mitigation plans.

National Fire Plan

The National Fire Plan was developed under Executive Order 11246 in August 2000, following a historic wildland fire season. Its intent is to establish plans for active response to severe wildland fires and their impacts to communities while ensuring sufficient firefighting capacity. The plan addresses firefighting, rehabilitation, hazardous fuels reduction, community assistance, and accountability.

State of California Regulations

The California Fire Plan

The Strategic Fire Plan for California is the State’s road map for reducing the risk of wildfire. The most recent version of the Plan was finalized in August 2018 and directs each CAL FIRE Unit to prepare a locally specific Fire Management Plan. In compliance with the California Fire Plan, individual CAL FIRE units are required to develop Fire Management Plans for their areas of responsibility. These documents assess the fire situation within each of the 21 CAL FIRE units

³ California State Geoportal. California Fire Hazard Severity Zone Viewer. <https://egis.fire.ca.gov/FHSZ/> Accessed March 2024.

and six contract counties. The plans include stakeholder contributions and priorities and identify strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire problem. The plans are required to be updated annually.⁴

California Office of Emergency Services

The California Office of Emergency Services (OES) prepares the State of California Multi-Hazard Mitigation Plan (SHMP). The SHMP identifies hazard risks and includes a vulnerability analysis and a hazard mitigation strategy. The SHMP is federally required under the Disaster Mitigation Act of 2000 in order for the State to receive Federal funding. The Disaster Mitigation Act of 2000 requires a State mitigation plan as a condition of disaster assistance.

California Fire Code (2016)

The 2016 Fire Code establishes the minimum requirements consistent with nationally recognized good practices to safeguard the public health, safety, and general welfare for the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures and premises, and to provide safety and assistance to firefighters and emergency responders during emergency operations. The provisions of this code apply to some construction, alteration, movement enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of buildings or structures or any appurtenances connected or attached to such building structures throughout California. The 2016 Fire Code has been updated to the 2019 Fire Code and went into effect January 1, 2020. The code update is fully integrated and based on the 2018 International Fire Code.

Local Regulations

Kerman Fire Department

The City of Kerman's planning area is composed of urbanized portions of land and the surrounding agricultural fields. North Central Fire Protection District serves the entire area and is generally located about three minutes away from any service area in Kerman. According to the 2007 Kerman General Plan Update, Kerman has established a good record in terms of fire safety. The City has enacted Fire Development Impact Fees to provide funding for the potential

⁴ California Department of Forestry and Fire Protection. 2018 Strategic Fire Plan for California. https://osfm.fire.ca.gov/media/5590/2018-strategic-fire-plan-approved-08_22_18.pdf. Accessed Sept. 2021.

development of an additional Fire Station and equipment, in order to better serve the growing community.

Thresholds of Significance

In accordance with Appendix G to the State CEQA Guidelines, the project would have a significant impact on land use as follows:

- If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:
 - Substantially impair an adopted emergency response plan or emergency evacuation plan?
 - Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
 - Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
 - Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Impacts and Mitigation Measures

Impact 3.20-1: *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan, expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire, require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment, or expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, if the project were located in or near state responsibility areas or lands classified as very high fire hazard severity zones?*

Less Than Significant. The proposed Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. Instead, the Project is located in an area

developed with commercial, agricultural and residential uses, which precludes the risk of wildfire. The area is flat in nature which would limit the risk of downslope flooding and landslides, and limit any wildfire spread. The proposed Project does not require the installation or maintenance of associated infrastructure that would increase wildfire risk or result in impacts to the environment.

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

Mitigation Measures

None are required.

Cumulative Impacts

Less Than Cumulatively Considerable. As discussed above, the topography in the Project area is nearly flat with minimal wildfire risk. The proposed Project lies on the Valley floor and is surrounded by active agriculture, in various stages of production, and urban development, which precludes likelihood of wildfires within the vicinity. Implementation of the proposed Project would not make a cumulatively considerable contribution to any significant impact to wildfires.

