

FINAL FOCUSED ENVIRONMENTAL IMPACT REPORT

Reorganization 2018-01
(Whitesbridge/Siskiyou) Project

September 2019

PREPARED FOR:



City of Kerman
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Kerman, California 93630

PREPARED BY:



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Final Focused Environmental Impact Report
Reorganization 2018-01 (Whitesbridge/Siskiyou) Project

Prepared for:



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September 2019

State Clearinghouse Number: 2019029077

TABLE OF CONTENTS

CHAPTER ONE - Introduction.....	1
Introduction.....	1
Background.....	1
CEQA Requirements	2
Use of the Final EIR	2
CHAPTER TWO – Comments and Responses	4
Introduction.....	4
Comment Letters	5
CHAPTER THREE – Text Changes to the DEIR	20
CHAPTER FOUR – Mitigation Monitoring and Reporting Program.....	24

CHAPTER ONE - Introduction

Introduction

This Final Environmental Impact Report (EIR) contains the public and agency comments received during the public review period for the City of Kerman Reorganization 2018-01 Project (proposed Project), and responses to each of those comments.

This EIR is an informational document intended to disclose to the decision makers of the City of Kerman (City) and the public the environmental consequences of approving and implementing the Reorganization 2018-01 Project or one of the alternatives to the proposed Project, which are described in the Draft EIR. All written comments received during the public review period (May 22, 2019 through July 8, 2019) of the Draft EIR are addressed in this Final EIR.

The responses in the Final EIR clarify, correct, and/or amplify text in the Draft EIR. Also included in the Final EIR are minor text changes made at the initiative of the City (the Lead Agency) and in response to comments. The Final EIR was prepared in accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000-21177).

Background

Notice of Preparation

In accordance with CEQA, the City released a Notice of Preparation (NOP) on February 14, 2019, for a review period that closed on March 15, 2019. The purpose of the NOP was to provide notification that an EIR for the proposed Project was being prepared and to solicit guidance on the scope and content of the document. The City received four comment letters during the NOP review period. NOP letters were received from:

- California Department of Conservation – requesting analysis of potential farmland conversion and subsequent mitigation recommendations.
- California Department of Transportation – requesting project contribution to the Fresno County Regional Transportation Mitigation Fee program and a landscape maintenance agreement along SR 180.
- County of Fresno Department of Public Works and Planning – providing information regarding various permit requirements.

- Native American Heritage Commission – requesting compliance with AB 52 and SB 18.

Draft EIR

The Draft EIR was properly noticed and circulated for public review and comment for 45 days, from May 22, 2019 through July 8, 2019. The Notice of Availability was published in the Kerman News on May 22, 2019. The Draft EIR and Appendices were sent to the State Clearinghouse for distribution and notices were mailed to local agencies and other interested individuals. The City received four comment letters on the Draft EIR. These letters are reproduced in their entirety in Chapter Two of this Final EIR and responses are shown after each letter.

These comments and responses that make up the Final EIR, in combination with the Draft EIR constitute the EIR that will be considered for certification by the decision makers of the City of Kerman.

CEQA Requirements

Under CEQA, the Lead Agency must prepare and certify a Final EIR prior to a proposed project being approved. The contents of a Final EIR are specified in Section 15132 of the CEQA Guidelines, which states that a Final EIR must consist of the following:

- a) The Draft EIR or a revision of the Draft EIR.
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e) Any other information added by the Lead Agency.

The Lead Agency must provide each agency that commented on the Draft EIR with a copy of the Lead Agency's response to such comments a minimum of 10 days before certifying the Final EIR.

Use of the Final EIR

The Final EIR allows the public and the City an opportunity to review revisions to the Draft EIR and the responses to comments received during the Draft EIRs public review period. The Final

EIR serves as the environmental document to inform the City of the environmental consequences of the proposed project, either in whole or in part, or one of the alternatives to the project discussed in the Draft EIR.

As required by Section 15090(a)(1)-(3) of the CEQA Guidelines, a Lead Agency, in certifying a Final EIR, must make the following three determinations:

- 1) The Final EIR has been completed in compliance with CEQA.
- 2) The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
- 3) The Final EIR reflects the Lead Agency's independent judgement and analysis.

As required by Section 15091 of the CEQA Guidelines, a public agency cannot approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects, accompanied by a brief explanation of the rationale to reach findings supported by substantial evidence in the record. The possible findings are as follows:

- 1) Changes or alterations have been required in or incorporated into the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

Additionally, pursuant to Section 15093(b) of the CEQA Guidelines, when a Lead Agency approves a project that would result in significant unavoidable impacts that are disclosed in the Final EIR, the agency must state in writing the reasons supporting the approval. The Statement of Overriding Considerations must be supported by substantial evidence in the Lead Agency's administrative record.

If the City approves the project, and as part of that action adopts mitigation measures, the City will also adopt a Mitigation Monitoring and Reporting Program (see Public Resources Code Section 21081.6).

