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STAFF REPORT

Item # **5**

To: Lemoore Planning Commission

From: Gloria Hobbs, Assistant Planner / Holly Smyth, Planning Director

Review Date: March 12, 2012

Subject: E.I.A. #2012-04/Variance # 2012-01 / Site Plan Review #2012-01, Application by Anthony C. Pings Associates for Billingsley Brothers Property, LLC.

A. General Information:

1.	Applicant/Owners	Anthony C. Pings, AIA 6121 N. Thesta Street, Suite 301 Fresno, California 93710 Telephone (559) 439-0700 Fax (559) 439-0708 Email anthony@pings.com	Billingsley Brothers Property LLC 6 West "D" Street Lemoore, Ca. 93245 Telephone (559) 924-2689 Fax (559) 924-5442 Email billingsleytireinc@yahoo.com
2.	Architect/Engineer/Designer:	Anthony C. Pings, Associates 6121 North Thesta #301 Fresno, California 93710 Telephone (559) 439-0700 Fax (559) 439-0708 Email anthony@pings.com / bev@pings.com	
3.	Location:	322 N. Lemoore Avenue (southeast corner of Magnolia and Lemoore Avenues)	
4.	Property Description:	Assessor Parcel #020-111-001	
5.	Site Area:	12,954 +/- Square Feet after dedication	
6.	Existing Use:	Single Family home demolished, now vacant land	
7.	Proposed Use:	3,180 square foot Commercial Building	
8.	Current Zone District:	CC (Central Commercial)	
9.	General Plan Designation:	Neighborhood Commercial	

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B. Plan Location & Description:

The applicant proposes to construct a 3,180 square foot commercial building on the southeast corner of Magnolia and Lemoore Avenues at 322 N. Lemoore Avenue. The project includes fifteen (15) standard (9'x20') parking spaces which includes two (2) accessible spaces. The drive approach is located off of Magnolia Avenue and is proposed at 27'-0". There are no floor plans at this time but the site plan indicates two customer entries on the east and west sides of the building. A trash enclosure is proposed in the parking lot. A patio area with a 3' decorative iron fence is proposed in the back portion of the building. Two 22' pole lights are proposed to be near the southerly side of the site. Several windows are located on the north, east and west sides of the building with canopy's above each window area. A 6' CMU wall is proposed on the eastern property line to replace the existing 6' high wooden fence and an existing wrought iron fence is located on the southern property line.

General Plan policy CD-I-8 requires a 15 foot landscaped front setback area along all arterial and collector streets outside downtown, as sites are developed or major renovations undertaken. The applicant is requesting a variance to allow a 6' landscape front setback to match the adjacent property setback and to have the same visual street presence for the new building. The parcel is currently zoned CC (Central Commercial) in accordance to the provisions of the Lemoore Municipal Code and is designated as Neighborhood Commercial in the 2030 Lemoore General Plan. The parcel is described as Assessor Parcel #020-111-001 and is approximately 12,954 square feet in size after proposed dedications.

C. Variance Review:

The applicant is proposing that the commercial project building be allowed at 6' front setback instead of the required 15' landscape front setback area along all arterial and collector streets outside downtown.

The following findings must be made in accordance with Sections 9-15-F-3 Subsections F1a, F1b, and F1c in order to approve a variance:

Criteria under F1a – Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship, inconsistent with the objective of this Title.

The applicant is requesting the variance to match the adjacent property's setback which they feel is needed to allow a commercially viable use of their parcel and to allow their project's street façade to have the same visual street presence. By not granting this variance the property would be denied the same commercial viability as the adjacent commercial properties.

Criteria under F1b – There are special circumstances or conditions applicable to the property involved such that strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

The site is extremely small to develop as a neighborhood commercial site, especially since they are limited to one driveway off Magnolia Avenue. Because of the small lot size and the fact that the adjacent property has a 6' setback behind the 42' right-of-way, the variance should be allowed. However, during the review process it was discovered that a sewer line crosses onto the property under the proposed building at the 6' setback line, whereas the building might miss the sewer line totally by implementing the 15' setback. Therefore, a condition of the variance should be that either the sewer line would need to be relocated and/or the building foundation/design be modified to keep

the sewer line at least 4' away from the closest edge of the building. Additionally, the sewer line area needs to be incorporated within a public utility easement to be dedicated.