Chapter 4

ALTERNATIVES

PROJECT ALTERNATIVES

4.1 Introduction

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed project that could feasibly attain most of the objectives of the proposed project. The Guidelines further require that the discussion focus on alternatives capable of eliminating significant adverse impacts of the project or reducing them to a less-than significant level, even if the alternative would not fully attain the project objectives or would be more costly. According to CEQA Guidelines, the range of alternatives required in an EIR is governed by the “rule of reason” that requires an EIR to evaluate only those alternatives necessary to permit a reasoned choice. An EIR need not consider alternatives that have effects that cannot be reasonably ascertained and/or are remote and speculative.

The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project. A matrix displaying the major characteristics and significant environmental effects of each alternative may be used to summarize the comparison. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

CEQA Guidelines §15126.6(e) identifies the requirements for the “No Project” alternative. The specific alternative of “no project” shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The no project alternative analysis is not the baseline for determining whether the proposed project's environmental impacts may be significant, unless it is identical to the existing environmental setting analysis which does establish that baseline (see Section 15125).

Alternative locations can also be evaluated if there are feasible locations available. Each alternative is evaluated against the Project objectives and criteria established by the Lead Agency.

The proposed Project has the potential to have significant adverse effects on:

- Agriculture - Loss of Farmland (project and cumulative level)
- Hydrology – Water Supply (cumulative level only)

As described in Chapter 3, Environmental Setting, Impacts, and Mitigation Measures, of this EIR, impacts in these issue areas would be significant and unavoidable. Therefore, per the State CEQA Guidelines, this section discusses alternatives that are capable of avoiding or substantially lessening effects on these resources.

4.2 Project Objectives

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

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

4.3 Alternatives Considered in this EIR

- No Project
- Alternate Location
- Reduced (50%) Project

4.4 Analysis Format

In accordance with CEQA Guidelines Section 15126.6(d), each alternative is evaluated in sufficient detail to determine whether the overall environmental impacts would be less, similar, or greater than the corresponding impacts of the project. Furthermore, each alternative is evaluated to determine whether the project objectives identified in Chapter 2 - Project Description, of this Draft EIR would be mostly attained by the alternative. The Project's impacts that form the basis of comparison in the alternatives analysis are those impacts which represent

a conservative assessment of project impacts. The evaluation of each of the alternatives follows the process described below:

- a) The net environmental impacts of the alternative after implementation of reasonable mitigation measures are determined for each environmental issue area analyzed in this EIR.
- b) Post-mitigation significant and less than significant environmental impacts of the alternative and the project are compared for each environmental issue area as follows:
 - Less: Where the impact of the alternative after feasible mitigation would be clearly less adverse than the impact of the project, the comparative impact is said to be “less.”
 - Greater: Where the impact of the alternative after feasible mitigation would be clearly more adverse than the impact of the project, the comparative impact is said to be “greater.”
 - Similar: Where the impacts of the alternative after feasible mitigation and the project would be roughly equivalent, the comparative impact is said to be “similar.”
- c) The comparative analysis of the impacts is followed by a general discussion of whether the underlying purpose for the project, as well as the project’s basic objectives would be substantially attained by the alternative.

Impact Analysis

No Project Alternative

CEQA Section 15126.6(e) requires the discussion of the No Project Alternative “to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” The No Project scenario in this case consists of retaining the property in its original configuration, with no construction or operation of the proposed Del Norte Estates mixed use development. Under this alternative, the site remains in agricultural production and no new urban development would occur on the site.

Description

This alternative would avoid both the adverse and beneficial effects of the Project. This alternative would avoid ground disturbance and construction-related impacts associated with construction

of the proposed Project. No new development would occur on the site. The No Project Alternative would avoid the generation of any environmental impacts beyond existing conditions.

