

RESOLUTION #2011-14
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
EXTENDING THE APPROVAL OF TENTATIVE SUBDIVISION MAP #2005-02/
PLANNED UNIT DEVELOPMENT #2005-01/ CONDITIONAL USE PERMIT #2005-01 /
SITE PLAN REVIEW #2005-01 FOR COUNTY TRACT NO. 845 – VICTORY VILLAGE PHASES I & II
(SUPERCEDING CITY COUNCIL RESOLUTION #2006-28 AND REITERATING AND/OR MODIFYING ORIGINAL CONDITIONS OF APPROVAL)

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on April 5, 2011, at 7:30 p.m. on said day, it was moved by Council Member _____, seconded by Council Member _____ and carried that the following Resolution be adopted:

WHEREAS, ~~Centex Homes and Aslan Development have~~ Pharris Lemoore LLC has submitted an application to extend their Vesting Tentative Subdivision Map No. 2005-02/ Planned Unit Development No. 2005-01/ Conditional Use Permit No. 2005-01/ Site Plan Review 2005-01/ Environmental Assessment 2005-16 to subdivide and develop Tract 845, Victory Village consisting of approximately 71.31 acres into 279 single family lots; and

WHEREAS, the tract on which the development is proposed is located on the north and south sides of the Bush Street alignment, west of the Production Avenue alignment, and generally west of the West Hills College Lemoore site and east of the old abandoned north-south Rossi railroad alignment and is was previously described as portions of Assessor Parcel Nos.023-510-031 for the 279 lots, 023-510-026, 029, & 030 and 023-510-011 for general plan and zone amendments only; and

WHEREAS, the original Mitigated Negative Declaration with General Plan Amendment for the subdivision was approved by City Council Resolution #2006-23 on June 6, 2006 and a Zone change was effective through City Council Ordinance #2006-04 on July 20, 2006. Both of these actions of the Council are still in full force and effect and are not superseded by this resolution. Lemoore Planning Commission held a duly noticed public hearing on May 22, 2006 meeting, on the above stated proposal as required by the City of Lemoore Municipal Code, it being established that all notice requirements as set forth in Section 9-15B-2C of the said code have been complied with; and

WHEREAS, Vesting Tentative Subdivision Map approval was made by City Council Resolution #2006-28 on June 6, 2006 and is hereby superseded by this Resolution and the conditions stated herein; and

WHEREAS, ~~the Planning Commission reviewed the Environmental Impact Assessment pertinent to the proposal and determined that it will not have any significant effect on the environment and recommended the Council's adoption of the Mitigated Negative Declaration pursuant to California Environmental Quality Act, as amended, and approval of an amendment to the General Plan Diagram and a separate Resolution has been proposed to City Council; and~~

WHEREAS, ~~the Planning Commission reviewed proposed amendments to the Zoning Map and a separate Ordinance has been proposed to City Council); and~~

WHEREAS, the applicant submitted an application for a two (2) year extension prior to the expiration as per Section 8-7B-10 of the Lemoore Zoning Code; and

WHEREAS, the Lemoore Planning Commission held a meeting on February 28, 2011 and recommended granting a one year extension to Tract 845 with modifications to the below conditions 2, 3, 6, 9, 10, 11, 13, 14, 18, 20, 36 with four new conditions at the end with the remaining initial conditions of approval still intact as shown herein (to be re-numbered with final approval.

WHEREAS, Section 9-15B-2G of the Lemoore Municipal Code requires the City Council to review the recommendation of the Planning Commission on a Tentative Subdivision Map / Planned Unit Development / Conditional Use Permit for proposal in a meeting held more than ten (10) days after the Planning Commission's decision; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore does hereby grant a one (1) year extension to approve Vesting Tentative Subdivision Map No. 2005-02/ Planned Unit Development No. 2005-01/ Conditional Use Permit No. 2005-01/ Site Plan Review 2005-01/ to subdivide and develop Tract 845, Victory Village Phases I and II consisting of approximately 71.31 acres into 279 single family lots as applied for by Pharris Lemoore LLC Aslan Development and Centex Homes with the following 38 conditions (so long as Resolution 2006-23, regarding a Mitigated Negative Declaration and General Plan Amendment for the Victory Village property and Ordinance 2006-04 approving Zone changes are also approved). Such approval shall be valid two years from until June 16, 2012, when a Final Map would have to be recorded on at least one phase of the subdivision the approval date of the Ordinance:

1. The Subdivision Map shall be developed in accordance to the plans submitted 5/12/06 unless otherwise conditioned in this report.
- ~~2. Should the applicant wish to record a Final Subdivision map prior to the expiration date of their Williamson Act contract, it can only be processed by finalizing the Tentative Cancellation approved by City Council at their May 2, 2006 meeting and paying the appropriate cancellation fees.~~
3. The subdivision shall request inclusion in the new ~~lighting and landscaping maintenance district (LLMD)~~ Public Facility Maintenance District to maintain streets, curbs, gutters, block walls, landscape easement areas and parkways along collector and arterial streets, parks, and bike path areas, center medians, surrounding landscaping, lighting and open space areas.
4. In order to address density shortfalls (i.e. densities below those required by the General Plan) within Phase I and II of the Victory Village subdivision areas, a document shall be recorded on Assessor's Parcel #023-510-011 requiring the provision of at least 85 units on the approximately 10.53 acres of the RM-3 zoned area that remains, but can be removed if another future phase makes up the shortfall.
5. Elevations, floor plans and an overall plot plan shall be submitted to the Community Development Department for Planning Commission to review at a public hearing for their approval and City Council's concurrence prior to a Final Map being recorded for any phase of development. The front yard setbacks should vary to encourage variety in the line of sight visible to the public, and such setbacks shall be delineated on the overall plot plan. Due to noise concerns as well as visual appearances, the rear yard setbacks for properties that back onto arterial and collector streets or the railroad shall have a 20' minimum rear yard setback and be delineated on the overall plot plan. Additionally, the maximum lot coverage and minimum percentage of landscape respectively shall be as follows; in low-medium density residential 40%/25%, in medium density residential 50%/20%, and in high density residential 60%/15% and reflected in the overall and individual plot plans.
6. All walls and fencing designs shall be submitted with the improvement plans for approval by the Planning and/or Parks Departments as generally outlined in the staff report. Seven foot (7') high decorative masonry block walls shall be installed between the residential units and landscape easement areas adjacent to the north and south sides of Bush Street and the west sides of Production Avenue and the proposed Marsh Drive ~~Brooke Street~~. These decorative masonry block walls shall also be installed along the west sides of the originally submitted lot 118 and lots 127 through 140 due to 115 kv power line issues.

7. A noise barrier of at least 7' in height is required along the northern property lines of the residential properties adjacent to the east-west railroad line to reduce the projected noise exposure level to less than 65 dB CNEL exterior for the residential units. Appropriate details shall be included in the improvement drawings to adequately insure noise is being properly addressed. If a block wall must be built, such wall should meet the decorative block wall standards, since the future bike path will abut this area. Second story homes in the line sight of the railroad or arterial/collector streets will need additional attenuation to reduce the CNEL by 10 over regular windows being used. This should be able to be accommodated through thicker windows and specifications shall be provided for such in the PUD elevation plan submittal. Planting of trees along the entire north side of the fence/noise barrier that will grow to the height of second floor spaces shall also be planted to help reduce noise from the railroad.

Fencing along lots 29, 30, 204, and 205 should be black or dark green powder coated wrought iron to maintain eyes on the park.

Chain link fencing shall not be allowed in the subdivision and CC&R's need to reflect this with the exception of temporary fencing needed along the southerly portion of Phase II's 2.23 acre park area which will square off the park.

8. Trees in landscape buffer areas will be planted within the landscape easement on the street side of the block wall or along the north side of the wall toward the railroad with trees planted every 20'. Parkway shall include trees spaced 40' on average. In order to improve the aesthetics of the entryways, medians shall be placed at all entryways from the arterial/collector streets into the subdivision. These median islands should be 8' in width in the center of a 40' curb-to-curb street within a 60' right-of-way.
9. The project will have impacts on the streets and thoroughfares on the Westside and will be required to build all streets within their project to full local street standard widths as well as those adjacent to the project to at least a half-width where streets already exist and two-third width of a local street standard when streets do not exist (which includes parkways, curb, gutter, sidewalk and landscape easement areas) and pay their fair share of additional impact fees to offset improvements needed to collector and arterial streets as well as highways as defined in City Council Resolution #2010-35 adopted November 16, 2010 based on Colgan Consulting Corporation "City of Lemoore West Side Streets & Thoroughfares Impact Fee Study" Report dated October 19, 2010.

~~Immediate Traffic Mitigation with project: The single stripped eastbound traffic lane on Bush between Belle Haven and the SB ramp would need to be restriped/widened to accommodate two eastbound lanes of traffic so that there is 1 separate through lane going eastbound and 1 shared through-right lane (this may be able to be accommodated within the existing paving) prior to the first occupancy being given.~~

- ~~10. Short Term Traffic Mitigation with project: It is anticipated that after 570 new dwelling units or 154,000 square feet of commercial space (or a combination thereof) are developed west of 19½ Avenue the installation of traffic signals at both the southbound and northbound State Route 41 ramps at Bush Street may be warranted. Therefore, for each of the first 570 building permits pulled for new dwelling units or equivalent dwelling units a special "interim solution interchange fee" of \$ 1,797.80, shall be paid (fee subject to the pro-rata share reimbursements if so determined by a future impact fee study at the same cost index inflator that is used and supported by the impact fee study). This is in addition to the regular development impact fees, including fees anticipated to be in place to construct the ultimate interchange solution. Once a total of 570 dwelling units or equivalent dwelling units have been built (or combination of dwelling units and commercial space), and the sum of \$ 1,024,745.40 (present value) has been collected, regardless of which developments in fact contribute, this "interim solution interchange fee" will no longer be collected. If the signal warrants are not met with the construction of the 570th dwelling unit or equivalent dwelling unit, then a full signal warrant analysis shall be conducted at annual intervals as determined by the~~