Criteria under F1c – The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

As mentioned above, the requested variance would match the adjacent property's 6' setback from the 42' right-of-way and therefore not constitute a grant of special privilege inconsistent with the district.

D. Project Review:

The Site Plan Review application is being reviewed to determine its compliance with the City of Lemoore's policies, standards, codes and environmental impacts. The following findings have been made:

1. Compliance with General Plan/Zoning:

The site is located in an area designated for Neighborhood Commercial in the Lemoore General Plan and is zoned CC (Central Commercial). Neighborhood Commercial is intended for small-scale commercial uses that primarily provide convenience, personal services, and social services such as small-scale retail, eating and drinking establishments, commercial recreation, and professional office as a secondary use. The Central Commercial zone district lists retail stores and other service establishments which supply commodities or provide services primarily to meet the needs of residents of the community as listed in section 9-9A-2 of the zoning ordinance, as permitted uses. Therefore, the proposed commercial building use should be a permitted use in the CC (Central Commercial) zone district. The building is proposed to be 24' in height at its highest point and therefore is in conformity with this City's standards. The site is surrounded by developed properties; on the north is multi-family, on the south is Central Commercial use; on the east is single family and on the west is Commercial Service.

The maximum floor area ratio (FAR) allowed is 60% per General Plan with a minimum 15% site landscaping, of which 5% is located in the parking area and 15' wide strip minimum is provided along the street frontage according to the new 2030 Lemoore General Plan policy for neighborhood commercial areas. The applicant is requesting a variance from the 15' required street frontage to 6'. The proposed building footprint covers 23% of the site area in compliance with FAR while landscaping is at 22.61% , therefore in compliance with city ratios.

Due to the project site's zoning of the surrounding properties, a minimum of a ten (10) foot setback must be kept on the easterly property line abutting an R district, per Zoning Regulation Section 9-9-5D-2 as well as a landscaping buffer from Residential zoning district. The proposed project provides an 8-12' setback to the parking lot along the easterly property line so that an average 10' setback is provided to meet City standard and allow adequate space for backing up. Property to the north is zoned RM across the street, south is zoned CC, and west is CS and therefore no setbacks are required along these frontages other than the fire code that requires 10' between buildings.

2. Ingress / Egress (Vehicular, Pedestrian, Bikeways), Internal Circulation, Traffic and Right-of-Way:

Two way ingress/egress to the site is proposed from a new 27' drive approach on Magnolia Avenue which is adequate to provide safe and convenient traffic circulation. The new drive approach is approximately 90 feet from the intersection of Magnolia and Lemoore Avenues and could stack about four (4) cars. Currently there are two 15'-10" drive approaches off of Magnolia Avenue that appear to be removed and replaced with new curb gutter and sidewalk as shown on the proposed site plan. All ramps and

pedestrian/wheelchair crosswalks within the project will need to be properly identified both on the plans and on the ground and will need to be approved by the Public Works Department to comply with the Americans with Disabilities Act.

The General Plan shows Magnolia Avenue as an existing Local Street. The General Plan shows Local Streets to be designed to provide two travel lanes, parking on both sides, landscaped parkway strips, and 5' sidewalks. Magnolia has 60' of existing right-of-way which is adequate. However, this previously developed site has existing monolithic sidewalks as does the entire neighborhood. The General Plan does give the Planning Commission and/or the City Council the authority to modify the cross section based on the street and neighborhood characteristics, which the Commission should allow the existing monolithic sidewalk to stay in place. The proposed project shows enlarging the Magnolia Avenue sidewalk, however sense the current sidewalk along this frontage is already 5', which meets City standard for local streets, no additional widened of this sidewalk should occur.

