

## RESOLUTION # 2011-15

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING REVISED ELEVATIONS AND FLOOR PLANS FOR THE 81 LOTS OF TRACT 791 AND REITERATING ALL ORIGINAL APPLICABLE SINGLE FAMILY CONDITIONS WITH A FEW MODIFICATIONS TO ORIGINAL PUDs #2003-01 & #2005-21

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 18, 2011, at 7:00 p.m. on said day, it was moved by Commission member \_\_\_\_\_ seconded by Commission member \_\_\_\_\_ and carried that the following Resolution be adopted:

**WHEREAS**, Wathen-Castanos Hybrid Homes, Inc. has submitted an application to modify originally approved Planned Unit Development (PUD) #2003-01 to remove a reciprocal easement, vary individual lot coverage, utilize the Public Facilities Maintenance District, and revise the floor plans/elevations for the subdivision on the 81 lots in Tract 791 as they are purchasing approximately 21.96 acres of the unbuilt single family component of the PUD from FB Holdings Inc; and

**WHEREAS**, this subdivision is located on the northeasterly corner of Smith and D Streets and 1200 ft. west of the Lemoore Canal; and

**WHEREAS**, the original PUD was approved by City Council Resolution #2003-12 on April 1, 2003 (after the Planning Commission made the five required findings for PUDs) and later modified by City Council Resolution #2005-21 on May 17, 2005 and included a single family and multi-family residential components in the approval; and

**WHEREAS**, there is no longer a valid multi-family component to the project nor same ownership between the two residential building types and there should be conditions related to the single family subdivision only as things like the reciprocal use easement agreement create a severe burden on the ability to market and finance the proposed single family project in the current economic and financial environment, and

**WHEREAS**, staff initially determined that the application is categorically exempt under the California Environmental Quality Act (CEQA) Section 15305-Minor Alterations in Land Use Limitations; and

**WHEREAS**, the Lemoore Planning Commission held a duly noticed public hearing at their July 18, 2011 special meeting, and discussed the proposed revisions with the developer and took testimony.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemoore does hereby determine that the above described "project" is categorically exempt under CEQA Section 15305-Minor Alterations in Land Use Limitations; and approve the proposed modifications and elevations and floor plans with the following conditions to be valid for two years, in which time building permits will need to start being pulled:

1. The project shall be completed as per attached plans and drawings hereby approved except for any minor modifications that may be needed to meet the conditions of approval.
2. That all utilities shall be constructed underground. Any existing utilities requiring relocation to accomplish the required improvements shall be the responsibility and at the expense of the developer.

3. ~~That the developer shall enter into a Mitigation and Monitoring Agreement to assure compliance in Perpetuity with all required mitigation measures including the development and maintenance of landscaping and community facilities and amenities.~~
4. That the street pavement design sections shall be in accordance with the results of the soil report and the City of Lemoore standard specifications. These require minimum aggregate base sections of six inches (6”).
5. ~~That three (3) copies of the Grounds Maintenance Plan for the multi-family portion of the project shall be submitted to the Community Development Department for review and approval prior to recording it with the Kings County Recorder to assure proper maintenance of community facilities such as park like areas/open space, trail, tot lots, pool, community center, private streets, sidewalks, benches, ‘D’ Street blockwall and landscaping, et.al., within and adjacent to the project. This plan will provide annual maintenance costs and state specific types, standards, frequency of care and upkeep for all areas to be maintained, subject to Mitigation and Monitoring Agreement.~~  
A new revised easement agreement and covenant document shall be drafted, signed and recorded between all the lots of the single family subdivision Tract 791 and the owner of the multi-family Assessors Parcel # 023-020-085 to replace and supersede the "DECLARATION OF RECIPROCAL EASEMENTS FOR USE OF AND OBLIGATION TO CONSTRUCT RECREATIONAL FACILITIES, PLAY AREA AND CLUBHOUSE FACILITY", which was recorded on May 31, 2006 as document #0615959, Kings County records. The new easement and covenant shall incorporate the construction of the open space/tot lot area, per the attached approval with the addition of a water feature, to be installed by the single family developer and maintained through the PFMD by both the single family and multi-family areas in a format acceptable to the Planning Director and City Attorney.
6. ~~That the multi-family portions of the project provide seven fire hydrants along the interior private drive spaced approximately 150’ apart to provide adequate fire protection at locations to be determined by the Fire Chief. All hydrants shall be included in the Improvement Plans.~~
7. ~~That the multi-family portions of the project provide eleven (11) trash dumpsters per the Zoning Ordinance and that they be located no more than 250 ft. away from any given unit. The trash dumpster enclosures shall be of a design that blends with the architecture of the multi-family units. Three (3) copies of the trash dumpster design and location plan shall be submitted to the Community Development Department for review and approval of the Public Works Director prior to approval of the final Map.~~
8. That all block walls along ‘D’ Street shall be of a 7 ft. tall decorative masonry style which shall be submitted to and meet the approval of the Community Development Director. Along ‘D’ Street, the ordinary cement block walls are not considered “decorative for this purpose. The design of the wall shall be capped by a projecting layer of blocks or bricks and be light brown in color. Any missing blocks shall be replaced by the developer.
9. That a 7 ft. masonry wall shall be built along the easterly portion of the subdivision.
10. ~~That the bike path shown on the Vigen Associates drawing shall be included in its entirety on the final Map and be located at least 4 ft. away from multi-family buildings.~~  
Bike lane striping in “D” Street shall be installed by the single family home developer adjacent to the project site and maintained with the PFMD.