~~City of Lemoore (after consulting with Caltrans) until the signal warrants are met. Once met, the City will cause (directly or indirectly) the improvements to be installed.~~

~~The "interim solution interchange fee" includes those highlighted costs outlined in the attached "Preliminary Order of Magnitude Opinion of Probable Construction Costs : Victory Village, Lemoore, CA : 2010 Project (with the Project): ***Based on Existing Conditions & Belle Haven Signalization***" spreadsheet.~~

~~11. Long Term Traffic Mitigations with the project: Victory Village shall pay their proportional shares of the various improvements outlined in the attached Table 5 from the TIS listed below, or as delineated in the Impact Fee Study based on a per unit charge.~~

~~In addition to the above listed items list in condition 9~~

- ~~● Bush Street at 19 ½ Avenue~~
 - ~~○ Signalize the intersection~~
- ~~● Bush Street between SR 41 NB and SB Ramps~~
 - ~~○ Restripe/widen the five (5) lane roadway to six (6) lanes, providing two (2) through lanes and a separate left turn lane in each direction.~~
- ~~● Bush Street at Semas Street~~
 - ~~○ Signalize the intersection~~
 - ~~○ Restripe/widen the NB approach, south leg to a separate left turn lane, one (1) through lane, and a separate right turn lane~~
 - ~~○ Restripe/widen the SB approach, north leg to dual left turn lanes, one (1) through lane, and a separate right turn~~
 - ~~○ Restripe/widen the WB approach, east leg to a separate left turn lane, one (1) through lane, and a separate right turn lane~~
 - ~~○ Restripe/widen the EB approach, west leg to a separate left turn lane, one (1) through lane, and a separate right turn lane~~
- ~~● Bush Street at Belle Haven Drive~~
 - ~~○ Restripe/widen the NB approach, south leg to a separate left turn lane, one (1) through lane, and dual (2) right turn lanes~~
 - ~~○ Restripe/widen the WB approach, east leg to dual (2) left turn lanes, two (2) through lanes, and a shared through right turn lane (the shared through right turn lanes is a result of the zoning change on the 4 acres of CC and 13.6 acres of RM-3)~~
 - ~~○ Restripe/widen the EB approach, west leg to dual (2) left turn lanes, two (2) through lanes, and a separate right turn lane~~
 - ~~○ Restripe/lengthen the WB left turn lanes from 200 feet to 300 feet~~
- ~~● Bush Street at College Avenue~~
 - ~~○ Signalize the intersection~~
 - ~~○ Restripe/widen the WB approach, east leg to a separate left turn lane and one (1) through lane~~
- ~~● Coordinate signals along Bush Street from College Avenue to 19½ Avenue~~

12. The 60 right-of-way (ROW) cross sections should contain 40' of curb to curb width and include an 8' median in the center and landscaping shall include trees and drip irrigated plants to reduce water flows into the streets. 60' ROW street segments shall be included on all entryways into the subdivision from arterial or collector streets.

13. All other street types proposed for the subdivision shall be carried out as shown on the Vesting Tentative Subdivision Map Sheet 1. The design of the Bush Street median landscape shall be determined by the Community Development Department in coordination with other City Departments, and consistent with the General Plan policies and provisions in place at the time in

which Civil Plans are submitted (to allow for downsizing of streets if modified in future amendments to the Circulation Element).