CHAPTER TWO – Comments and Responses

Introduction

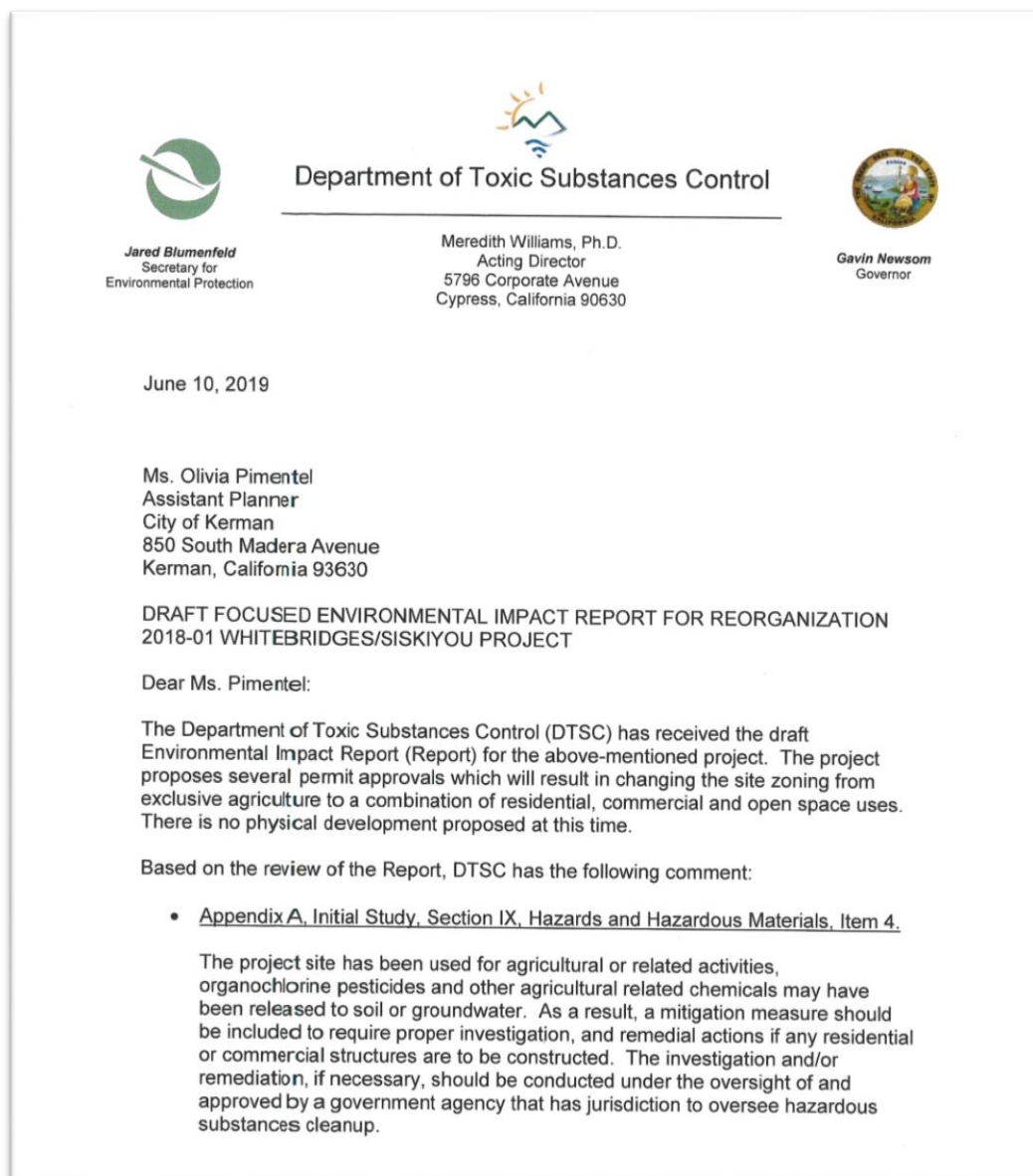
This chapter of the Final EIR contains a copy of each of the written comments received from the public and other agencies with jurisdiction over the proposed Project, followed by responses to each comment. A total of four comment letters were received from the following groups and agencies:

<u>Comment Letter 1</u> Meredith Williams, Ph.D., Acting Director Department of Toxic Substances Control 5796 Corporate Avenue Cypress, California 90630 June 10, 2019	<u>Comment Letter 3</u> Matt Vespa, Staff Attorney Sasan Saadat, Research and Policy Analyst Earthjustice 50 California Street, Suite 500 San Francisco, CA 94111 July 5, 2019
<u>Comment Letter 2</u> Juan Lara, LAFCo Analysis II Fresno Local Agency Formation Commission 2607 Fresno Street, Suite B Fresno, California 93721 June 3, 2019	<u>Comment Letter 4</u> Chrissy Monfette, Planner Development Services and Capital Projects Division, Fresno County 2220 Tulare Street, Sixth Floor Fresno, California 93712

Comment Letters

Comment Letter 1

Meredith Williams, Ph.D., Acting Director
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630
June 10, 2019



Ms. Olivia Pimentel
June 10, 2019
Page 2

DTSC appreciates the opportunity to review the Report. Should you need any assistance in environmental investigation, please submit a request for Lead Agency Oversight Application which can be found at: <https://dtsc.ca.gov/brownfields/voluntary-agreements-quick-reference-guide/>.

Should you have any questions regarding this letter, please contact me at (714) 484-5392 or by e-mail at chiarin.yen@dtsc.ca.gov.

Sincerely,


Chia Rin Yen
Environmental Scientist
Brownfields Restoration and School Evaluation Branch
Site Mitigation and Restoration Program

mv/cy

cc: (via e-mail)

Governor's Office of Planning and Research
State Clearinghouse
state.clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
dave.kereazis@dtsc.ca.gov

Ms. Yolanda Garza
Brownfields Restoration and School Evaluation Branch
Site Mitigation and Restoration Program
yolanda.garza@dtsc.ca.gov

Schools Evaluation and Cleanup Team Reading File – Cypress Office

Response to Comment Letter 1: A Phase I Environmental Site Assessment (Assessment) was conducted for the proposed Project site on August 9, 2019, by See's Consulting & Testing, Inc. (see Appendix A). According to the Assessment, the subject property was not listed on the federal, state, or local government regulatory agency lists of hazardous and potentially hazardous waste sites reviewed. Indications of unauthorized disposal, dumping or processing of toxic or hazardous materials were not observed on the subject property. No unauthorized waste or wastewater disposal was found at the subject property. Above-ground storage tanks or indications of underground storage tanks were not observed on the subject property.

As identified in the Air Quality Section of the Notice of Preparation (page 21 of Appendix A of the Draft EIR), Mitigation Measure Air-3 requires the preparation of a Dust Control Plan, in accordance with SJVAPCD Regulation VIII for the control of fugitive dust emissions. As such, additional remediation measures are not warranted for the site.

Comment Letter 2

Juan Lara, LAFCo Analysis II
 Fresno Local Agency Formation Commission
 2607 Fresno Street, Suite B
 Fresno, California 93721
 June 3, 2019



Fresno Local Agency Formation Commission

June 3, 2019

Olivia Pimentel
 Assistant Planner
 City of Kerman
 850 S. Madera Avenue
 Kerman, CA 93630

Dear Ms. Pimentel:

Subject: Notice of Intention to adopt a focused Environmental Impact Report (EIR)/ Notice of Availability for the proposed Whitesbridge-Siskiyou Reorganization project.