The General Plan shows Lemoore Avenue as an "Arterial" Street (which requires 84-100' of right-of-way) with build out Levels of Service (LOS) during peak hours anticipated to be LOS C with traffic configurations including four (4) through traffic lanes; two north bound and two south bound with limited left turn pockets. The General Plan shows Arterial Streets to be designed to provide four travel lanes, turning lane, bike lanes on both sides if appropriate, landscaped parkway strips, and sidewalks. Where there is inadequate room to stripe bike lanes in the street or if traffic speeds are such to make bicycling in the street unsafe, the General Plan call for large sidewalks to be installed to allow shared use of the sidewalk by pedestrians and bicyclists. The applicant has already incorporated additional sidewalk width along Lemoore Avenue so that a 10' wide sidewalk can be accommodated and match the adjacent property.

Along the project site, Lemoore Avenue is believed to have 40' of existing right of way (ROW) from the street centerline, therefore the project proposes to dedicate 2' of additional ROW so that 42' of ROW will exist.

Public utility easements (PUE) need to be offered along both City streets. Due to constraints of the westerly wall of the building in relation to the new ROW along Lemoore Avenue, only a 6' public utility easement can be offered versus the normal 10' while a 10' PUE can be accommodated along Magnolia Avenue.

In March 2011, the peak hour traffic along Lemoore Avenue within nine blocks of the project site for the segment in front of 643 S. "Lemoore" Avenue was 837, with 10,095 average daily traffic (ADT), which includes both directions.

Because the ultimate use of the building is not fully known, staff looked at the potential "worse case" scenario for traffic. According to the Institute of Transportation Engineers (ITE) 6th edition Trip Generation book, the Code 933 category for Fast-Food Restaurant without Drive-thru window was used to approximate the average daily traffic figures. Based on the proposed project's square foot area of 3,180 square feet, 2,170 average daily trips (ADT) could potentially be generated, ((((716*5)+696+500)/7)*(3180/1000)) or approximately 202 trips (63.50*(3180/1000)) during the peak hour. Depending on the actual use that ends up on the site, the impact fees should be based on the proposed use being constructed. Because there was a single family dwelling on the site that was demolished, 10 average daily trips should be subtracted from ADT.

4. Parking:

A total of fifteen (15) standard 9'x20' parking spaces are proposed, of which two (2) appear to meet the American Disability Act (ADA) requirements of accessible parking spaces. Under Section 9-12-3-1G of the Zoning Ordinance, the standard minimum parking provisions for retail restaurant per Site Plan information is 1 space for each 4 seats and according to the Site Plan there are 60 seats total

proposed. Therefore, 60 ÷ 4 = 15 parking space. ADA standards only require 1 handicapped stall, and therefore only one should be striped and signed on per Public Works Standards. City staff has requested that one ADA stall and loading zone be move adjacent to the northerly driveway to reduce potential traffic conflicts at that location as fewer handicapped person are likely to use these stalls.

The Circulation Element of the General Plan states that Bike lanes are usually not needed on Local Streets because these streets carry low traffic volumes and all are considered to be bicycle friendly. Lemoore Avenue is an arterial street which provides mobility through the City and access to major residential, employment and activity centers. On street parking should not be provided on major arterials but may be appropriate for minor arterials that emphasize accessibility over mobility. Minor arterials should provide two lanes and striped bike lane in each direction of travel. Where inadequate room exists to stripe bike lanes in the street, large sidewalks should be installed to protect children walking or bicycling to school. In accordance with the Lemoore Bikeway Plan for providing a safe system of bikeways, bicycle support facilities need to be provided for destination areas such as schools, shopping centers, and places of employment, so a small bike rack should be incorporated on the site plan. . Based on the type of use, the project should provide a bike rack in a visible and accessible location to accommodate at least three (3) bicycles. The bike rack should be of such design as to hold the bicycle frame (not just the wheel), should accommodate a u-shaped shackle lock, a wide range of cycle sizes, wheel sizes and types, and should be covered with a protective powder coating material to avoid damaging the bicycle.

