



## STAFF REPORT

**MEETING DATE:** September 11, 2023

**PRESENTER:** Jesus R. Orozco, Community Development Director

**SUBJECT:** A Resolution Finding the Acquisition of Real Property APN 023-204-14SU, 023-204-16SU, and 023-204-09 For a New Community Public Safety Center is in Conformance with the City of Kerman 2040 General Plan Including Adopting a Finding of an Exemption Pursuant to Section 15061(b)(3) of the CEQA Guidelines (JRO)

**RECOMMENDATION:** The Planning Commission adopt a resolution finding that the City's acquisition of real property identified as APN 023-204-14SU, 023-204-16SU, and 023-204-09 for a new community public safety center is in conformance with the City of Kerman 2040 General Plan, including adopting a finding of an exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines

### **EXECUTIVE SUMMARY:**

California Government Code Section 65402 (Planning and Zoning Law), requires that the acquisition of real property be submitted and reported upon by the Planning Agency (Planning Commission) as to conformity with the adopted General Plan. The City is requesting a determination of General Plan Conformance (GPC 2023-01) for the proposed acquisition of real property known as the land, building, and improvements, identified as APN 023-204-14SU and 023-204-16SU ("Annex") and an unimproved lot comprised of approximately 6,000 square feet, identified as APN 023-204-09 ("Lot"). The Planning Commission's (Commission) review for General Plan conformance will be forwarded to the City Council for its consideration of the property acquisition. Adoption of the resolution would allow the City to move forward with the acquisition of the aforementioned properties.

### **ANALYSIS:**

#### Background

The Council has had a long-standing goal of developing a new police facility to replace the undersized and inadequate facility at 850 S. Madera. As a Measure M priority project, staff began examining options for constructing a new facility on City-owned land adjacent to the existing facility. The Council commissioned a Needs Assessment to design an adequate replacement facility. The Needs Assessment was completed in 2022 and revealed challenges with the proposed location and cost of a new facility.

As the Needs Assessment was nearing completion, and in light of the information being prepared that suggested site constraints and high cost for new facility, Staff began to explore other options for development of the new facility. This effort resulted in the identification of the Annex Building (APN 023-204-14SU and 023-204-16SU). This building was no longer

needed by the Seller and could be remodeled into a new community public safety center at a lower cost and quicker delivery time than a newly constructed building.

Staff also identified an adjacent vacant Lot, APN 023-204-09 ("Lot") and negotiated a purchase offer that that property as well. This property is proposed for development as a secured, additional parking area.

Per California Government Code Section 65402 (Planning and Zoning Law), the Commission is required to review and make a determination as to whether the acquisition of real property is in conformity with the adopted General Plan. Adoption of the resolution would allow the City to move forward with the acquisition of the aforementioned properties.

#### Site Information

The real property acquisition consists of three parcels, two of which have been fully developed. The two developed parcels have operated an "annex" office, warehouse, and storage area for a telecommunication facility. The third parcel included in the purchase agreement is undeveloped. All three sites are surrounded by developed land as described in **Table 1** below.

**Table 1. Existing Uses of Surrounding Properties**

	<b>023-204-14SU</b>	<b>023-204-16SU</b>	<b>023-204-09</b>
North	Storage Facility	Office	Food / Retail
East	Multi-Fam	Single Fam-Res	Single Fam-Res
South	Office / Storage Facility	Single Fam-Res	Service / Retail
West	Office	Office	Public Open Space