Thank you for the opportunity to comment on this project: From the material provided to this office, my understanding of the project description is as follows:

- General Plan Amendment 2018-02, a request to amend 39 acres¹ of the Kerman General Plan land use designation from "Medium Density Residential" to a combination of "Medium Density Residential," "High Density Residential," "Neighborhood Commercial," and "Open Space";
- Zone Change 2018-02, a request to approve a prezone of approximately 39 acres of land located at the northeast corner of Whitesbridge and Siskiyou Avenues from County AE-20 Zone District to the Kerman R-1, R-3, CN, and O Zone Districts;
- Reorganization 2018-0, proposed reorganization, Whitesbridge-Siskiyou Reorganization to annex approximately 39 acres to the City of Kerman and detach from the Fresno Irrigation District, the Kings River Conservation District, and the Fresno County Fire Protection District;²
- Tentative Subdivision Map, a request to approve a vesting tentative subdivision map for a 141-lot single-family planned residential development, a 4.2-acre lot for multi-family residential development, a 3.1-acre lot for neighborhood commercial development, and a 1.0-acre lot for a neighborhood park and storm water basin;
- Development Agreement 2018-18, a request to approve the adoption of a development agreement that will establish conditions of approval for the proposed project;

The Fresno Local Agency Formation Commission (LAFCo) regulates, through approval or denial, the boundary changes proposed by local agencies or individuals. LAFCo's objectives are to:

- Encourage orderly formation and development of agencies;
- Encourage consistency with spheres of influence and recommended reorganization of agencies;
- Encourage orderly urban development and preservation of open space patterns;
- Encourage conservation of prime agricultural lands and open space areas; and
- Identify and address disadvantaged unincorporated communities.

Project-Specific Comments

We have reviewed the Notice of Intent (NOI) to adopt a focused EIR/ Notice of Availability (NOA) for the proposed reorganization known as the Whitesbridge-Siskiyou Reorganization.

¹ We note that the project acreage is not presented until Appendix A, page 71 of the DEIR.

² Refer to FPD correction in our comments.

LAFCo Office: 2607 Fresno Street, Suite B, Fresno, CA 93721
 Phone: (559) 600-0604 • Fax: (559) 495-0695

Olivia Pimentel
NOI/NOA
Page 2

Please make the following corrections to the record in the Final EIR:

1. We note that the project acreage is not presented until Appendix A, page 71 of the DEIR.
2. Fresno LAFCo should be clearly identified as a Responsible Agency under the California Environmental Quality Act (CEQA) whose role is to consider reorganizations as proposed with the project.
3. Commission will consider an application for Reorganization 2018-01.
4. Recommend that the agencies responsible for the "following regulatory requirements" presented in Section 2.6 be identified and whether they will be lead or responsible agencies under CEQA.

Additionally, annexation of the project to the city of Kerman does not remove it from Fresno County.

5. Annexations to the City of Kerman do not detach from the Fresno Irrigation District.
6. The City of Kerman is not within the Fresno County Fire Protection District. Instead, it contracts with the North Central Fire Protection District for fire prevention and protection services and will continue to be served by that District after completion of the proposed reorganization.
7. Fresno LAFCo is an independent agency and not a County agency. Recommended changes to page 3-3 of the Draft EIR under the Local Agency Formation Commission (LAFCO) Boundary Controls heading:
"The Fresno County LAFCO is a five-member body with two county representatives, two city representatives and one public member."

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

Sincerely,



Juan Lara
LAFCo Analyst II

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Response to Comment Letter 2: The revisions have been made as requested. See Chapter Three of this FEIR.

Comment Letter 3

Matt Vespa, Staff Attorney
 Sasan Saadat, Research and Policy Analyst
 Earthjustice
 50 California Street, Suite 500
 San Francisco, CA 94111
 July 5, 2019



Via Electronic Mail

July 5, 2019

City of Kerman
 850 S. Madera Avenue
 Kerman, California 93630
 Contact: Olivia Pimentel, Assistant Planner
opimentel@cityofkerman.org

Re: Earthjustice Comments on the Draft Environmental Impact Report for the City of Kerman Reorganization Whitesbridge/Siskiyou Project

Earthjustice appreciates the opportunity to comment on the Draft Environmental Impact Report (“DEIR”) for the City of Kerman Reorganization Whitesbridge/Siskiyou Project (“Project”), which contemplates land use changes to accommodate over 140 single-family homes, up to 64 multi-family units, and over 25,000 square feet of commercial development. Our comments focus on the importance of incorporating building electrification requirements into the Project. The transition from gas to electric buildings is critical to reaching a zero emissions future and will not occur at the scale or timing needed absent decisive leadership from the City of Kerman (“City”). Consistent with California Environmental Quality Act (“CEQA”) requirements to adopt all feasible mitigation to reduce significant greenhouse gas (“GHG”) and energy impacts, building electrification is essential mitigation to reduce Project impacts and take meaningful action to address the climate crisis. Building electrification will also provide economic, safety, and air quality benefits for the City of Kerman. We therefore urge the City to require all-electric construction as feasible mitigation in the DEIR for the Project.

I. The Project Will Have Significant GHG Impacts.

CEQA requires a DEIR identify all the significant impacts of a proposed project, including from the project’s GHG emissions and energy use.¹ In assessing the Project’s GHG impacts, the DEIR determines the Project impacts will be potentially significant because emissions will exceed statewide per capita efficiency thresholds needed to meet California’s greenhouse gas reduction requirements.² However, Project emissions are likely more significant than stated in the DEIR. The DEIR properly notes that reliance on statewide reduction goals “may be difficult to support given the lack of substantial evidence to adequately demonstrate a link between the data contained in the AB 32 Scoping Plan and individual development projects.”³ However, the DEIR itself incorrectly uses statewide target goals stating, “GHG

¹ CEQA Guidelines § 15126.2; Appendix F; Appendix G § VII.

² Kerman DEIR, 3-26.