14. Secondary emergency access shall be provided to the subdivision by gravel access roads from Bush Street along the proposed Marsh Drive ~~Brooke Street~~ (should a street not be in place) and tie into Pedersen Street then tie back into Belle Haven Drive or by providing secondary access from Bush Street north on College Avenue ~~Production Avenue~~ across the railroad tracks thereby tying into Industry Way or by providing secondary access to a future interchange at State Highway 198 at the abandoned north-south railroad easement bridge at the time in which a subdivision records with more than 40 homes.
15. Stop signs must be installed at the intersections with arterial and collector streets and shall be included in the improvement drawings.
16. The developer shall submit revised street names for the subdivision to comply with the City Street Naming Policy and shall be submitted to the Community Development Department for approval prior to the submittal of any improvement drawings. Street names must follow the City's Street Naming policy and follow a theme.
17. Five (5) sets of landscape and irrigation plans and park layout plans shall be submitted to conform to City standards for street trees along arterial streets, in buffer areas (usually located in landscape easement areas) and include proposed landscaping for the parks with the improvement plans for review and approval by the Community Development and Parks and Recreation Department prior to recordation of a Final Map. At a minimum, each park space should include a tot lot with a rubberized surface below (or acceptable falling surface), benches, picnic areas, barbecues, grass areas, sidewalks, etc. The adequacy of the parks shall be determined through separate approval by the Community Development and Parks and Recreation Departments. Due to the size of the larger park, activities for older kids should also be available.
18. The 40' PG&E easement shall be incorporated into the "future ~~collector~~ arterial street" rather than a permanent open space area as generally shown in staff's Figure 1 (in conformity with the General Plan in place at the time of submitting Civil Plans to accommodate in future downsizing that may occur) taking the rural street standard and greenway into consideration on the westerly half of the street as shown in the General Plan Land Use map. Due to the short north-south distance of approximately 1,000' of the future street the street section shall include only a 40' wide curb-to-curb asphalt street section and then accommodate a future parkway, 8' sidewalk and landscape/buffer area with a 7' decorative block wall (to provide noise reduction of a future street) . Rear yard setbacks to be 20' from Bush Street south. North of Bush Street the 40' easement shall be incorporated into the bike path with a 10' wide asphalt path that can accommodate 40-50,000 pound trucks. This will also require that a portion of lot 14 be adjusted to accommodate the transition of the bike path to avoid the railroad right-of-way. The remaining portions of the easement shall be landscaped and maintained by the public facilities ~~lighting~~ ~~landscape~~ maintenance district. The intersection of this area with streets shall contain removable bollards to discourage vehicular traffic but allow future access as needed to PG&E and City vehicles.
19. 10' wide public utility and 10' landscape easements must be shown on all lots adjacent to public streets and included in the Final Map.
20. A noise and odor easement must be recorded on the property, in a form acceptable to the City Attorney, to acknowledge the presence of nearby industry and the right of the industry to continue to emit such noise and odors as are otherwise allowable by law and to ensure that industry in these areas is not unreasonably hindered by residential users and owners which move nearby at a later date

The following General Plan noise policies shall apply: To mitigate aircraft noise, all new residential development shall achieve noise level reductions to meet the land use compatibility standards identified in General Plan Table 8.6 through acoustical design and construction of the building

elements which include all of the following when noise is greater than **65 CNEL db** as outlined in Figure 8-4 Future Noise Contours (unless they are superseded by future policies approved by the City Council which are in place at the time at which building permits are pulled as requested by the applicant):

- Residential building designs must be based upon a minimum interior design noise level reduction of 40 dB in all habitable areas (i.e., garages, storage areas, etc. are excepted). The 40 dB criteria must provide a minimum constructed noise level reduction of 35 dB; and
- Residential building designs must also be based upon a minimum design noise level reduction of 45 dB in all bedrooms. The 45 dB criteria must provide a minimum constructed noise level reduction of 40 dB.
- Basic elements of noise reduction design for new dwellings exposed to CNEL above 65 dB (anticipated for areas west of SR-41), including the following which must be supported by Board Certified Acoustical Engineer before and after construction to confirm the above noise level reductions:
 - All facades must be constructed with substantial weight and insulation;
 - Sound-rated windows providing noise reduction performance similar to that of the façade must be included for habitable rooms;
 - Sound-rated doors or storm doors providing noise reduction performance similar to that of the façade must be included for all exterior entries;
 - Acoustic baffling of vents is required for chimneys, fans and gable ends;
 - Installation of a mechanical ventilation system affording comfort under closed-window conditions is required; and
 - To meet the highest noise level reduction requirements it will likely be necessary to use double-stud construction, double doors, and heavy roofs with ceilings of two layers of gypsum board on resilient channels.

A Notice and Disclosure Statement must be recorded on the property, in a form acceptable to the City Attorney, which states that neighboring residents should be prepared for the inherent and potential inconveniences and discomforts often associated with normal and usual agricultural activities and operations, as well as from over flights from military aircraft which can exceed 65 db CNEL, and the County will not take any nuisance abatement actions against any normal and usual farming operations must be recorded (as required by 1997 EIR measure regarding the Kings County Right to Farm Ordinance). This helps farmers to continue their right-to-farm.

Additionally, a Buyer Beware program shall be put in place along with an aviation noise easement shall be given to the City of Lemoore on all recorded lots at the time of subdivision map recording granting the right to fly over homes and holding the air station harmless from the noise consequences of all aircraft activity which is transferred unconditionally at the time of sale to future purchasers of each property.

21. Developer shall make installation of solar panels option available to buyers so long as they are not located on the backside of homes facing arterial or collector streets. To encourage the purchase of such an option, one model home should be installed with solar panels and appropriate materials made available to show the cost efficiencies.
22. Improvement drawings must show existing and proposed sanitary sewer, storm drainage, water, street lights, fire hydrants and street infrastructure (including curb, gutter, and parkway style sidewalks) associated with the development. All proposed and existing onsite utilities shall be under grounded by the developer at their expense. Any utility which may need to be relocated will also be under grounded, with the exception of the 115kv power line. The improvement plans for the subdivision must be approved by the City of Lemoore Engineer and Public Works Departments and conform to City Standards, with the exception to those street cross-section issues addressed through the Planned Unit Development. Appropriate impact fees shall be paid for all utility services.