11. The street trees shall be planted with root barriers as per Public Works Standards and Specifications at a maximum spacing of 40 ft. between their centers ~~in single-family and duplex areas while multi-family areas shall be spaced 20 ft. between their centers around the perimeter.~~
  - a. ~~That A ten foot (10') wide~~ landscaping easement area shall be provided in front of the decorative block wall along East 'D' Street and maintained by the owners of the multi-family portion of the project. This PUE/Landscape easement combination along 'D' Street will be dedicated to the City of Lemoore for PUE purposes but the landscaping maintenance in the easement area and parkway and block wall are the responsibility of the single family development through the PFMD in perpetuity. Staff may need to adjust the width of the landscape easement area adjacent to the block wall, which might only be able to accommodate vines growing on the wall, so that the existing street trees can remain in place with a potential to incorporate a swale and ground cover to form solid cover in conformity with the State's Water Efficient Landscape.
  - b. Revised Five sets of landscaping plans shall be submitted to the Planning Community Development Department for the multi-family and open space/total lot/water feature area and 'D' Street areas in conformity with the State Water Efficient Landscape rules for review and approval prior to starting construction on the subdivision to Final Map recordation.
  - c. Full front yard landscaping with street trees and ground cover planted in parkway strips shall be provided along single family and duplex lots in conformity with the State Water Efficient Landscape rules.
  
12. That no curbside parking shall be allowed along the narrow bulb-out areas of the subdivision ~~and designated fire lanes within the multi-family area and such curbs shall be painted red. All regular marked parking in the multi-family areas shall be 9 ft. by 20 ft. in dimension and handicapped parking shall comply with the Americans with Disabilities Act standards.~~
  
13. That the final Map shall provide public utility easements for streets, water, sewer and storm drainage facilities intended for city maintenance and acceptance. This shall be done by dedicating a 10 ft. wide PUE easement adjacent to both sides of street and dedicating rights- of way shown on submitted tentative map. If storm drainage will tie into the City's system, a 20 ft. wide easement for storm drainage shall be obtained by the developer from adjacent property owners at a location to be determined by the City Engineer at the subdividers expense and the shall enlarge the ponding basin if needed. If an agreement cannot be reached between the developer and adjacent property owner then the developer will be required to develop an alternative plan for storm drainage purposes to be approved by the City Engineer.
  
14. That developer shall provide Sewer Improvement Designs to the Public Works Department to ensure proper flow of sewer to existing City main's on 'D' street or Magnolia Avenue.
  
15. That street lights shall be provided within the project as per City local street lighting standards. Street lights along 'D' Street adjacent to site will be provided as per City Standards for arterial streets.
  