Environmental Considerations

Continuation of the site in agricultural production would result in all environmental impacts being less than the proposed Project. There would be no changes to any of the existing conditions and there would be no impact to each of the 20 CEQA Checklist evaluation topics. The No-Project Alternative by definition would not meet the objectives of the proposed Project that were outlined in Section 4.2, above. Impacts from the No Project Alternative, as compared to the Project, are summarized as follows:

- **Aesthetics** – With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Agriculture and Forestry Resources** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project. This Alternative would also eliminate the significant and unavoidable impacts (project and cumulative) associated with this topic from the proposed Project.
- **Air Quality** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Biological Resources** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project. This Alternative would also eliminate the significant and unavoidable impacts (cumulative only) associated with this topic from the proposed Project.
- **Cultural Resources** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Energy** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Geology/Soils** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Greenhouse Gas Emissions** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Hazards & Hazardous Materials** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Hydrology & Water Quality** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.

This Alternative would also eliminate the significant and unavoidable impacts (cumulative only) associated with this topic from the proposed Project.

- **Land Use / Planning** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Mineral Resources** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Noise** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Population & Housing** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Public Services** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Recreation** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Transportation** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project. This Alternative would also eliminate the significant and unavoidable impacts (cumulative only) associated with this topic from the proposed Project.
- **Tribal Cultural Resources** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.
- **Utilities & Service Systems** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project. This Alternative would also eliminate the significant and unavoidable impacts (cumulative only) associated with this topic from the proposed Project.
- **Wildfire** - With no development, the site would remain as farmland and no new impacts would occur. Therefore, impacts are less than the proposed Project.

Refer to Table 4-1 for a comparison of each environmental topic for the No Project Alternative versus the proposed Project.

Alternate Location Alternative

The environmental considerations associated with an alternative site would be highly dependent on several variables, including physical site conditions, surrounding land use, site access, and suitability of the local roadway network. Physical site conditions include land, air, water, minerals, flora, fauna, noise, or objectives of historic or aesthetic significance, and would affect

the nature and degree of direct impacts, needed environmental control systems, mitigation, and permitting requirements. Surrounding land use and the presence of sensitive receptors would influence neighborhood compatibility issues such as air pollutant emissions and health risk, odor, noise, and traffic. Site access and the ability of the local roadway network to accommodate increased traffic without excessive and costly off site mitigation would be an important project feasibility issue.

The constraint on alternative site selection is the lessening or elimination of significant project impacts. The economic viability of the proposed project is dependent on ability to effectively develop a mixed use project in the Kerman area. To maintain most of the project objectives, any potentially feasible alternative site needs to be of adequate size and in a location that is accessible and serviceable (utilities) by the City of Kerman.

Description

There are relatively few sites within the City of Kerman that provide adequately sized lands suitable for the proposed Project. The criteria for selection included whether or not the alternate site would substantially reduce environmental impacts, availability of land, adequately sized parcels, efficiency of access, and acceptable land use designations/zoning. There are areas of agricultural land of similar size located east of the proposed Project. An approximately 40-acre parcel is located at the northwest corner of Goldenrod Avenue and Whitesbridge Avenue which could conceivably support the proposed Project. This alternative site has similar zoning and land use designations as the proposed Project site. In addition, this area would allow for contiguous growth adjacent to existing urban development in the City.

Perhaps the greatest obstacle in selecting an alternative site for the proposed Project is that the Project Applicant does not already own land at these locations and/or does not have control of land at these locations. However, for purposes of environmental evaluation, a description of potential environmental impacts is provided below.

Environmental Considerations

Development of an alternate site could theoretically meet most of the Project objectives presented earlier in this chapter. However, construction and operation of an alternate site would not be as cost effective or operationally efficient and thus is not consistent with the Project objectives. In addition, construction and operation at an alternate site would result in environmental impacts that are likely equal to or in some cases greater than the proposed project. The majority, if not all of project impacts are likely to occur at an alternate site.