5. Streets Lights and On-site Lighting:

According to City standards, street lights along Lemoore Avenue, an arterial street, are required to be installed every 165' apart, while on local streets like Magnolia they are required every 250' on one side. The closest adjacent existing City Street Lights are on the north-east corner of Lemoore and Magnolia Avenues (approximately 80' north of the site), on the north-east corner of Lemoore Avenue and "D" Street (approximately 104' south of the site), and one on a power pole on the northerly side of Magnolia Avenue adjacent from the northeast corner of the project site (approximately 70' north of the site). Therefore, no additional street lights are required for the project.

The site plan application proposes two (2) on-site 22' light poles on top of a 3' concrete base, one (1) within the southeast area in the parking lot area and one (1) in the proposed patio area. The zoning code states that light glare should not spill over onto adjacent properties, especially if they are residential uses. Additionally, past practice has been to provide lighting so that points of ingress are visible. In order to accommodate site constraints, one light pole should be located on the east side of the drive approach while the other pole should be located centrally in the parking area between landscaping, as generally shown on the redlined site plan. These lights will need to incorporate appropriate shielding, and incorporate energy-efficiency to meet the Public Works and General Plan standards.

No wall mounted lights are shown on the site plan and four should be incorporated on the columns adjacent to the entry doors to enhance the building architecture and lighting and be approved by the Planning Department with the construction plans.

6. Landscape, Sidewalks, and Open Space

The General Plan requires that at least 15 percent of commercial sites be landscaped, of which 5% of the parking area shall be landscaped with tree spacing every 3 stalls when single loaded and a minimum 15' wide strip is provided along the street frontage at a minimum. The applicant is requesting a variance to allow 6' wide strip along the street frontage. Policy CD-I-12 requires the parking lot landscaping to provide for "the screening of parking lots from the streets and reduce heat build-up from pavement" and that "a minimum of …1 tree per 3 stalls for single-loaded or side-

loaded bays will be required of parking lot shade trees". Policy CD-I-32 requires large trees throughout the parking and along streets, sidewalks, and pathways to provide shading and reduce negative environmental impact and appearance.

A landscape concept plan has been submitted with the site plan application but the applicant will need to submit a formal landscape and irrigation plan to the Planning Department for approval that includes the size of plants (1 gallon, 5 gallon, 15 gallon) and whether the plant is a deciduous or evergreen tree, shrub, vine or groundcover and more specific dimensions. Street trees must be from the City's Adopted Street Tree list and the name listed on the landscape plan.

The applicant is proposing landscaping in the parking area along the eastern, southern, northern property lines. No indication of the type of trees or bushes to be planted on the site plan is shown. Trees should be planted along the southern portion of the parking area as indicated on the redline drawing to meet City standards. Based on the 12,954 square foot lot size and the proposed 2,937 square feet of landscaping (equating to 22.6% of the site), the site meets the overall percentage requirement, even though the 15' landscape area is not being provided along Lemoore Avenue if the variance is approved.

7. Fences and Walls:

A six foot (6') wooden fence exists on the eastern boundary of the property and tapers down to 3' from about 10' from the frontage edge of the residential property and a 6' tall wrought iron fence with vines exists on the southern boundary. Because the property to the east of the project site is zoned residential, the Zoning Ordinance section 9-9-6A requires an ornamental solid wall or fence with a minimum of seven feet (7') in height, or such other height or type of screening required by the Planning Commission. Because a 6' CMU wall is proposed on the easterly boundary line of the property along with landscaping to match the adjacent wall on the Popeyes restaurant site before the proposed taper down to 3' nearest Magnolia. The proposed 6' wall should be accepted by the Planning Commission given the adjacent site characteristics and the close proximity of the existing single family dwelling with material approved by the Planning Department to blend with the adjacent property. However, the proposed tapering of the new block wall should begin approximately 10' behind the property line as directed by Public Works to maintain adequate visibility.