³ Kerman DEIR, 3-25.

efficiencies were also calculated for year 2030 to be consistent with the *statewide* GHG-reduction target year.”⁴ (Emphasis added). Using AB 32’s GHG reduction target does not constitute substantial evidence supporting use of this GHG reduction target in the CAP. For instance, in *Golden Door Properties v. County of San Diego*, 27 Cal.App.4th 892 (2018), the court determined that use of a per-capita efficiency metric in the San Diego County CAP that relied “on statewide service population and GHG inventory data,” did “not address San Diego County specifically, and [did] not explain why using statewide data is appropriate for setting the metric for San Diego County,” was not supported by substantial evidence and did not comply with CEQA.⁵ To the extent the per-capita metric identified in the DEIR suffers similar infirmities, it is not a legally defensible threshold under CEQA. In contrast to application of a statewide per capita efficiency threshold, a net-zero emissions threshold reflects the reality that any increase in GHG emissions exacerbates the cumulative impacts of greenhouse gas pollution and is supported by substantial evidence. Accordingly, the DEIR should be revised to use a net-zero emissions GHG threshold in concluding Project GHG impacts are significant.

II. The DEIR Fails to Assess the Project’s Energy Impacts.

An energy impact analysis under Appendix F of the CEQA Guidelines is a mandatory requirement.⁶ Failing to evaluate a project’s energy impacts renders an EIR inadequate.⁷ The DEIR not only fails to quantify the energy impacts of this project but fails to discuss any energy impacts in regards to Appendix F. Referencing Title 24 Building Standards and GHG mitigation measures is not enough to fulfill the requirement under Appendix F.⁸ To comply with CEQA, the DEIR must be revised to include a full energy impact analysis.

A key purpose of the evaluation of project energy impacts under Appendix F is “decreasing reliance on fossil fuels, such as coal, natural gas and oil.”⁹ New projects lock in energy system infrastructure for decades.¹⁰ As a result, if new projects are continuously powered by carbon-emitting energy sources such as natural gas, “it will be that much more difficult for California to meet its GHG emission reduction goals.”¹¹ Appendix F also specifies that a project should include “total energy requirements of the project by fuel type and end use.”¹² Accordingly, the DEIR should evaluate the extent to which end uses, such as gas-powered space and water heating, require continued dependence on fossil fuels and identify ways to decrease that dependency. Notably, advanced electric heat pump appliances are two to over four times

⁴ *Id.* (emphasis added).

⁵ *Golden Door Properties v. County of San Diego*, 27 Cal.App.4th 892 (2018).

⁶ CEQA Guidelines, Appendix F, Sec. II.

⁷ See *Ukiah Citizens for Safety First v. City of Ukiah*, 248 Cal.App.4th 256 (2016); see also *California Clean Energy Committee v. City of Woodland*, 225 Cal.App.4th 173 (2014).

⁸ *Ukiah Citizens* 248 at 264; see also *California Clean Energy Committee* 225 at 207, fn. 6.

⁹ CEQA Guidelines, Appendix F, Sec. I.

¹⁰ http://resources.ca.gov/ceqa/docs/2016_CEQA_Statutes_and_Guidelines_Appendix_F.pdf.

¹¹ California Energy Commission, *2018 Integrated Energy Policy Report*, Pub. No. CEC 100-2018-001-V2-CMF, Feb. 2019 at 26.

¹² *Id.*

¹³ CEQA Guidelines, Appendix F, Sec. II.

more efficient than gas appliances.¹³ Indeed, as the California Energy Commission has concluded, “electrification of space and water heating with highly efficient technologies...will be key to reducing emissions from buildings.”¹⁴ The DEIR should evaluate use of high performing electric technologies in the market today to replace all gas appliances in the Project’s residential and commercial buildings, including heat pump water heaters, heat pump space heaters, heat pump clothes dryers, induction stoves, and convection ovens. The high efficiency of advanced electric appliances mean that electrification will reduce Project emissions *today*, and the climate benefits of electrification will only improve as the grid gets cleaner.

III. All-Electric Construction is Feasible Mitigation for the Project’s GHG and Energy Impacts that the DEIR Must Adopt.

A lead agency may not lawfully approve a Project where “there are feasible alternatives or feasible mitigation measures available which would substantially lessen [its] significant environmental effects.”¹⁵ Use of highly efficient electric appliances in lieu of gas-powered alternatives significantly reduces GHG emissions. For example, switching from gas to electric water heating can reduce water heating emissions from 50 to 70 percent, and in the case of space heating, from 46 to 54 percent.¹⁶

Accordingly, eliminating natural gas use in new buildings is feasible mitigation that will substantially lessen the Project’s GHG and energy impacts. Indeed, building electrification is a necessary component of any strategy to achieve reductions in GHG pollution needed to meet California’s emission reduction requirements.¹⁷ In the 2018 IEPR Update, the CEC recognized the “growing consensus that building electrification is the most viable and predictable path to zero-emission buildings . . . due to the availability of off-the-shelf, highly efficient electric technologies (such as heat pumps) and the continued reduction of emission intensities in the electricity sector.”¹⁸

All-electric developments are being constructed for a range of building types pursuing low or zero emissions objectives and are a feasible mitigation requirement for new development

¹³ United States Department of Energy, Heat Pump Systems | Department Of Energy, 2018. Energy.Gov. Accessed May 10 2018. <https://www.energy.gov/energysaver/heat-and-cool/heat-pump-systems>.

¹⁴ California Energy Commission, *2018 Integrated Energy Policy Report*, Pub. No. CEC 100-2018-001-V2-CMF, Feb. 2019 at 22.

¹⁵ Pub. Res. Code § 21002.

¹⁶ A. Brockway & P. Delforge, *Emission reduction potential from electric heat pumps in California homes*, *ELECTRICITY JOURNAL*, Vol. 31:44-53 (2018) (using 2030 emissions factors and heat pump technology currently on the market).

¹⁷ See, e.g., ARB, Summary of Responses to Public Comment Received by the California Air Resources board Regarding the Aliso Canyon Mitigation Agreement at 30 (Oct. 2018),

https://www.arb.ca.gov/research/aliso_canyon/aliso-canyon-2018-10-09-final-summary-and-responses-to-public-comments.pdf?_ga=2.147880948.2118728112.1539192233-1647288959.1528825053&utm_medium=email&utm_source=govdelivery

(ARB stating it “views electrification of buildings and industrial facilities as critically important to reach California’s long-term climate goals.”).