The alternative site would require environmental review once the Applicant has prepared sufficient project description information. The time requirements for these activities would reduce the ability of the Applicant to accommodate projected residential demand in a timely manner compared to the proposed Project. This alternative would be the most complex, costly, and time-consuming alternative to implement. Various engineering and technical studies would then be completed to define the project and its components. Environmental review and obtaining entitlements would follow prior to construction activities. The site identified herein appears to have conditions that are not as favorable as the proposed Project site, such as less acreage, and as mentioned earlier, lack of control over the land.

Impacts from the Alternate Location Alternative, as compared to the Project, are summarized as follows:

- **Aesthetics** – With development of a similar project on an alternate site, aesthetic impacts would occur through the conversion of farmland to urban uses, introduction of light/glare, and construction of residential units on vacant land. Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Agriculture and Forestry Resources** - With development of a similar project on an alternate site, agricultural impacts would occur through the conversion of farmland to urban uses. Therefore, impacts are similar to the proposed Project. This Alternative would not eliminate the significant and unavoidable impacts (project and cumulative) associated with this topic from the proposed Project.
- **Air Quality** - With development of a similar project on an alternate site, air quality impacts would occur from construction activities (construction vehicles and equipment, dust, and other emissions) and from operational activities (vehicle trip emissions and other emissions from the development). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Biological Resources** - With development of a similar project on an alternate site, biological impacts could occur from development of a previously agricultural site to urban uses. Therefore, impacts are similar to the proposed Project. This Alternative would not eliminate the significant and unavoidable impacts (cumulative only) associated with this topic from the proposed Project.
- **Cultural Resources** - With development of a similar project on an alternate site, cultural resource impacts could occur from development of a previously agricultural site to urban uses. Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.

- **Energy** - With development of a similar project on an alternate site, energy impacts would occur from construction activities (electricity, fuel) and operational activities (electricity, natural gas, fuel). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Geology/Soils** - With development of a similar project on an alternate site, impacts to geology and soils would occur from construction activities (grading and land disturbing activities) and operational activities (the Alternative project would be subject to geotechnical evaluation). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Greenhouse Gas Emissions** - With development of a similar project on an alternate site, greenhouse gas emission impacts would occur from construction activities (construction equipment emissions and vehicle emissions) and operational activities (vehicle emissions). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Hazards & Hazardous Materials** - With development of a similar project on an alternate site, hazardous impacts would occur from construction activities (use and storage of hazardous substances) and operational activities (use and storage of hazardous substances). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Hydrology & Water Quality** - With development of a similar project on an alternate site, hydrology and water quality impacts would occur from construction activities (water for dust control, requirement for preparation of a SWPPP, drainage control) and operational activities (water demand associated with the development, drainage control). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project. This Alternative would not eliminate the significant and unavoidable impacts (cumulative only) associated with this topic from the proposed Project.
- **Land Use / Planning** - With development of a similar project on an alternate site, land use and planning impacts would occur from development of existing agricultural lands to urban uses. The Alternative would not divide an established community. Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Mineral Resources** - With development of a similar project on an alternate site, mineral resource impacts could occur from construction activities (grading and ground-disturbing activities) and operational activities (conversion of land to urban uses). Since this

Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.

- **Noise** - With development of a similar project on an alternate site, noise impacts would occur from construction activities (construction equipment and vehicles) and operational activities (vehicles, air conditioners, televisions, radios, lawn mowers, etc.). The Alternative locations are similarly proximate to existing urban uses (as compared to the proposed Project). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Population & Housing** - With development of a similar project on an alternate site, population and housing impacts would occur from development of this site. Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Public Services** - With development of a similar project on an alternate site, public service impacts would occur from development of this site (need for police, fire, schools, and other public facilities). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Recreation** - With development of a similar project on an alternate site, recreation impacts would occur from development of this site. Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Transportation** - With development of a similar project on an alternate site, transportation impacts would occur from construction and operation (vehicles associated with the mixed use development). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Tribal Cultural Resources** - With development of a similar project on an alternate site, tribal cultural resource impacts could occur from development of these sites (conversion of agricultural lands to urban uses). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.
- **Utilities & Service Systems** - With development of a similar project on an alternate site, utility and service system impacts would occur from construction activities (water for dust control, solid waste disposal) and operational activities (water demand associated with the development, wastewater disposal, solid waste disposal). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project. This Alternative would not eliminate the significant and unavoidable impacts (cumulative only for water supply) associated with this topic from the proposed Project.