8. Public Utilities (fire hydrants / fire sprinklers /refuse /storm water / sewer/ water / power poles)

City standard require hydrants to be located within 300 feet of a project. The site plan does not propose hydrants within the project, but the closest hydrant is on the north east corner of Lemoore Avenue and "D" Street, approximately 100' away from the project site. Therefore, no additional fire hydrants are needed. Because the building is less than 5,000 square feet in size, fire sprinklers might not be required unless the building code requires for the type of use proposed. If fire sprinklers are required, a fire department connection (FDC) should be located on the northerly portion of the site as determined by the Fire Department.

The trash enclosure is proposed to be located in the parking lot on the east side of the building. In order for the City to utilize a front loader refuse vehicle, the enclosure will need to be re-oriented from the original location, to a 45 degree angle and will need to accommodate 2 dumpsters for regular trash and recycling program as determined by the Public Works Department. This orientation may cause one of the parking stalls to be removed and landscaping be re-oriented along the backside of the trash enclosure. The finish on the enclosure should incorporate stucco and color elements of the main structure with solid metal gates painted to compliment the building as approved by Planning Department with the construction drawings.

According to the Kings County Department of Public Health/Environmental Health Services Division, the applicant should be aware that the California Health and Safety Code/California Retail Food Code requires outdoor trash enclosures or storage locations be of non-absorbent material such as concrete or asphalt, easily cleanable, durable and sloped to a drain that discharges to an approved sewage treatment system. Furthermore, dumpsters and trash enclosures must be installed so that effective cleaning is possible. Effective cleaning of the dumpster and the outside trash storage area may be accomplished by providing a hot water hose bib with vacuum breaker in the area, for example, or by use of a portable steam cleaner. All waste water from such cleaning operations must drain to the sanitary sewer. Since grease traps or interceptors generally may not be located in a food handling area, the applicant may wish to consider installation of an exterior subterranean grease trap.

Storm water in the neighborhood is carried by gravity flow in the existing gutter system. In order to reduce the amount of storm water run off, roof drainage should tie into the perimeter landscape areas as much as possible. Grading plans will need to be submitted with the construction plans to meet City standards and not drain onto adjoining properties.

A portion of the City's sewer main crosses the project site and may be located under the proposed building footprint. The sewer line and/or the building will need to be adjusted and/or relocated so that the building and the sewer line are 4' away from each other. Additionally, a public utility easement needs to be established around the ultimate location of the sewer line and should tie into a public utility easement along the street frontage.

City water is available in both Lemoore Avenue and Magnolia Avenue and will need to appropriately tie into the new building as required by Public Works Department.

No existing above ground power poles exist on site, as PG&E undergrounded them a few years ago and installed two below ground vaults adjacent to the existing sidewalk to a point 9' behind the face of existing curb. Along Lemoore Avenue frontage, there is an existing AT&T service, broadband, and water box adjacent to the existing sidewalk that should be incorporated to be flush with the enlarged 10' sidewalk since there will be so little landscape on the Lemoore Avenue frontage. Because no public utility easement (PUE) exists along the frontage of the property, a 6' PUE will need to be offered along Lemoore Avenue behind the 42' of right-of-way that will exist from the street centerline and a 10' PUE will need to be offered along Magnolia Avenue.

The development will need to appropriately tie into all City utilities and streets meeting City Public Works Standards. Applicable improvement drawings will need to demonstrate proposed connections to existing storm, sewage and water lines are adequate as well as proper drainage is being provided. Improvement drawings will need to be submitted for review and approval to the Public Works Department and to the City Engineer along with the construction drawings before permits can be issued. All utility locations on Magnolia and Lemoore Avenues, must be shown, with utility connection points, the existing streets and the property lines. All visible utilities located on the project site should be screened in landscape areas from the general view of the public and/or painted to blend in with adjacent objects or buildings.

9. Design

General Plan policies LU-I-21 requires pedestrian-oriented design and gathering spaces in neighborhood centers to facilitate a small-town atmosphere. The project includes outdoor eating that meets this goal.