#### General Plan and Zoning

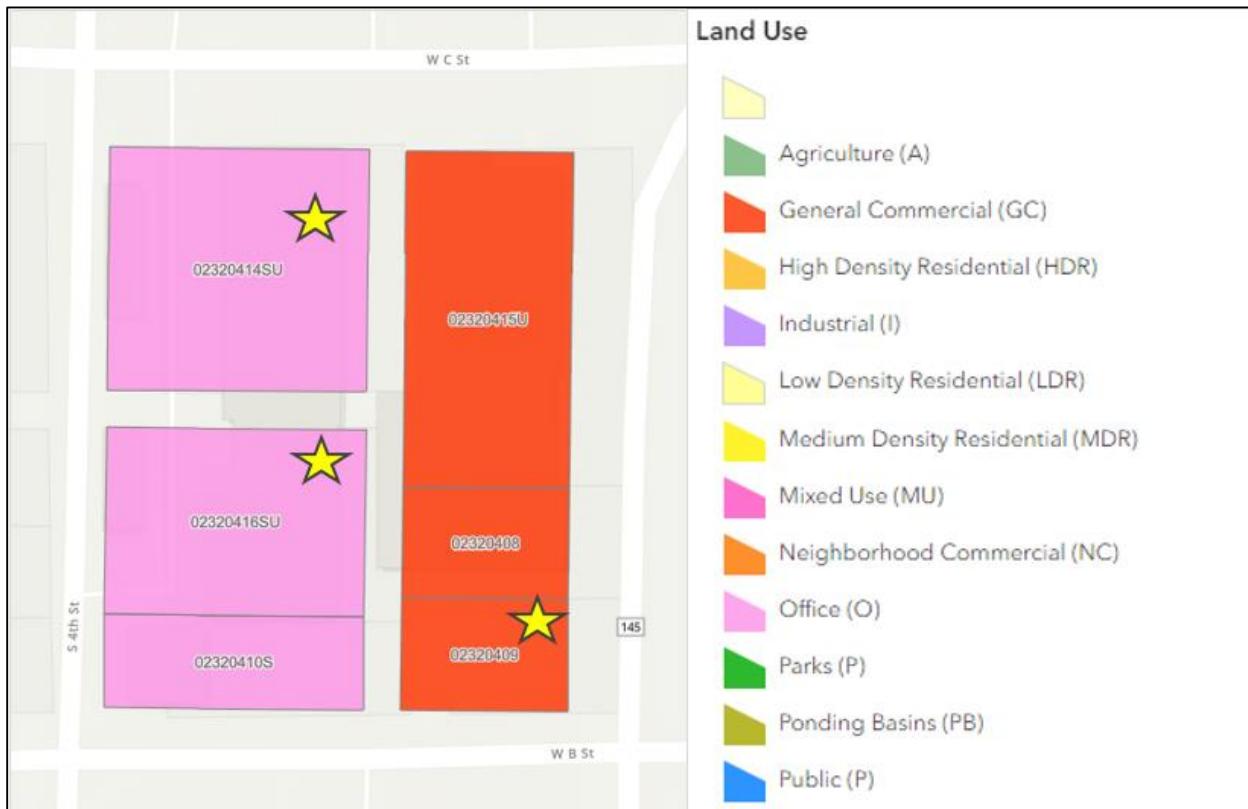
<b>APN</b>	<b>Existing Use</b>	<b>General Plan</b>	<b>Zone District</b>
023-204-14SU	Office / Storage	O - Office	PA – Professional & Admin. Office
023-204-16SU	Office / Storage	O - Office	PA – Professional & Admin. Office
023-204-09	Undeveloped	GC – General Commercial	CG – General Commercial

The Professional & Administrative Office (PA) zone district allows for distinct office types and other low-intensity services appropriate to serve those living or working in or surrounding the zone district. The PA zone is a compatible zone district with the Office (O) General Plan land use designation. A public facility use including that of a City Community Public Safety Center is a permissible use subject to a conditional use permit. The anticipated use on APN 023-204-14SU and 023-204-16SU would be in conformance with the General Plan goals and policies enumerated in the section below.

The General Commercial (CG) zone district allows for a wide range of commercial and office uses which are diverse, visually pleasing, convenient in terms of parking and access, attractive, and used by citizens of Kerman as well as visitors to the area. The CG zone is a compatible zone district with the General Commercial (GC) General Plan land use designation. A parking lot for

private use of a City Community Public Safety Center is a permissible use subject to a site plan review. The anticipated use on APN 023-204-09 would be in conformance with the General Plan goals and policies enumerated in the section below.