Development impact fees designed to mitigate the impact of water service shall be charged and all homes shall have water meters. If overdraft conditions are found on City wells, conservation programs shall be implemented.

Fire hydrants spaced 300 feet apart throughout the subdivision as approved by the Lemoore Volunteer Fire Department and shall be included in the improvement drawings with hydrants on the west or north side of the roads.

23. No development site drainage would be allowed to discharge untreated urban runoff into the marsh.
24. Signs shall be posted near the wetlands that walking of dogs within the wetland area is prohibited and can cause potentially serious impacts to wildlife and buyers of residential lots and homes adjacent to the preserved wetlands would be informed through a notice and disclosure statement of the importance of the wetlands and the potentially serious impacts to wildlife that could be caused by pets.
25. No fire stations exist on the westside and will be needed to provide adequate response times for all development on the westside. Therefore, impact fees will need to be paid towards the construction of such facilities. Additionally, growth on the westside will cause the need to expand the police service facilities and appropriate impact fees shall be paid for such as outlined in the impact fee study.
26. The location of the cluster mailbox pads and installation of boxes are the financial responsibility of the developer. The locations of boxes should try to encourage interaction among neighbors.
27. The construction activities shall conform to the general control measures required by the San Joaquin Valley Air Pollution Control District, dust control measures provided in the EPA's Reasonably Available Control Measures and Best Available Control Measures and the PM10 ADP, and the City of Lemoore's air quality measures.
28. Project-related grading and construction activities shall be subject to the recommendations outlined in the Preliminary Geotechnical Investigation Report prepared by Kleinfelder (which is located in Appendix K of the 1997 EIR) and a separate design level geotechnical investigation that is specific to the proposed project to better evaluate areas of varying soil types which require different earthwork and foundation recommendations as well as the Technicon soils report .

As a mitigation to the 1997 EIR, in the event presently unknown archaeological or historical resources are discovered during development of specific projects, work shall be terminated until such time that a certified archaeological/historical consultant can investigate the findings.

29. The developer shall meet all provision of the "License Agreement" date May 1, 2006 between West Hills Community College District, Lemoore Union Elementary School District and Victory Lemoore as may be amended between the parties.
30. A digital copy of the final map and improvement plans shall be provided to the City upon prior to Final Map recordation.
31. The developer shall at all times comply with the Fugitive Dust Control Standards of the San Joaquin Valley Unified Air Pollution Control District and shall take complete control of dust during the preparation of the subdivision site and during construction by taking the following measures:
 - a. *Submit for approval of the Public Works Director a program for the control of dust, which shall include, but not limited to, a watering schedule (frequency and time of day), use of dust control emulsions, and/or other measures necessary for control of dust.*
 - b. *Provide equipment and labor for watering of all exposed or disturbed soil surfaces, including weekends and holidays.*

- c. Sweep construction area and adjacent streets of all mud and dust at the end of the workday.
 - d. In addition, the developer shall deposit with the City an amount of five thousand dollars (\$5,000) which may be used by the City for dust control measures on this development, should the developer fail to adequately control dust. In case the City incurs costs for dust control in excess of the above amount, the developer shall reimburse the City for this additional amount. Upon acceptance by the City of the subdivision improvements, the deposit sum less any amount expended by the City will be refunded to the subdivider.
32. That the developer and contractor shall comply with all applicable provisions of the NPDES regulations, and are responsible for all General Permit applications to the Regional Water Quality Control Board. Proof of application shall be provided to the City prior to commencement of construction.
33. The developer shall submit to the Community Development Department the following documents for processing after approval of the Tentative Subdivision Map in addition to the above mentioned items.
- a) Five (5) copies of the final subdivision map along with closure calculations, preliminary title report dated within 90 days of submittal, and the final map application fee. The final map shall bear the signature and seal of the licensed land surveyor or registered civil engineer licensed to practice land surveying, preparing the map. If any of these required elements are missing, no attempt will be made to review the submittal.
 - b) Five (5) copies of subdivision improvement plans shall be submitted the Community Development Department including water, sewer, storm drainage street lighting, sidewalks, curb, gutter and fire hydrants drawn at a scale of not less than 1"=40' horizontal and 1"=4' vertical to be distributed to all commenting parties. General layout and grading may be shown on 24"x36" plan sheets. Plan and profile sheets shall be provided for curb grades and all proposed underground construction, and shall identify points of crossing. Calculations for pavement sections and any nonstandard facilities shall be provided. Details for all construction not covered by City Standard Specifications and/or Detail Drawings shall be provided. Plans shall be signed and sealed by the civil engineer in responsible charge. No review will be attempted on an incomplete submittal.
 - c) Two (2) copies of the engineer's cost estimates for the proposed improvements showing quantities and unit prices. Unit prices shall conform to the City standard prices, which are available at the Public Works Department.
 - d) After review of the final map is complete, the applicant's engineer shall submit a letter certifying that monumentation is in place and ready for field inspection. Upon receipt of that letter, staff will inspect the monumentation of the tract, prior to final approval of the map. If monumentation of individual lots is to be delayed until construction, the owner shall post with the City a bond-guaranteeing placement of all required monumentation.
 - e) Prior to submittal of the original tracings of the final map to the City for signature and recordation, the original tracing shall include notarized signatures (in black indelible ink) of all persons having record interest in the area within the boundary of the map, the seal and signature (in indelible ink) of the Registered Civil Engineer/Licensed Land Surveyor preparing the map, and the signature (in black indelible ink) of the Kings County Tax Collector. Use of improper ink for these signatures may cause rejection of the map by the City or the County Recorder's office.
 - f) After approval of the improvement drawings, the City will maintain possession of the original drawings for the duration of the project. The developer or his representative may obtain copies through a certified blueprinting service (Western Blueprinting or Airport Blueprint) that will retrieve the originals, make the needed copies and return the originals to the City.