General Plan policies CD-I-34 and CD-I-36 on page 3-24 of the document identify building design standards and orientation design standards that apply to the proposed project in a Neighborhood Commercial designated area. Policy CD-I-34 requires building design to be consistent with

Lemoore's small town character, with architecture that is non-intrusive in character to conform with its surroundings, colors that are compatible with existing buildings, and height not differing by more than one story from adjacent buildings. Policy CD-I-36 requires buildings to be oriented toward the street, transparent and articulated to human scale, direct access from the sidewalk, continuous street frontage, and allowance of on street parking. Many of these policy considerations are already incorporated into the proposed design. However, in order to better meet these design policies, the top of the building should incorporate a trim band at the top to be colored the same color as the canopies, the base wainscoting should incorporate a stronger color band around the entire building that better contrasts with the building yet blends with adjacent building, and the base color should not be a stark white as shown in the colorized drawing but a pale tone to better blend with the adjacent Popeye's building.

In light of the State of California's AB32 law on global climate change, the new 2030 General Plan adopted green design policies CD-I-58 through CD-I-62 which require additional heat and light, surface water runoff, and energy efficiency standards. Passive heating and cooling architectural elements are incorporated into the design with canopies over windows and doors on the west, north, and east sides of the building. Additionally, landscaping is incorporated to shade the parking areas and portions of the building. Roof drainage should be directed into adjacent landscape areas to reduce storm water run-off. Construction plans will need to meet the adopted Green Building Code which should address energy efficiency and Green Building items in the General Plan policies CD-I-60 and CD-I-61. The project should facilitate environmentally sensitive construction practices outlined in General Plan policy CD-I-62.

No floor plan has been submitted with this proposal so roof structures need to be designed so that roof equipment will be hidden from public view.

10. Signs:

In looking at the project site plan, it appears that the project proposes six (6) canopy signs on the north, east, and west sides of the building and incorporate down-lit signage on the north. The submitted site plan does not show the size or design, color or dimensions of the signs which must be in scale and harmony with the building architecture. The applicant will need to submit a separate sign application and processing fee to the Planning Department for approval and obtain the necessary permits from the Building Department before signage is put in place on the project site.

11. Soils and Dust Control:

Soil disruption during construction can cause significant fugitive dust, which is a major contributor to the current air quality problems in the region. The developer will need to comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards, including Rule 9510 and the City of Lemoore dust control requirements. The project will be required to meet the 9510 rule (indirect Source Review) and submit a construction notification to the SJVAPCD.

E. Comments from Other Agencies/Departments:

Referrals were made to various agencies and City Departments. Comments were received during the initial submittal from the San Joaquin Valley Air Pollution Control District, Kings County Health Department, PG&E, Southern California Gas Company, City Engineer, City Manager, Public Works Director, and Planning Director and have been addressed within this report and conditions of approval.

F. Environmental Impact:

An environmental assessment was conducted and it was determined that the proposed project meets the categorical exemption criteria under CEQA Article 19 Categorical Exemptions Section 15303(C); which states "A store, motel office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The payment of impact fees, which stem from the General Plan EIR, need to be paid to offset the impacts to city facilities.

The variance is generally categorically exempt from the California Environmental Quality Act as per Section 15311 of the Sate Guidelines.

E. Recommendation:

The Planning Commission should review the information provided, open the public hearing, listen to the staff report, take any public testimony, discuss the project and adopt Resolution #2012-07 which determines that the proposed project meets the categorical exemption criteria under CEQA Article 19 Categorical Exemptions Section 15303(C); approves Variance #2012-01 and Site Plan Review #2012-01 with conditions of approval listed therein to expire if building permits are not pulled by March 13, 2014.

The environmental, variance and site plan approval shall become effective upon the expiration of ten (10) days following the date on which they are granted unless an appeal has been taken to the City Council. Within ten (10) days following the date of a decision, the decision may be appealed to the City Council by the applicant or any other interested party. Appeals are filed with the City Clerk, and the appeal shall state specifically wherein it is claimed that there was an error or abuse of discretion by the Commission or wherein its decision is not supported by the evidence in the record.