¹⁸ CEC, *2018 Integrated Energy Policy Report Update, Vol. II* at 20 (Jan. 2019), <https://efiling.energy.ca.gov/getdocument.aspx?tn=226392>.

under the Project.¹⁹ Sacramento's Municipal Utility District has partnered with homebuilders to construct entire neighborhoods that are all-electric, with 400 all-electric homes planned in the next two years alone.²⁰ Some California developers now exclusively build all-electric homes, and have already deployed a range of affordable, luxury, single- and multi-family housing units all across the state.²¹ Given that other entities are now requiring all-electric construction, there is no reason for the Project not to also do so. For example, the University of California announced in August of 2018 that "[n]o new UC buildings or major renovations after June 2019, except in special circumstances, will use on-site fossil fuel combustion, such as natural gas, for space and water heating."²²

Similarly, in its Downtown Specific Plan, the City of Hayward required for multifamily residential developments that "[a]ll buildings will be all electric, meaning that electricity is the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying and there is no gas meter connection."²³ The natural next step is to extend such a requirement to commercial developments, which can also be feasibly electrified.²⁴

Transitioning from fossil fuel combustion in buildings to electric alternatives is also a cost-effective emissions reduction strategy. All-electric buildings can reduce the cost of construction of new housing, lower utility bills for tenants, and shield customers from the volatile and increasing costs of gas. A recent report by Synapse Energy Economics, *Decarbonization of Heating Energy Use in California Buildings*, found that "[u]pfront costs of clean electric heating are generally lower than conventional gas alternatives in new construction, by \$1,500 or more in our model, as higher heat pump equipment costs are more than offset by avoiding the cost of plumbing the building for gas and connecting it to the gas main in the street, as well as by using a single heat pump for heating and cooling instead of a separate furnace and air conditioner."²⁵ Another California study found that capital cost savings alone from heat

¹⁹ See, e.g., Redwood Energy, A Zero Emissions All-Electric Multifamily Construction Guide, <https://fossilfreebuildings.org/ElectricMFGuide.pdf>.

²⁰ Justin Gerdes, *All-Electric Homes Are Becoming the Default for New Residential Construction in Sacramento*, Greentech Media (Nov. 13, 2018), <https://www.greentechmedia.com/articles/read/all-electric-homes-are-becoming-the-default-for-new-residential-construction#gs.VYzCCMQ>.

²¹ See Redwood Energy, *Development Projects (A Small Sample)*, <https://www.redwoodenergy.tech/development-projects/>.

²² University of California, *UC sets higher standards, greater goals for sustainability* (Sept. 4, 2018), <https://www.universityofcalifornia.edu/press-room/uc-sets-higher-standards-greater-goals-sustainability>.

²³ City of Hayward, *Hayward Downtown Specific Plan DEIR, Greenhouse Gas Emissions Chapter* at 4.6-40 (Jan. 7, 2019), <https://www.hayward-ca.gov/sites/default/files/documents/dtsp-eir-greenhouse-gas-emissions.pdf>.

²⁴ See, e.g., Redwood Energy, *Zero Carbon Commercial Construction: An Electrification Guide for Large Commercial Buildings and Campuses* (2019), https://drive.google.com/file/d/1LSIBsSmT-p8he6dmrW565l6ZB_dkXya9/view.

²⁵ Synapse Energy Economics, *Decarbonization of Heater Energy Use in California*, October 2018, <http://www.synapse-energy.com/sites/default/files/Decarbonization-Heating-CA-Buildings-17-092-1.pdf>

pump systems saved up to \$3,000 over combined gas furnace and air conditioning systems.²⁶ And the \$3,000 advantage is just for retrofits—the cost savings are even more appealing in new construction, since they “avoid the demolition and modification costs associated with retrofits.”²⁷ Developers in Sacramento highlight the construction savings and site development savings that come from avoiding infrastructure set-asides for gas pipelines.²⁸

IV. All-Electric Construction Provides Significant Co-Benefits.

Not only is building electrification required feasible mitigation for the Project’s GHG and energy impacts, it offers numerous co-benefits including improved air quality, public health, safety, comfort, and climate resiliency.

- Improve air quality and public health:** Gas appliances in buildings make up a quarter of California’s nitrogen oxide (NOx) emissions from natural gas. NOx is a precursor to ozone and a key pollutant to curb in order to comply with state and federal ambient air quality standards. Electrifying buildings will help the City to reduce NOx and ground level ozone, improving *outdoor* air quality and benefiting public health. Electrification of fossil fuel appliances will also immediately improve *indoor* air quality and health. On average, Californians spend 68% of their time indoors, making indoor air quality a key determinant of human health.²⁹ The combustion of gas in household appliances produces harmful indoor air pollution, specifically nitrogen dioxide, carbon monoxide, nitric oxide, formaldehyde, acetaldehyde, and ultrafine particles.³⁰ These odorless and undetectable gas combustion pollutants can cause minor respiratory irritation as well as more serious conditions. The California Air Resources Board warns that “cooking emissions, especially from gas stoves, have been associated with increased respiratory disease.”³¹ Young children and people with asthma are especially vulnerable to indoor air pollution.

²⁶ E3, *Residential Building Electrification in California*, at 49 (April 2019), https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf

²⁷ *Id.* At 50

²⁸ Justin Gerdes, *All-Electric Homes Are Becoming the Default for New Residential Construction in Sacramento*, (Nov. 13, 2018) <https://www.greentechmedia.com/articles/read/all-electric-homes-are-becoming-the-default-for-new-residential-construction#gs.n842cq>

²⁹ Klepeis, N. E. et al, *The National Human Activity Pattern Survey (NHAPS): A Resource for Assessing Exposure to Environmental Pollutants*, J. EXPO. ANAL. ENVIRON. EPIDEMIOL. 2001, 11 (3), 231–252.

³⁰ See, Jennifer Logue et al., *Pollutant Exposures from Natural Gas Cooking Burners: A Simulation-Based Assessment for Southern California* ENVIRONMENTAL HEALTH PERSPECTIVES, Vol. 122 No. 1 pp. 43-50, (2013); Victoria Klug and Brett Singer, *Cooking Appliance Use in California Homes—Data Collected from a Web-based Survey* LAWRENCE BERKELEY NATIONAL LABORATORY (August 2011); John Manuel, *A Healthy Home Environment?* ENVIRONMENTAL HEALTH PERSPECTIVES, Vol. 107, No. 7 1999, pp. 352–357; Nasim Mullen et al. *Impact of Natural Gas Appliances on Pollutant Levels in California Homes* LAWRENCE BERKELEY NATIONAL LABORATORY, 2012.