- g) That upon completion of the subdivision improvements and their acceptance by the City, the developer's engineer shall prepare drawings of as built improvements and shall submit to the City one reproducible and three blue line copies for the City's records.
34. All subdivision improvements including water, sewer, storm drainage, curbs, gutters, sidewalks, street lights, fire hydrants and street improvements shall comply with the Public Works Standards of the City unless provided differently in this report as an allowed Planned Unit Development standard and meet the approval of the City Engineer.
35. The subdivider shall defend, indemnify and hold harmless the City of Lemoore and all of its departments, officers, agents and employees of and from all claims, actions and proceedings of any kind or nature to attack, set aside, void or annul the actions of the Planning Commission and/or City Council in reviewing and approving the map. This condition is imposed pursuant to Government Code Section 66474.9. The City will promptly notify the subdivider of any such claim or action and will fully cooperate with the subdivider in the defense thereof.
- ~~36. In accordance with City Council Resolution 2005-24 adopted on June 7, 2005, the Council has authorized staff to prepare an updated impact fee study which is anticipated to be completed within one year. The project will have an impact on the need for new public facilities and improvements in the City. The costs associated with that impact and the connection between the need for new public facilities and the proposed project will be set forth in a new Resolution to be adopted by the City Council. As a result, the applicant shall be subject to and shall pay these impact fees when they are set forth; should construction commence prior to the completion of such fee schedule an interium assessment will have to be made. Development Impact Fees shall be collected upon issuance of building permits for the development at the rate in effect on the date of the building permit.~~ In accordance with the findings of City Council Resolution 2010-10 adopted on April 6, 2010 and the Colgan Consulting Corporation City of Lemoore, CA – Development Impact Fee Study Report, the project will have an impact on the need for new public facilities and improvements in the City. The costs associated with these impacts and the connection between the need for new public facilities and the proposed project are set forth in Resolution 2010-10 and the Colgan Report (with the exception of streets and thoroughfares which are under a separate Resolution). As a result, the applicant shall be subject to and shall pay the impact fees as set forth in Resolution 2010-10.
37. The 13.6 acre portion of Assessor's Parcel Number 023-510-011 as shown on the general plan and zoning amendment exhibits, shall be zoned RM-3 within the scope of the Traffic Impact Report and will be required to include at least 85 units due to density shortfalls and up to 180 units of multi-family housing when submitting for a Site Plan Review or construction.
38. The developer must submit a Landscape Documentation Package (hereafter called "the Package"). This Package must be prepared by a landscape and irrigation designer (as delineated in the Ordinance per Business and Professions Code, Title 16 of the California Codes and Regulations and Food and Agriculture Code) that includes a) Project Information, b) Water Efficient Landscape Worksheet, c) Soil Management Report, d) Landscape Design Plan, e) Irrigation Design Plan, and f) Grading Design Plan to be approved by the City of Lemoore. The Landscape Design Plan does not need to limit the types of plants to be used so long as the Maximum Applied Water Allowance is not exceeded for the entire project but does require hydrozones be established (which group high water use plants and turf in one area and lower water use plants in other areas to ensure maximum efficiency in irrigation). The Irrigation Plan is required to prevent / reduce overspray and runoff by limiting spray irrigation to areas greater than 8' wide and slopes less than 25% and it is encouraged to use irrigation controllers that utilize soil moisture conditions. Once the landscape is installed the developer must get a certification by the signer of the landscape design plan, signer of the irrigation plan, or a licensed landscape contractor certifying that the work was installed per the Plans and the owner must certify that they will maintain the project in accordance with the Landscape and Irrigation Maintenance Schedule.

