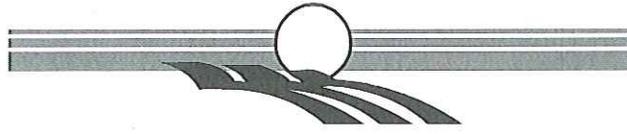


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City of  
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**Planning Department**

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**STAFF REPORT**

Item # 4

**To:** Lemoore Planning Commission  
**From:** Holly Smyth, Planning Director *MS*  
**Review Date:** May 14, 2012  
**Subject:** Continuation of Site Plan Review #2012-02 /Zone Change 2012-02/Special Zone Exception #2012-01/ Conditional Use Permit #2012-01/ Mitigated Negative Declaration #2012-03 Application by Montrio Capital Partners to construct a 184 unit gated apartment community complex containing 2 and 3-story buildings and 1-story recreation building in 2 phases

**A. Site Plan Review:**

The Site Plan Review application is being reviewed to determine its compliance with the City of Lemoore's policies, standards, codes, as well as fire codes, environmental impacts and other considerations. The Site Plan Review procedure requires that when approving a project, the conditions shall include items necessary to protect the public health, safety and general welfare in various categories outlined in Section 9-15C-1 through 9-15C-10 of the Zoning Ordinance including Section 9-7C-7 Site and Structure Requirements, and 9-7C-8 Fences, Walls and Hedges for Multi-Family Residential Districts in place when the applications were deemed generally complete. The following findings have been made:

**1. Design (yards/ spaces / buffers/ design):**

The applicant has submitted rough floor plans and proposed elevations of each building type. Dimensions were estimated by staff using the scaled drawings. Twenty-three buildings are proposed over the entire site. The only one-story building is the recreation building. Seventeen (17) of the apartment buildings are two-story eight-plexes. Four (4) of the proposed apartment buildings are three-story twelve-plexes. The units are designed such that a four-plex is located on each level of a building and are divided by a breezeway that contains the staircase for accessing the upper level apartments covered with one roof over the structure. There are 3 Unit A buildings, 10 two-story Unit B buildings, 4 three-story Unit B buildings, and 4 Unit C buildings, for a total of 184 proposed units. A manager's apartment is not attached to the community building, however an onsite manager will have a unit of their choosing on site.

The recreation building contains an exercise room, social room with fireplace, covered terrace, manager's office, leasing office, kitchen, work room, electric room, service area, mens and womens restrooms, under 3,217 square feet of roof.

Buildings with Unit A apartments contain one-bedroom and one-bath units with 650 square feet of interior space. Buildings with Unit B apartments have two-bedroom and two-bath units with 925 square feet of interior space. Buildings with Unit C apartments contain three-bedroom and two-bath units with 1100 square feet of interior space. All units incorporate washer and dryer hookups and it

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is staff's understanding from the applicant that washers and dryers will be provided in all units. Each unit contains a 6'x9' (45 sq ft) outdoor patio space and a 3'x3' (9 sq ft) outside storage space. The porches/balconies are equipped with a short impermeable wall to provide some privacy and should incorporate dual-pane sliding doors to help mitigate some of the noise levels.

The Zoning Code Section 9-7C-7 lists the various requirement for multi-family complexes.