³¹ ARB, *Combustion Pollutants* (reviewed Jan. 19, 2017). Available at <https://www.arb.ca.gov/research/indoor/combustion.htm>

pump systems saved up to \$3,000 over combined gas furnace and air conditioning systems.²⁶ And the \$3,000 advantage is just for retrofits—the cost savings are even more appealing in new construction, since they “avoid the demolition and modification costs associated with retrofits.”²⁷ Developers in Sacramento highlight the construction savings and site development savings that come from avoiding infrastructure set-asides for gas pipelines.²⁸

IV. All-Electric Construction Provides Significant Co-Benefits.

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- Improve air quality and public health:** Gas appliances in buildings make up a quarter of California’s nitrogen oxide (NOx) emissions from natural gas. NOx is a precursor to ozone and a key pollutant to curb in order to comply with state and federal ambient air quality standards. Electrifying buildings will help the City to reduce NOx and ground level ozone, improving *outdoor* air quality and benefiting public health. Electrification of fossil fuel appliances will also immediately improve *indoor* air quality and health. On average, Californians spend 68% of their time indoors, making indoor air quality a key determinant of human health.²⁹ The combustion of gas in household appliances produces harmful indoor air pollution, specifically nitrogen dioxide, carbon monoxide, nitric oxide, formaldehyde, acetaldehyde, and ultrafine particles.³⁰ These odorless and undetectable gas combustion pollutants can cause minor respiratory irritation as well as more serious conditions. The California Air Resources Board warns that “cooking emissions, especially from gas stoves, have been associated with increased respiratory disease.”³¹ Young children and people with asthma are especially vulnerable to indoor air pollution.

²⁶ E3, *Residential Building Electrification in California*, at 49 (April 2019), https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf

²⁷ *Id.* At 50

²⁸ Justin Gerdes, *All-Electric Homes Are Becoming the Default for New Residential Construction in Sacramento*, (Nov. 13, 2018) <https://www.greentechmedia.com/articles/read/all-electric-homes-are-becoming-the-default-for-new-residential-construction#gs.n842cq>

²⁹ Klepeis, N. E. *et al*, *The National Human Activity Pattern Survey (NHAPS): A Resource for Assessing Exposure to Environmental Pollutants*, J. EXPO. ANAL. ENVIRON. EPIDEMIOL. 2001, 11 (3), 231–252.

³⁰ See, Jennifer Logue *et al*, *Pollutant Exposures from Natural Gas Cooking Burners: A Simulation-Based Assessment for Southern California* ENVIRONMENTAL HEALTH PERSPECTIVES, Vol. 122 No. 1 pp. 43-50, (2013); Victoria Klug and Brett Singer, *Cooking Appliance Use in California Homes—Data Collected from a Web-based Survey* LAWRENCE BERKELEY NATIONAL LABORATORY (August 2011); John Manuel, *A Healthy Home Environment?* ENVIRONMENTAL HEALTH PERSPECTIVES, Vol. 107, No. 7 1999, pp. 352–357; Nasim Mullen *et al*, *Impact of Natural Gas Appliances on Pollutant Levels in California Homes* LAWRENCE BERKELEY NATIONAL LABORATORY, 2012.

³¹ ARB, *Combustion Pollutants* (reviewed Jan. 19, 2017). Available at <https://www.arb.ca.gov/research/indoor/combustion.htm>

- Improve safety:** Aliso Canyon, San Bruno, and the recent explosions in Massachusetts are important and unfortunate visceral reminders of the gas system's inherent risks. California has over 150 thousand miles of gas pipelines crisscrossing the state.³² Much of California's aging gas system is vulnerable to the impacts of climate changes, such as sea level rise, storms, and flooding,³³ as well as methane leakage. A recent report found that at least 2.3 percent of the methane that runs through the gas system leaks before it even gets to our homes and buildings.³⁴ Adding onto this, approximately 0.5% of the gas that comes through the residential gas meter leaks *inside* our homes and apartment buildings.³⁵ Methane leakage can be particularly hazardous for families living in earthquake and fire-prone areas since leaking gas exacerbates fires after earthquakes. The California Seismic Safety Commission estimates that 20 to 50 percent of total post-earthquake fires are fires related to gas leaks.³⁶ Beginning to electrify entire communities, particularly where there is aging and/or vulnerable gas infrastructure, is a key precautionary strategy to mitigate the growing risks of the City's massive gas system.
- Improve comfort and climate resiliency:** An added benefit of replacing gas furnaces with electric heat pump space heaters is that heat pumps can operate in reverse and provide high efficiency cooling when needed. Electrification offers greater comfort, safety, and climate resiliency when temperatures peak. With heat waves becoming increasingly common, heat pumps offer home cooling functionality in homes that would not otherwise have air conditioning.

CEQA is an essential vehicle to take all feasible action to reduce GHGs and limit further expansion of gas infrastructure. Pursuant to CEQA's mandate to adopt all feasible mitigation to mitigate project impacts, the DEIR should be revised to require all-electric construction.

Please contact Matt Vespa at mvespa@earthjustice.org, Sasan Saadat at ssaadat@earthjustice.org with any questions or concerns, and please include each of us in future notifications on the Project's development.

³² California Public Utilities Commission, *Natural Gas and California*, <http://www.cpuc.ca.gov/general.aspx?id=4802>

³³ Radke, J. D. *et al*, *Assessment of Bay Area Natural Gas Pipeline Vulnerability to Climate Change* (University of California, Berkeley). 2016.

³⁴ Alvarez et al. *Assessment of Methane Emissions from the U.S. Oil and Gas Supply Chain*, SCIENCE, 13 Jul 2018: 186-188, <http://science.sciencemag.org/content/early/2018/06/20/science.aar7204>.

³⁵ M. Fischer et al, *An Estimate of Natural Gas Methane Emissions from California Homes*, Environ. Sci. Technol. Vol.52:10205-13 (2018).