- **Wildfire** - With development of a similar project on an alternate site, wildfire impacts could occur from development of these sites (conversion of agricultural lands to urban uses). Since this Alternative would be of similar size and scale to the Project, impacts are determined to be similar to the proposed Project.

Refer to Table 4-1 for a comparison of each environmental topic for the Alternate Locations Alternative versus the proposed Project.

Reduced (50%) Project Alternative

A reduction of 50% in the Project's size and scope is a reasonable amount to illustrate what impact such an alternative would have on the significant effects of the proposed Project.

Description

This alternative would keep the same acreage, but would reduce the number of units from 300 to 150. All other project components, including overall acreage would remain (commercial, etc.). This would result in larger lot sizes as compared to the proposed Project.

Environmental Considerations

Most of the environmental issues associated with this alternative would be similar to those of the proposed Project. Impacts from the Reduced (50%) Alternative, as compared to the Project, are summarized as follows:

- **Aesthetics** – With development of the Project site with 50% of the residential units (as compared to the proposed Project), aesthetic impacts would occur through the conversion of farmland to urban uses, introduction of light/glare, and construction of residential units on non-urbanized land. Since this Alternative would be on the same site as the Project, impacts are determined to be similar to the proposed Project.
- **Agriculture and Forestry Resources** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), agricultural impacts would occur through the conversion of farmland to urban uses. Therefore, impacts are similar to the proposed Project. This Alternative would not eliminate the significant and unavoidable impacts (project and cumulative) associated with this topic from the proposed Project.
- **Air Quality** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), air quality impacts would occur from construction

activities (construction vehicles and equipment, dust, and other emissions) and from operational activities (vehicle trip emissions and other emissions from the development). According to the Project's Air Quality / Greenhouse Gas / Energy Study prepared for the Project, the proposed Project will have annual air pollutant emission rates that are less than the applicable San Joaquin Valley Air Pollution Control District thresholds of significance. Even though the proposed Project is below existing thresholds of significance, this alternative would have lower annual emission rates than the proposed project for the following criteria pollutants: CO, NO_x, VOC, SO_x, PM₁₀ and PM_{2.5}. Air pollutant emission rates associated with this alternative are thus lower than the proposed project due to the reduced number of residential units (and associated reduction in vehicle trips).

- **Biological Resources** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), biological impacts could occur from development of a previously agricultural site to urban uses. Since this Alternative would be on the same site as the Project, impacts are determined to be similar to the proposed Project.
- **Cultural Resources** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), cultural resource impacts could occur from development of a previously agricultural site to urban uses. Since this Alternative would be on the same site as the Project, impacts are determined to be similar to the proposed Project.
- **Energy** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), energy impacts would occur from construction activities (electricity, fuel) and operational activities (electricity, natural gas, fuel). However, since this Alternative would have 50% less residential units as compared to the proposed Project, energy impacts would be less than the proposed Project.
- **Geology/Soils** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), impacts to geology and soils would occur from construction activities (grading and land disturbing activities) and operational activities (the Alternative project would be subject to geotechnical evaluation). Since this Alternative would be on the same site as the Project, impacts are determined to be similar to the proposed Project.
- **Greenhouse Gas Emissions** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), greenhouse gas emission impacts would occur from construction activities (construction equipment emissions and vehicle emissions) and operational activities (vehicle emissions). However, since this Alternative

would have 50% less residential units as compared to the proposed Project, greenhouse gas emissions would be less than the proposed Project.