### Summarized Design & Setback Standards

	Code prior to 5/17/2012	Project's Proposal	Clarification or Comment
Front Yard	15'	20'	√
Side Yard	10'	34' min.	√
Rear Yard	10'	102' min.	√
Landscaped Yards between Streets and Parking	20'	> 20' along 19½ 4' along SR41	Can use part of ponding basin and widen landscape portion of the area along State Highway 41 to 20
Stairs shall not be permitted in any setback area			√
Parking Frontage of lot along 19½	25% max	13%	Parking along 85' of 644' frontage GP policy CD-I-46
Parking Frontage of lot along SR41	25% max	78%	Parking along 645' of 825' frontage, GP policy CD-I-46 applicable to "parking frontages". Zoning code defines "frontage" as the property line of a site abutting on a street"; therefore staff believes that Hwy 41 is included in the applicability but the northside and southside of the property are excluded with the intent being that one does not see carports along more than 25% of the frontage visible to the public.
Distance between structures (Does not specify difference between 1, 2, or 3 story bldgs., but building codes may have variation)	10'	13' min.	√ However, should have 15' between 2-story and 20' between 3-story, which is in most of current proposal, which may need modification per site plan changes
Distance between structures and internal drive isles	None in code	5' to 37' to internal drive isles	Staff recommends 10' min., with 4' sidewalk & 6' landscape. Choice by Planning Commission discretion
Building Height	35' in PO & RM2.5 in Zoning and 2-3 story in GP	-31' for 2-story & -40' for 3-story per email from applicant	√ Project does not meet current zoning code but does meet General Plan allowance for 2-3 story buildings. New Zoning Code allows 45' height in RMD zone but only 35' in PO
Floor Area Ratio	PO – 65% RM2.5- 80%	53%	√
Landscape Buffer along 19½	15'	20'	√ GP policy CD-I-8,
Perimeter Buffering	10' on this, but 20' given the parking on west	12' on north 4' on west with adjacent basin 13' on south	√ Needs to be adjusted to min 10', however above condition adjacent to parking requires this to be 20'
Private Storage Space	32 sq ft per unit	9 sq ft per unit	Need to revise floor plan to incorporate larger storage apart from interior closet space
Distance to trash enclosures	No more than 180' for all units	Approx. 180'	√

Some of the Buildings that are directly adjacent to drive isles within the complex are as close as 5' to the traffic and do not provide sidewalks along them. There is not a set standard in the pre 2012 Zoning Code for distance from a building to a drive Isle. However, in order to enhance safety (such as car crashing into building), staff recommends that buildings adjacent to interior drive isles maintain at least a 10' distance from the face of curb and incorporate a 4' monolithic sidewalk and 6' of landscape, but this is at the Planning Commission's discretion. Ten buildings show less than 10' setbacks from an interior street (look for red circled dimensions with yellow highlighted frontage on Redlined Site Plan). It appears that this may be able to be accommodated by making minor orientation adjustments and/or reducing the width of the ponding basin (which is not adequately sized to take all the site's storm water and will still need to use the City's systems).

One of the largest concerns is that so many carports are along the highway frontage and are an unreasonable distance from the innermost located 3-story buildings (See parking allocation plan). Some of the locations for proposed carports should be altered so that covered and uncovered spaces are within 200' of the units they serve (which is defined by the new 2012 zoning code as the maximum distance to parking). It would be more helpful for parking proximity if the 3-story buildings were located closer to the perimeter parking areas as they need more parking spaces than the 2-story units as some would have to travel up to 240' (see further discussion under Parking section below). One potential way staff sees to reduce the visibility of the carports along the Highway 41 public frontage and improve the parking distance would be to pull another interior street in the Phase II section adjacent to the pool area which would remove three buildings (2 C-unit buildings and 1 2-story B-unit building) which staff would recommend replacing with two buildings (a new 3-story B-unit building and a 2-story B-unit building). This would result in the net loss of only four apartment units. To further reduce the carport structure and parking monotony along the westerly frontage, the maintenance building might be moved where parking is not a premium for tenants, such as the southeast corner of the site. Staff has put together an Example Potential Revised Parking Allocation Plan that shows how some of these modifications could better serve the design needs of the site and its surroundings while keeping parking within about 100' of all units, excluding stair travel. If Planning Commission concurs with staff, modifications should be made prior to the City Council's review and final decision on the project to address the parking distance issue.

According to the Noise study that was conducted for the project, "the final project design would need to make sure mechanical ventilation or air condition be provided so that occupants may keep windows and doors closed for acoustical isolation purposes", and therefore this should be added to the conditions of approval

General Plan policy LU-G-6 states "Provide for a transition between higher density and lower density residential areas, or require buffers of varying size between residential uses and non-residential uses without restricting pedestrian and bicycle access" should be addressed. Because the property to the north is General Plan designated Professional Office, there should be future pedestrian connectivity into the adjacent site. Therefore, the trash enclosure located at the center of the northerly property line should be moved westerly and some of the improvements for ingress/egress for bicycles and pedestrians should be installed. In the interim, prior to development of the property to the north, the complex could retain a removable block wall in this section and enter into a deferment agreement to install the remaining pedestrian/bike entrance amenities when development is approved on the adjacent property. This area should also provide for an emergency vehicular egress point once Phase II of the project is built.