³⁶ California Seismic Safety Commission, *Improving Natural Gas Safety in Earthquakes*, (Adopted July 11, 2002), p. 1. Available at http://ssc.ca.gov/forms_pubs/cssc_2002-03_natural_gas_safety.pdf

Sincerely,

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Response to Comment Letter 3:

- In response to Section I – The Project Will Have Significant GHG Impacts: Neither the California Air Resources Board nor the San Joaquin Valley Air Pollution Control District have provided project-level significance thresholds for greenhouse gas emissions analysis. An Air Quality & Greenhouse Gas Impact Analysis technical report (technical report) prepared by Ambient Air Quality & Noise Consulting is provided in Appendix B of the DEIR. The technical report discusses the thresholds of significance utilized for the project and the supporting reasoning for their use on pages 38 and 39. As such, the City does not agree that a net-zero emissions GHG threshold be required for analyzing potential GHG emissions for this project.
- In response to Section II – The DEIR Fails to Assess the Project’s Energy Impacts: Appendix F of the CEQA Guidelines states, “... the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy (see Public Resources Code section 21100(b)(3)).”

The discussion of potential energy impacts can be found on page 27 of the Initial Study/Notice of Preparation included in Appendix A of the DEIR and has been revised to include additional detail. See Chapter Three of this FEIR.

- In response to Section III – All-Electric Construction is Feasible Mitigation for the Project’s GHG and Energy Impacts that the DEIR Must Adopt: It is the intent of the developer to provide all electric construction apart from tankless water heaters in each residential unit; however, it is economically infeasible for the developer to provide tankless water heaters. In addition, it is likely that when project construction starts, the new building code will

require water heaters to be a hybrid system connected to the required solar systems, thereby further increasing the utilization of renewable energy resources.

- In response to Section IV – All-Electric Construction Provides Significant Co-Benefits: see response to Section III.

Comment Letter 4

Chrissy Monfette, Planner
Development Services and Capital Projects Division, Fresno County
2220 Tulare Street, Sixth Floor
Fresno, California 93712



County of Fresno

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

July 8, 2019

Olivia Pimentel, Assistant Planner
City of Kerman
850 S. Madera Avenue
Kerman, CA 93630

SUBJECT: City of Kerman Whitesbridge/Siskiyou Project

Dear Ms. Pimentel:

The County of Fresno appreciates the opportunity to review and comment on the subject focused Environmental Impact Report (EIR) prepared for the proposed general plan amendment, zone change, tentative subdivision map, development agreement and annexation request. In addition to the environmental impacts identified in the EIR, Fresno County requests that the following additional items be addressed:

Agriculture and Forestry Resources:

The subject property is currently restricted by Williamson Act Contract No. 2910. The EIR indicates that the site is not restricted by a Williamson Act Contract (page 3-2) and must be revised. The Agricultural and Forestry Resources Section must consider the removal of this land from the existing Williamson Act Contract, and its effect on Prime Farmland, Unique Farmland, Farmland of Statewide Importance; as well as pressure to convert other nearby land away from agricultural uses.

Land Use/Planning:

The City's proposed annexation of the area to be developed needs to include the entirety of the Siskiyou Avenue road right-of-way from Whitesbridge Avenue to the northerly limits of the project.

Annexation of the subject 39.35-acre territory to the City requires a Notice of Intent (NOI) to be submitted 30 days prior to the submission of the annexation application to the Fresno Local Agency Formation Commission (LAFCo) for a determination of consistency of the proposed annexation with the Standards of Annexation contained in the Memorandum of Understanding between the City of Kerman and the County of Fresno. The NOI must include the Resolution of Annexation, pre-zoning of the territory approved by the City Council, approval of the entitlements by the City (City Council or Planning Commission), and the environmental assessment conducted by the City for the project per the California Environmental Quality Act (CEQA), if applicable to the project. If you have any questions, contact Anthony Lee of the Policy Planning Division at anthonylee@FresnoCountyCA.gov.

In addition to the concerns identified above, the County has included the following mandatory regulations identified by the Resources Division which would apply to this project:

DEVELOPMENT SERVICES AND CAPITAL PROJECTS DIVISION
2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 600-4497 / 600-4022 / 600-4540 / FAX 600-4200
The County of Fresno is an Equal Employment Opportunity Employer

Olivia Pimentel, Assistant Planner
July 8, 2019
Page 2 of 2

- *AB 939 – Residential Recycling Services:* All jurisdictions are required to provide accessible recycling programs to their residents. This regulation includes consideration of spacing necessary for placement of individual or community containers.
- *AB 341 - Mandatory Commercial Recycling Program (MCR)* - (if applicable): After July 1, 2012, all businesses that generate four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall make arrangements to establish a recycling program for the business.
- *AB 1826 - Mandatory Commercial Organics Recycling (MOR)* - (if applicable): Effective January 1, 2019, businesses that generate four cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.
- *SB 1374 – Construction and Demolition Division Requirements:* Title 15 Building Standards code related to diversion requirements.

If you have any questions, you may e-mail me at cmonfette@co.fresno.ca.us or contact me by phone at (559) 600-4245.

Sincerely,



Chrissy Monfette, Planner
Development Services and Capital Projects Division

CMM:ksn
G:\4360Devs&Pin\PROJSEC\PROJDOCS\Environmental\OAR\City of Kerman\Whitesbridge-Siskiyou Project (Reorg 2018-01)\NOA Draft Focused EIR\EIR Comment Letter.docx

cc. Bernard Jimenez, Assistant Director
William M. Kettler, Development Services and Capital Projects Division
Chris Motta, Development Services and Capital Projects Division
Mohammad Khorsand, Development Services and Capital Projects Division

Response to Comment Letter 4: The subject property is currently under Williamson Act Contract (Contract) No. 2910, as stated in Comment Letter 4. Text changes to the DEIR to discuss the Williamson Act Contract are provided in Chapter Three of this FEIR.

CHAPTER THREE – Text Changes to the DEIR

1. Based on the letter from the Fresno Local Agency Formation Commission, the following text supersedes the text of the DEIR:

- Section 2.5 Project Description (page 2-5 of the DEIR) has been changed as follows:

“This action is a proposal to subdivide the approximately 40-acre site into 144 single family residential lots, a 4.4-acre lot for up to 64 multifamily units of residential development (and temporary storm drainage basin), a 3.1-acre lot for neighborhood commercial development, and a 1.3-acre lot for a neighborhood park. Development of the 3.1-acre commercial land is assumed to include an approximate 26,015 square feet shopping center, an eight-pump fuel station, and a 3,200 square foot restaurant, as allowable by full buildout of the proposed zone district. ”

- Section 1.1 Purpose of EIR (page 1-1 of the DEIR) has been changed as follows:

“This document is an Environmental Impact Report (EIR) prepared in accordance with the California Environmental Quality Act CEQA of 1970 and CEQA Guidelines, as amended. This EIR has been prepared by the City of Kerman as the "Lead Agency," in consultation with the appropriate local, regional and state agencies. Fresno LAFCo is a Responsible Agency under CEQA.”