16. That the applicant shall provide for pads and mail boxes at locations to be determined by the Lemoore Postmaster.

17. That the final Map and improvement drawings for ~~phase one~~ at the north end of ~~Paloma Drive~~ Farcia Avenue and for ~~phase two~~ at the north end of Nitsa Avenue shall provide a temporary turn-around. The design of this turn-around shall meet the City's Public Works Standards and shall be approved by the City Engineer.
18. ~~That the developer shall submit three (3) large color sets, fifteen (15) 8 1/2 x 11" color sets and one computer picture file set of elevations and floor plans for the single family units, not to include carports, and elevations for the multi-family units for review and approval of the Community Development Department and the Planning Commission prior to Final Map recordation. Elevations for the rear of the multi-family garages should be made of a block wall and drainage from the roof line shall not flow to the single family lots. The attached floor plans/elevations are approved as submitted so long as homes on corner lots wrap the architecture to the fence line and Plan 1788 is modified to add a courtyard feature so that the garage has less than 5' offset from the house. No more than 1/3 of the homes along D Street and the easterly property line shall be two-story, not more than 36 of all homes shall be two-story and not more than 16 homes shall be Plan 2207.~~

The Individual Plot Plan Review process shall be utilized to approve individual plans/elevation per lot with the appropriate fee to insure that all plans meet the PUD design guidelines. Special attention will be paid to the guideline that "not more than three dwelling units on facing or adjoining lots should be of the same model floor plan, and building elevations with the same floor plan on adjoining lots should have elevation features that "sufficiently vary" from each other". No air conditioning units will be allowed to be located in side yards where there is less than 3' clear between the unit and the fence. Tall fences on corner lots will need to be setback at least 3' behind the sidewalk with landscape planted on the street side of the fence maintained by the home-owner. A running excel spreadsheet shall also need to be submitted with each submittal showing that the overall average coverage is being maintained at 40% and no individual lot exceeds 44% coverage.

19. A revised overall setback plan shall be submitted to Planning Department to accommodate a minimum 6' sideyard adjacent to garages and 4' on opposite side of each home so that 10' between buildings is always maintained. Front yard setbacks shall vary from 15'-18', garages shall be setback a minimum of 18', side yard setback on street sides of properties shall be 10', and rear yards shall be at least 20' on lots backing onto "D" Street while all other minimum rear yard setbacks shall be 10'. That revised building foot prints shall be provided for lots 2 and 3 to insure 12 ft. front yard and 10 ft. rear and sideyard setbacks. Revised building foot prints shall also be submitted for the multi-family complex so that the buildings are no closer that 10 ft. from any interior street or 10 ft. from any other multi-family building on the Final Map.
20. The developer shall submit revised street names for Paloma Avenue and Zoe Street for review and approval of the Community Development Director. ~~The private street name of Zander Way and its location shall be depicted on the Final Map as well as the actual location of the street/parking areas to show that the multi-family units are not land locked.~~ Should developer want to change street names, developer shall submit map showing the subdivision with new street names in conformity with the City Street Naming policy, pay the appropriate fee, and City Council will have to pass a Resolution to accept new names and City will need to record documents.
21. All sidewalks shall be of "Parkway Type" as per City standard. The sidewalk along 'D' Street shall be at least 6 ft. wide while all other local sidewalks shall be 5'.