- **Hazards & Hazardous Materials** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), hazardous impacts would occur from construction activities (use and storage of hazardous substances) and operational activities (use and storage of hazardous substances). Since this Alternative would be on the same site as the Project, impacts are determined to be similar to the proposed Project.
- **Hydrology & Water Quality** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), hydrology and water quality impacts would occur from construction activities (water for dust control, requirement for preparation of a SWPPP, drainage control) and operational activities (water demand associated with the development, drainage control). However, since this Alternative would have 50% less residential units as compared to the proposed Project, hydrology and water quality impacts would be less than the proposed Project. This Alternative would not eliminate the significant and unavoidable impacts (cumulative only) associated with water supply from the proposed Project.
- **Land Use / Planning** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), land use and planning impacts would occur from development of existing agricultural lands to urban uses. The Alternative would not divide an established community. Since this Alternative would be on the same site as the Project, impacts are determined to be similar to the proposed Project.
- **Mineral Resources** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), mineral resource impacts could occur from construction activities (grading and ground-disturbing activities) and operational activities (conversion of land to urban uses). Since this Alternative would be on the same site as the Project, impacts are determined to be similar to the proposed Project.
- **Noise** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), noise impacts would occur from construction activities (construction equipment and vehicles) and operational activities (vehicles, air conditioners, televisions, radios, lawn mowers, etc.). However, since this Alternative would have 50% less residential units as compared to the proposed Project, noise impacts would be less than the proposed Project.
- **Population & Housing** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), population and housing impacts would occur from development of these sites. However, since this Alternative would have 50% less

residential units as compared to the proposed Project, population and housing impacts would be less than the proposed Project.

- **Public Services** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), public service impacts would occur from development of these sites (need for police, fire, schools, and other public facilities). However, since this Alternative would have 50% less residential units as compared to the proposed Project, public service impacts would be less than the proposed Project.
- **Recreation** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), recreation impacts would occur from development of the site. However, since this Alternative would have 50% less residential units as compared to the proposed Project, recreation impacts would be less than the proposed Project.
- **Transportation** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), transportation impacts would occur from construction (vehicles and equipment, which would require a Traffic Control Plan) and operation (vehicles associated with the residential development). However, since this Alternative would have 50% less residential units as compared to the proposed Project, transportation impacts would be less than the proposed Project.
- **Tribal Cultural Resources** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), tribal cultural resource impacts could occur from development of these sites (conversion of agricultural lands to urban uses). Since this Alternative would be on the same site as the Project, impacts are determined to be similar to the proposed Project.
- **Utilities & Service Systems** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), utility and service system impacts would occur from construction activities (water for dust control, solid waste disposal) and operational activities (water demand associated with the development, wastewater disposal, solid waste disposal). However, since this Alternative would have 50% less residential units as compared to the proposed Project, utility and service system impacts would be less than the proposed Project. This Alternative would not eliminate the significant and unavoidable impacts (cumulative only for water supply) associated with this topic from the proposed Project.
- **Wildfire** - With development of the Project site with 50% of the residential units (as compared to the proposed Project), wildfire impacts could occur from development of these sites (conversion of agricultural lands to urban uses). Since this Alternative would

be on the same site as the Project, impacts are determined to be similar to the proposed Project.

Refer to Table 4-1 for a comparison of each environmental topic for the Reduced (50%) Project Alternative versus the proposed Project.

4.4 Summary of Potential Impacts of Alternatives

Table 4-1 provides a summary and side-by-side comparison of the proposed project with the impacts of each of the alternatives analyzed. Please note that in Alternatives 1 through 3 in Table 4-1, the references to “less, similar, or greater,” refer to the impact of the alternative compared to the proposed project, and the impacts “no impact, less than significant, or significant and unavoidable,” in the parentheses refer to the significant impact of the specific alternative.