- Section 2.6 Other Required Approvals (page 2-6 of the DEIR) has been changed as follows:

“The proposed Project would include, but not be limited to, the following regulatory requirements:

- The certification of an Environmental Impact Report by the City of Kerman
- Approval of a General Plan Amendment by the City of Kerman
- Approval of a Zone Change by the City of Kerman
- Approval of an annexation from Fresno County into the City of Kerman by Fresno LAFCo
- Approval of a Subdivision Map by the City of Kerman
- Approval of a Development Agreement by the City of Kerman
- Approval of a Stormwater Pollution Prevention Plan by the Central Valley Regional Water Quality Control Board

- Dust Control Plan Approval letter from the San Joaquin Valley Air Pollution Control District
- Compliance with Rule 9510 of the San Joaquin Valley Air Pollution Control District
- Compliance with other federal, state and local requirements”
- Section 2.5 Project Description (page 2-5 of the DEIR) has been changed as follows:
“**Reorganization 2018-01.** This action is a request to annex the site into the City of Kerman. ~~and detach it from the Fresno Irrigation District, Fresno County Fire Protection District and Kings River Conservation District.”~~
- Section 1.0 Introduction of Appendix A, Initial Study/Notice of Preparation (page 4 of the Initial Study) has been changed as follows:
“**Reorganization 2018-01.** This action is a request to annex the site into the City of Kerman. ~~and detach it from the Fresno Irrigation District, Fresno County Fire Protection District and Kings River Conservation District.”~~
- Section 3.1 Agricultural Resources (page 3-3 of this DEIR) has been changed as follows:
“The Fresno ~~County~~ LAFCO is a five-member body with two county representatives, two city representatives, and one public member.”

2. Based on the letter from Earthjustice, the following text supersedes the text of the DEIR:

- Section VI. Energy from Appendix A, Initial Study/Notice of Preparation (page 27 of the Initial Study) has been changed as follows:
“~~Buildings constructed on the site will comply with California Green Building Code requirements as well as Title 24 standards for energy efficiency. In addition, single family homes constructed beginning in 2020 must be fitted with solar panels, further improving energy efficiency. This will reduce the project’s impacts on energy resources to a less than significant level.~~

The proposed Project includes construction of 144 single-family homes and the associated improvements and entitlements. The Project would introduce energy usage on a site that is currently demanding minimal energy.

During construction, the Project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass. Title 24 Building Energy Efficiency

Standards provide guidance on construction techniques to maximize energy conservation and it is expected that contractors and owners have a strong financial incentive to use recycled materials and products originating from nearby sources in order to reduce materials costs. As such, it is anticipated that materials used in construction and construction vehicle fuel energy would not involve the wasteful, inefficient, or unnecessary consumption of energy.

Operational Project energy consumption would occur for multiple purposes, including but not limited to, building heating and cooling, refrigeration, lighting and electronics. Operational energy would also be consumed during each vehicle trip associated with the proposed use.

The proposed Project would be required to comply with Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of Title 24 standards significantly increases energy savings, and it is generally assumed that compliance with Title 24 ensures projects will not result in the inefficient, wasteful, or unnecessary consumption of energy. In addition, single family residences constructed beginning in 2020 are required to fitted with solar panels, furthering the energy efficiency of the residences.

As discussed in Impact XVII – Transportation/Traffic, the proposed Project would generate approximately 6,868 daily vehicle trips. The length of these trips and the individual vehicle fuel efficiencies are not known; therefore, the resulting energy consumption cannot be accurately calculated. Adopted federal vehicle fuel standards have continually improved since their original adoption in 1975 and assists in avoiding the inefficient, wasteful, and unnecessary use of energy by vehicles.

As discussed previously, the proposed Project would be required to implement and be consistent with existing energy design standards at the local and state level. The Project would be subject to energy conservation requirements in the California Energy Code and CALGreen. Adherence to state code requirements would ensure that the Project would not result in wasteful and inefficient use of non-renewable resources due to building operation.

Therefore, any impacts are *less than significant*."

3. Based on the letter from Fresno County, the following text supersedes the text of the DEIR:

- Section 3.1 Agricultural Resources (page 3-2 of this DEIR) has been changed as follows:

“According to the General Plan, the majority of the proposed project site is considered Prime Farmland with the rest being considered Farmland of Statewide Importance. ~~In addition, the site is not on land protected under a Williamson Act Contract. The proposed Project site is currently under Williamson Act Contract No. 2910.~~”

- Section 3.1 Agricultural Resources (page 3-5 of this DEIR) has been changed as follows:

“As discussed in the 2007 Kerman General Plan Update EIR, between 1,666 and 3,111 acres of agricultural land will be converted to urban uses during the General Plan buildout period. These acreages vary because they are based on different 2027 population estimates, low population estimate 26,613, and high population estimate, 40,561. The General Plan acknowledges that most of the agricultural land conversion will result from residential, school/park and industrial development.

The subject property is currently under Williamson Act Contract (Contract) No. 2910. The developer has the option to cancel the Contract with Fresno County, or once the site is annexed into the City of Kerman, the City can exercise its option under Government Code §51243.5(d) to cancel the Contract. Government Code §51243.5(d) states,

“a city may exercise its option to not succeed to the rights, duties, and powers of the county under the contract if both of the following had occurred prior to December 8, 1971:

- 1) The land being annexed was within one mile of the city’s boundary when the contract was executed.
- 2) The city had filed with the county board of supervisors a resolution protesting the execution of the contract.”

The project site is indeed within one mile of the city’s boundary when the Contract was executed and on February 16, 1971, the Kerman City Council approved and filed with the county board of supervisors Resolution No. 789 which protested the execution of 26 Agricultural Contracts, including Contract Number 2910. As such, Williamson Act Cancellation will occur as a part of the Project.

Policies and action programs contained in the Land Use Element would mitigate buildout of the General Plan to the fullest extent possible, but not to a less than significant level. These policies and action programs are as follows:...”

CHAPTER FOUR – 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 is included herein on the following pages.