22. That the proposed bus stop turn pocket on 'D' Street needs to be carried out through to Smith Avenue to avoid confusion to drivers turning onto Smith Avenue. This change shall be reflected in the Final Map.
- ~~23. That cross parking and cross access easements shall be provided between the four multi-family lots 67 through 70. An association of these 4 lot owners shall be established with covenants for the proper maintenance of the private street/parking lot and other common facilities.~~
24. That the developer shall at all times comply with the Fugitive Dust Control Standards of the San Joaquin Valley Unified Air Pollution Control District. In addition, the developer shall take complete control of dust during the preparation of the project site and the construction of the subdivision improvements by taking the following measures to reduce dust generated during development and construction of the subdivisions.
  - 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 six thousand dollars (\$6,000) 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.
25. That the developer shall submit to the Community Development Department copies of the following documents for processing after approval of the tentative subdivision map.
  - a) Five (5) copies of the final subdivision map along with closure calculations, soil report, preliminary title report dated within 90 days of submittal, and the final map application fee. The final map shall show the city boundary line and avigation easement and 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 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. General layout and grading may be shown on 24" x 36" 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.
26. That a Storm Water Pollution Prevention Plan conforming to EPA and SWRCB requirements, or notice of exemption therefrom, shall be submitted for approval. If it is determined that such a plan is required, a copy of the plan shall be kept on site during all construction activity. Guidelines for preparation of this plan are available from the City Engineer's office.
27. 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.
28. That the developer shall execute and record easements 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 is not unreasonably hindered by residential users and owners in the subdivision.
29. That 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 of bond-guaranteeing placement of all required monumentation.
30. That 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.
31. That after approval of the improvement drawings, that 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.
32. 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.
33. That 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.

34. That in accordance with the finding of the City Council in Resolution 2000-21 and the Quad-Knopf study dated June 2000; 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 are set forth in Resolution 2000-21 and the Quad-Knopf study. As a result, the application shall be subject to and shall pay these impact fees set forth in Resolution 2000-21. In addition, the Developer has offered to pay, annually and in perpetuity, and "in-Lieu" fee to the City of Lemoore in the amount of lost property tax for the project or portion thereof that is deemed tax exempt by the Kings County Tax Assessor as a result of "tax credit" financing or for any other reason. The City has agreed to accept this offer, and the payment conditions and amount will be specifically described in a Subdivision agreement to be executed prior to Final Map recordation.
- ~~35. That a temporary chain link fence shall be built on the northern portion of the property along the parcel line.~~
36. That a 7 ft. high masonry wall shall be built on the northerly side of lots 56-67 of Tract 791 between future all multi-family/duplex units and single family uses.
37. That all driveways shall be of conventional concrete width, not concrete strips.
38. ~~Applicant shall request a Lighting Maintenance District be formed so that the City does not bear the cost of the electricity feeding the neighborhood lighting nor the maintenance of such lighting.~~ The developer shall request inclusion in the Public Facilities Maintenance District (PFMD) to maintain local streets, street lighting, perimeter block walls, perimeter landscape areas, pocket park, tot lot, and water feature.
39. ~~Owner/developer of multi-family properties must record a covenant with the final map which ensures perpetual access from the single family and duplex lots to the facilities and amenities located on the multi-family lots (i.e. open space, community center, swimming pool, tot lot, bike path and picnic areas) in a form approved by the City Attorney.~~
- ~~40. The maximum density allowed in the subdivision will be 8.75 units per net acre, which includes 7 units/net acre plus a 25% density bonus, for no more than 147 units. Developer agrees to build a maximum of 82 single family housing units (rather than 77 single family and 10 duplex units) and a maximum of 64 four-plex units on the multi-family portion of the project (rather than 11 apartment buildings containing 8-units each). One single family dwelling shall be allowed to be built per legal lot within Tract 791, excluding the three outlots that are part of the subdivision.~~
41. 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 unreasonable hindered by residential users and owners which move nearby at a later date.
42. The developer or builder will offer all the single family residences for sale and not for rent.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on July 18, 2011 by the following votes:

**AYES:**

**NOES:**

**ABSTAINING:**

**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**Lisa Elgin, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Holly P. Smyth, Secretary**

**\* This resolution shall not become effective until reviewed by the City Council (anticipated to be August 2, 2011) pursuant to Lemoore Municipal code Section 9-15-B-2G. The City council may affirm, reverse, or modify this resolution.\***

**CERTIFICATE**

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

**I, Holly P. Smyth, Secretary of the City of Lemoore’s Planning Commission, do hereby certify the foregoing Resolution of the Planning Commission of the City of Lemoore was duly passed and adopted at a Regular Meeting of the Planning Commission held on            July 18, 2011**

**DATED: \_\_\_\_\_, 2011**

\_\_\_\_\_  
**Holly P. Smyth, Secretary  
Lemoore Planning Commission**