39. As per General Plan Policy on CD-I-58 on Heat and Light: Incorporate passive heating and natural lighting strategies if feasible and practical by using:
- a) Building orientation, mass and form, including façade, roof, and choice of building materials, color, type of glazing, and insulation to minimize heat loss during winter months and heat gain during summer months.
 - b) Building design openings to regulate internal climate and maximize natural lighting, while keeping glare to a minimum.
 - c) Reduce heat-island effect of large concrete roofs and parking surfaces.
40. As per General Plan Policy CD-I-59 on Surface Water Runoff: Reduce storm water run-off, control water pollution, and promote water recharge through sustainable hydrological design by:
- a) Limiting building footprint and reducing imperviousness, using permeable paving or landscaping to break up expanses of impervious surfaces
 - b) Using trees canopy and shrubs to absorb rainwater and slow water flow
 - c) Incorporate drainage design into the infrastructure, including roof downspouts, retention cells, or infiltration trenches, to filter and direct storm water into vegetated areas or water collection devices
 - d) Installation of sub-surface water retention facilities (for large development) to capture rainwater for use in landscape irrigation and non-potable uses.
41. As per General Plan Policy CD-I-60 on Energy Efficiency: Incorporate green building standards to ensure high level efficiency, also:
- a) Use of Energy Star[®] Appliances and equipment
 - b) If project proposes to use more than 40,000 kilowatt hours per year, should install photovoltaic energy system.
42. Good construction Practice as per General Plan Policies CD-I-6 for Green Building Design and CD-I-62 restrict use of chlorofluorocarbons (CFCs), hydro-chlorofluorocarbons (HCFCs) and halons in mechanical equipment and building materials and use of durable products and efficient end-of-life disposal of appliances and material (recyclable) to help in overall reduction of environmental impact.
43. The subdivision shall comply with all the provisions of Title 8, Chapter 8 – Flood Damage Prevention ordinance and that the lowest floor of any structure shall be at least 2’ above the highest adjacent grade if no base flood elevation exists. Notation of the subdivision being in the 100-year flood plain shall be incorporated onto the face of each Final Map.

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on the 5th day of April, 2011, by the following vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Willard Rodarmel, Mayor

ATTEST:

Nanci C.O. Lima, City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, **NANCI C.O. LIMA**, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on April 5, 2011.