Table 4-1
Alternatives Potential Impact Analysis

Environmental Issues	Proposed Project	No Project	Alternate Site	Reduced (50%) Project
Aesthetics	Less than Significant	Less	Similar	Similar
Agriculture / Forest Resources	Significant and unavoidable (project and cumulative)	Less	Similar	Less
Air Quality	Less than Significant	Less	Similar	Less
Biological Resources	Less than Significant	Less	Similar	Less
Cultural Resources	Less than Significant	Less	Similar	Similar
Geology and Soils	Less than Significant	Less	Similar	Similar
Greenhouse Gas Emissions	Less than Significant	Less	Similar	Less
Hazards and Hazardous Materials	Less than Significant	Less	Similar	Similar

Environmental Issues	Proposed Project	No Project	Alternate Site	Reduced (50%) Project
Hydrology and Water Quality	Significant and unavoidable – water supply (cumulative only)	Less	Similar	Less
Land Use / Planning	Less than Significant	Less	Similar	Similar
Noise	Less than Significant	Less	Similar	Less
Population / Housing	Less than Significant	Less	Similar	Less
Public Services	Less than Significant	Less	Similar	Less
Recreation	Less than Significant	Less	Similar	Less
Transportation and Traffic	Less than Significant	Less	Similar	Less
Tribal Cultural Resources	Less than Significant	Less	Similar	Similar
Utilities and Service Systems	Significant and unavoidable – water supply (cumulative only)	Less	Similar	Less
Cumulative Impacts	Significant and unavoidable for Agriculture, Hydrology, and Utilities	Less	Similar	Less
Impact Reduction		Yes	No	Yes

Environmentally Superior Alternative

As presented in the comparative analysis above, and as shown in Table 4-1, there are a number of factors in selecting the environmentally superior alternative. An EIR must identify the environmentally superior alternative to the project. The No Project Alternative would be environmentally superior to the Project on the basis of its minimization or avoidance of physical environmental impacts. However, CEQA Guidelines Section 15126.6(e)(2) states:

The “no project” analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

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

Summary and Determination

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

Chapter 5

OTHER CEQA REQUIREMENTS

CEQA CONSIDERATIONS

5.1 Growth-Inducing Impacts

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

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

Conclusion: The project would have *less-than-significant* growth-inducing impacts.

5.2 Irreversible Environmental Changes

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

Irreversible changes associated with the project include the use of nonrenewable resources during construction, including concrete, plastic, and petroleum products and renewable resources such as timber. To the extent nonrenewable uses are used during construction, the Project is being created to meet existing demand for housing and services in the City, which would lead to the consumption of these resources elsewhere if the Project were not built. Therefore, the Project

would not result in a new impact to nonrenewable resources. During the operational phase of the proposed Project, energy would be used for lighting, heating, cooling, and other requirements and petroleum products would be used by vehicles associated with the residents of the proposed development and the commercial facilities. The use of these resources would not be substantial, would not be inefficiently used, and would not constitute a significant effect. Refer to Section 3.6 – Energy for more information pertaining to the proposed Project’s energy use.

In the future, the site could be rezoned or redeveloped for a different use also allowed in the existing General Plan or Zoning Ordinance designations, in which case, at the end of the useful life of the Project, the use could change. Therefore, the Project would not commit future generations to a significant change in land use. This is in contrast to a large industrial use, where reuse for non-industrial uses likely would require extensive remediation, making such reuse difficult, or large infrastructure projects that are rarely moved or dismantled once constructed.

The proposed Project would not result in irreversible damage resulting from environmental accidents. The Project consists of a mixed-use residential and commercial development. None of these land uses routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential and commercial hazardous materials such as cleaners, paint, petroleum products, etc. Handling and use of hazardous materials and the disposal of the resulting hazardous wastes would be required to follow the applicable laws and regulations, as described in Section 3.9-1 – Hazards & Hazardous Materials herein. As such, irreversible environmental accidents are unlikely.

Conclusion: The project would have *less-than-significant* irreversible environmental changes.