



State of California - Department of Fish and Wildlife  
**2024 ENVIRONMENTAL DOCUMENT FILING FEE  
 CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/24) Previously DFG 753.5a

RECEIPT NUMBER: <b>E202410000086</b>
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY <b>CITY OF KERMAN</b>	LEAD AGENCY EMAIL	DATE <b>04/03/2024</b>
COUNTY/STATE AGENCY OF FILING <b>FRESNO COUNTY</b>	DOCUMENT NUMBER <b>E202410000086</b>	

PROJECT TITLE  
**MIT.NEG.DEC. FOR ANX 2023-01,REZ. 2023-01,GPA 2023-01,CUP 2023-02,TSM 2023-01,DPL 2023-01 &02, & VAR 2023-01**

PROJECT APPLICANT NAME <b>CITY OF KERMAN</b>	PROJECT APPLICANT EMAIL	PHONE NUMBER <b>(559) 846-9386</b>
PROJECT APPLICANT ADDRESS <b>850 S. MADERA AVENUE</b>	CITY <b>KERMAN</b>	STATE <b>CA</b>
		ZIP CODE <b>93630</b>

PROJECT APPLICANT (Check appropriate box)

Local Public Agency    
  School District    
  Other Special District    
  State Agency    
  Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$4,051.25	\$	<u>0.00</u>
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,916.75	\$	<u>0.00</u>
<input checked="" type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,377.25	\$	<u>0.00</u>


- Exempt from fee  
 Notice of Exemption (attach)  
 CDFW No Effect Determination (attach)  
 Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input type="checkbox"/> County documentary handling fee	\$50.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> Other NOI		\$	<u>0.00</u>

PAYMENT METHOD:

- Cash    
  Credit    
  Check    
  Other

TOTAL RECEIVED \$ 0.00

SIGNATURE <b>X</b> 	AGENCY OF FILING PRINTED NAME AND TITLE <b>Cierra Loera Deputy Clerk</b>
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E202410000086

COMMUNITY DEVELOPMENT  
Jesus R. Orozco, Director

Mayor – Maria Pacheco  
Mayor Pro Tem – Bill Nijjer  
Council Members  
Jennifer Coleman  
Ismael Herrera  
Gary Yep



850 S. Madera Avenue  
KERMAN, CA 93630

Phone: (559) 846-9386  
Fax: (559) 846-9348  
www.cityofkerman.net

FILED

APR 03 2024

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

April 3, 2024

8:30am

**Whispering Falls Residential Project**

By  FRESNO COUNTY CLERK DEPUTY

**NOTICE IS HEREBY GIVE** that the City of Kerman (City), as the Lead Agency for the Project, has prepared and intends to adopt a Mitigated Negative Declaration for the proposed Project consisting of an Annexation, Rezone/Prezone, General Plan Amendment, Conditional Use Permit, Tentative Subdivision Map, Development Plan, and Variance pertaining to three parcels that total approximately 60 acres. The complete Project description, location and the potential environmental effects are contained in the Mitigated Negative Declaration (MND). The MND has concluded that no significant environmental impacts will occur as a result of the Project.

**Project Title:** Mitigated Negative Declaration for Annexation (ANX) 2023-01, Rezone/Prezone (REZ) 2023-01, General Plan Amendment (GPA) 2023-01, Conditional Use Permit (CUP) 2023-02, Tentative Subdivision Map (TSM) 2023-01, Development Plans (DPL) 2023-01 & 02, and Variance (VAR) 2023-01)

**Applicant/Agent:** Whispering Falls, LLC.

**Project Location:** The Project site is in the jurisdiction of the County of Fresno, California. The site is located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad, consisting of three (3) parcels that total approximately 60 acres. The site is identified by the Fresno County Assessor as Assessor’s Parcel Numbers (APNs) 020-160-36S (20.01 acres), 020-160-18S (20 acres), and 020-160-19S (20 acres). The site is a portion of Section 11, Township 14 South, Range 18 East, Mount Diablo Base and Meridian.

**Project Description:** Whispering Falls, LLC. (Applicant) proposes Annexation (ANX) 2023-01, Rezone/Prezone (REZ) 2023-01, General Plan Amendment (GPA) 2023-01, Conditional Use Permit (CUP) 2023-02, Tentative Subdivision Map (TSM) 2023-01, Development Plans (DPL) 2023-01 & 02, and Variance (VAR) 2023-01 pertaining to three (3) parcels (APNs 020-160-36S, 020-160-18S, 020-160-19S) that total approximately 60 acres located on the east side of South Modoc Avenue between West Kearney Boulevard and the West California Avenue Alignment/San Joaquin Valley Railroad.

- ANX 2023-01 would annex approximately 60 acres from the County of Fresno to the City of Kerman, in addition to adjacent right-of-way on South Modoc Avenue and the West California Avenue Alignment.
- REZ 2023-01 would pre-zone approximately 60 acres to the Smart development Combining District – Residential – minimum 2,500 square feet (SD-R-2.5) zoning district. The zoning district would be consistent with the underlying planned land use, Medium Density Residential, pending approval of GPA 2023-01.

- GPA 2023-01 would amend the Kerman 2040 General Plan to add the SD-R-2.5 zoning district as a compatible zoning district within the Medium Density Residential land use designation and set a minimum residential density of five (5) dwelling units per acre. No change is proposed to the maximum density currently permitted.
- TSM 2023-01 would subdivide APN 020-160-26S into 119 lots to account for 118 single-family lots and one (1) lot reserved for 56 multi-family residential units and community center.
- DPL 2023-01 & 02, CUP 2023-02, and VAR 2023-01 would facilitate the development of APN 020-160-26S consisting of a 174-unit residential development consisting of 118 single-family residential units and 56 two-bedroom multi-family residential units. The development would also include a community center and related on/off-site improvements (e.g., roadways, sidewalks, landscaping, open space, parking). CUP 2023-02 would also facilitate the development of an off-site temporary drainage basin providing is proposed off-site on the parcel identified as APN 020-160-18S. Approval of the off-site temporary drainage basin would be subject to cancellation of the Williamson Act Contract currently in place for APN 020-160-18S. VAR 2023-01 is requested to allow a maximum building height of 45 feet and three stories.

**Reasons for Mitigated Negative Declaration:** The Initial Study has identified significant, adverse environmental impact(s) that may occur because of the project, though with mitigation the impacts will be reduced to a level that is less than significant.

**Document Availability and Public Review Timeline:** Due to the time limits mandated by State law, your response to the Mitigated Negative Declaration must be sent at the earliest possible date *but not later than 20 days* after receipt of this notice. The review period for the Mitigated Negative Declaration will be from April 3, 2024, to April 23, 2024. Copies of the Mitigated Negative Declaration can be reviewed at the City of Kerman, 850 S. Madera Ave., Kerman, CA 93630 or online at <https://cityofkerman.net/175/Planning-Projects>.

After the close of the public comment review period on the MND established by this notice, this matter will be set for public hearing before the City of Kerman Planning Commission. Notice of the date, time and place for such public hearing will be published and/or mailed as provided by law. Please take notice that - pursuant to Public Resource Code Section 21177, Government Code Section 65009, and other applicable law - if you challenge the proposed action described above in court, then you may be limited to raising only those issues or objections you or someone else raised during the public comment period or the public hearing, or in written correspondence delivered to the Community Development Department – Planning Division within the review period, or to the Planning Commission during the public hearing.