DATED: _____, 2011

Nanci C.O. Lima, City Clerk

Victory Village Subdivision Map submitted 5/12/06

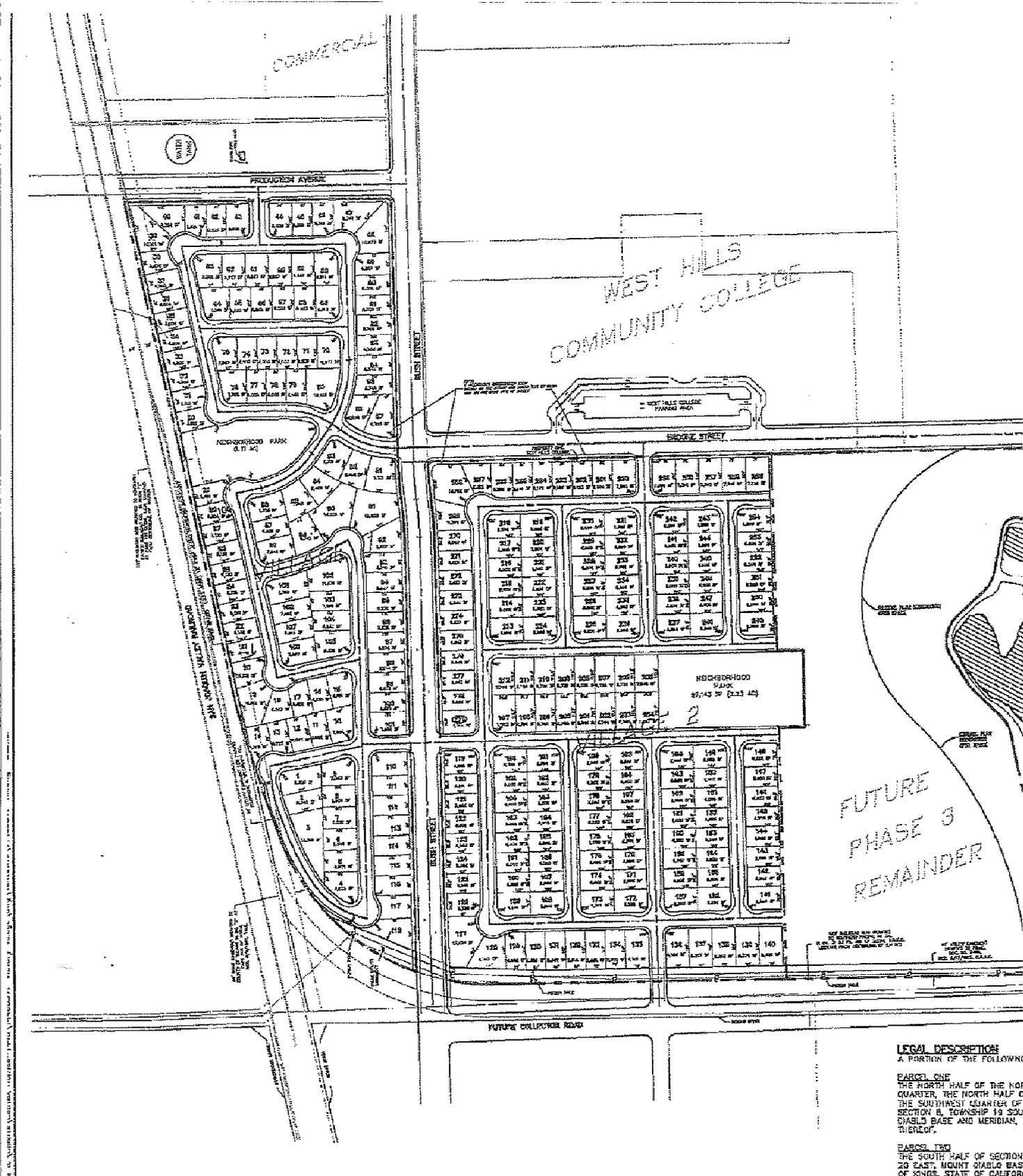
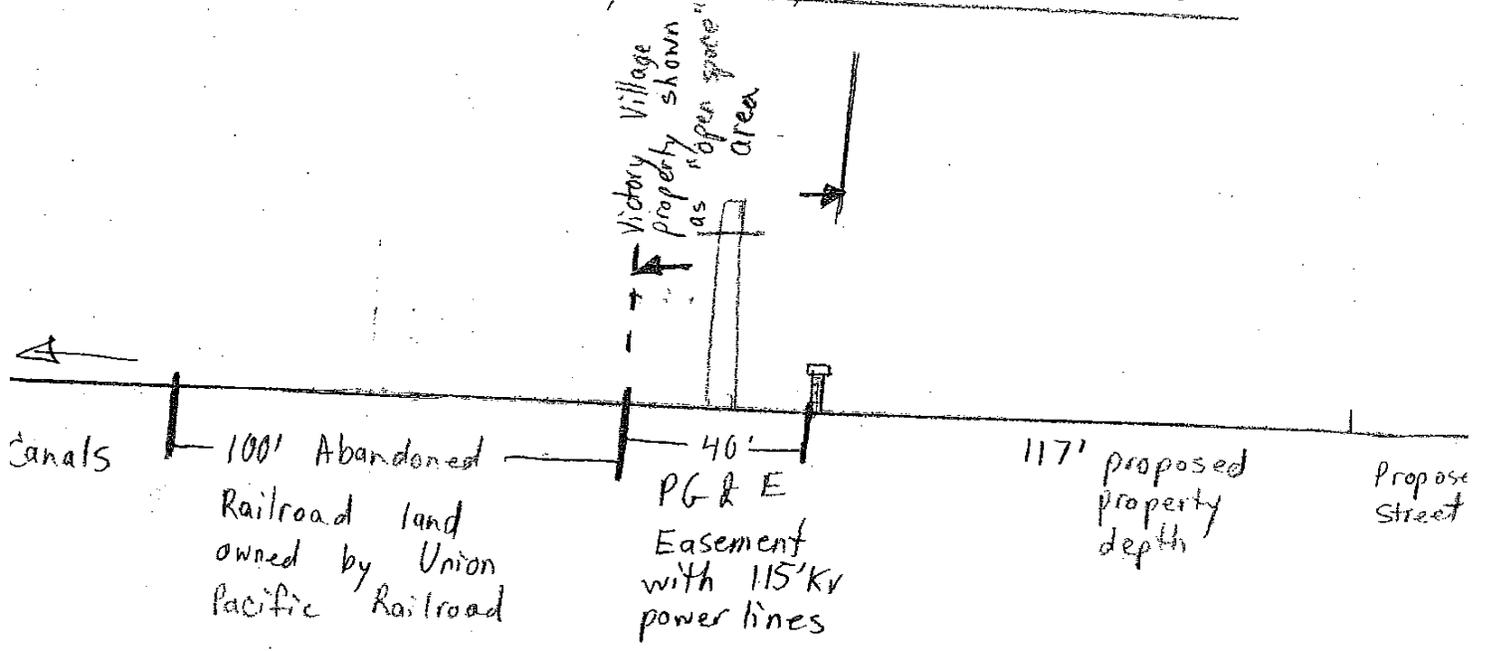


FIGURE 1

10

Existing conditions of the westerly boundary of Victory Village



Proposed Future easements/ROW (incorporate PG&E easement in future "collector" street and possibly build asphalt section to "local" standard)