The exhibit below demarks the three properties with their respective General Plan land use designation. In magenta Office (O); In Red General Commercial (GC)



#### **APPLICABLE GENERAL PLAN POLICIES:**

The City of Kerman 2040 General Plan is the basis for a variety of regulatory measures and administrative procedures. California Planning and Zoning Law requires consistency between the general plan and its implementation programs, such as zoning and subdivision ordinances, capital improvement programs, specific plans, environmental impact procedures, and building and housing codes.

Though there is no development proposed as part of the real property acquisition, the acquisition is supported by a set of goals, policies, and objectives. Below is an excerpt of goals and policies from the General Plan that directly and indirectly support conformance with General Plan Conformity 2023-01 for the acquisition of real property.

#### Land Use:

##### **Policy LU-3.6 Infill and Renovation**

The City shall encourage infill of vacant commercial properties and renovation of existing commercial structures to reduce the rate at which

surrounding agricultural land is urbanized and to provide for a more efficient use of existing infrastructure.

**Policy 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.

**Public Health and Safety:**

**Policy 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.

**Policy PH-1.2 Police Department Response Times**

The City shall continue to support the Police Department in maintaining prompt response times.

**Public Facilities and Services:**

**Policy PFS-1.1 Equitable Provision of Public Facilities and Services**

The City shall strive to ensure that adequate public facilities and services essential for public health and safety are equitably provided in locations convenient to all residents.

**Policy PFS-1.7 Collaboration on Infrastructure Deficiencies**

The City shall collaborate with the County, neighboring cities, service districts, and regional agencies on solving issues of mutual interest and concerns, including infrastructure deficiencies, water and sewer services, public safety, public roads, trail connections, and storm water and water management.

**Policy PFS-1.8** The City shall locate new public facilities and expansion of existing public facilities, particularly City Hall, in the historic Kerman town site, when feasible.

**PLANNING COMMISSION FINDINGS:**

The Planning Commission should consider the information in this report along with public testimony and find that the acquisition of real property known as the land, building, and improvements, identified as APN 023-204-14SU and 023-204-16SU ("Annex") and an unimproved lot comprised of approximately 6,000 square feet, identified as APN 023-204-09 ("Lot") for a new community public safety center as shown in Exhibit 'A' is in conformance directly and indirectly with the City of Kerman 2040 General Plan.

**ENVIRONMENTAL DETERMINATION:**

The California Environmental Quality Act (CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change on the environment, or a

reasonably foreseeable indirect physical change in the environment" (CEQA Guidelines Section 15378). The proposed Project is a project under CEQA.

Staff has reviewed the Project to determine the required level of review under CEQA. The proposed Project is exempt from further environmental review under CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). Section 15061(b)(3) of the CEQA Guidelines states that an activity is covered by the common sense exemption that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA review. There is no possibility that the proposed property acquisition will result in a physical change in the environment. Two of the subject properties have been developed for offices and warehouse use for the telecommunications company. The undeveloped property will be analyzed separately when development is proposed. The acquisition of the subject properties do not approve any development project, nor does it disturb the physical environment. Any future development of the sites would be subject to review under Title 17 of the Kerman Municipal Code (Zoning), and CEQA. Therefore, no further environmental review is required.

**PLANNING COMMISSION ACTION:**

The Commission will be acting on GPC 2023-01 and determine to either:

**Motion 1:** Adopt a resolution finding that the City's acquisition of real property identified as APN 023-204-14SU, 023-204-16SU, and 023-204-09 for a new community public safety center is in conformance with the City of Kerman 2040 General Plan including adopting a finding of an exemption pursuant to Section 15061(b)(3) of the CEQA Guidelines; or

**Motion 2:** Move to continue GPC 2023-01 to a later meeting.

**ATTACHMENTS:**

- A. PC Resolution w/Exhibits