***Per current Zone section 9-7C-7-G-13(b)***, "Carports and garage designs shall match the main building designs in roof pitch, materials, and color. Location of such shall be restricted so they are not highly visible from public streets...". As discussed above, carports adjacent to Highway 41, should not take up more than 25% of the street frontage, even though they should be less noticeable as they will be located below the grade of the highway. Designs for the maintenance

building and carport structures were not submitted and should be designed to architecturally blend with the complex and include details similar to the apartment buildings. For this project it would be assumed that the carports would incorporate gable roof systems similar to the main buildings, using the same roofing material. Planning Commission should approve the design of carports as well as all ancillary buildings shown on the site plan.

**Design standard 9-7C-7-G-13(c)**, states that "architecturally interesting building designs shall be incorporated to avoid bulky and "box-like" designs. "This can be created by requiring variable roof forms in building designs and limiting the dimension of any single building to 125 feet. None of the buildings are dimensioned on the plan, but asking the applicant the dimensions, Unit A buildings are 64' long x 60' deep, Unit B buildings are 92' long x 60' deep, and Unit C buildings are 104' long x 60' deep, while the recreation building is 85'8" long x 63'. Therefore, each building clearly conforms to the maximum length standard not to exceed 125'. In looking at the elevations, varied roof and building articulations are incorporated but each of the 3 unit type building elevations generally look identical to each other except the dimensions are either longer or taller. A small sample of the front elevations along 19½ Avenue were provided, and staff assumed where the rock façade were intended and we incorporated into a scale version of the project to give Planning Commissioners and the public a better idea of the project layout (scale model will be on display 30 minutes before the meeting in the Council Chamber). Staff believes that the rock facades on the buildings fronting onto 19½ Avenue should wrap onto the side facing entry or exit driveways.

Three colors schemes have been submitted and are generally reflected on three exhibit pages. The 8½x11" Color Scheme page shows a colored copy of the actual samples (which will be brought to the Planning Commission meeting) and show base colors of canyon clay, pebble beach, and sage with a dark brown-like composition roof called Barkwood. General Plan policy CD-I-58 requires new development to incorporate passive heating and natural lighting strategies if feasible and practical. Staff believes that two roof colors should be utilized in light tan tones to reduce the heat attraction in the buildings and give the project a little more variety. The "Elev-2" page shows how the colors would appear on the building components, however the colors do not match the color sample at all. According to the applicant they tried to select the same colors onto the drawings but they did not translate correctly. The elevations show a terra cotta colored roof and various shades of an orangey tan base color, however the actual colors wanted are those shown on the Color Scheme page. The 11x17" "Colored Site Plan" shows the general layout of where the three color schemes would occur on the overall site plan. At least two to three base colors should be incorporated into each building palette to break down the components and the massing of the buildings. The three color schemes should vary sufficiently so that each building has a discernibly unique color palette.

In comparing the proposed floor plans for the individual units with the building elevations, the floor plan layout does not match per the Redlined Elevations page. Patios on all the plans are shown narrower, windows are missing, building planes are not appropriately shown and some windows are in closer proximity.

Separate from the floor plans and the elevations not matching, the overall building facades just repeat the wider sides and the narrower sides lending themselves to monotony. Buildings should sufficiently varying from one another so that 5 significant features vary (usually color, roof lines, window treatment, façade material, detail features). Elevation colors, materials and/or building design should be modified to incorporate the discrepancies between the floor plans and elevations and revise the apartment building facades to include 5 sufficiently varying features and submit back to the Planning Commission for subsequent approval prior to submitting construction drawings with other ancillary building structures that have not been submitted to date such as carports, trash enclosures, maintenance building, mail area. If further changes are wanted to the recreation building and/or floor plan, these should be submitted with the other designs.

**Design standard 9-7C-7-G-13(d)** states that “building entries shall have roofed projections or recessed entries”. Most of the units as proposed are under one roof with breezeways towards the building center. Entryways then feed off the breezeways thus meeting the standard.

**Design standard 9-7C-7-G-13(e)** states “roof mounted mechanical equipment, other than solar panels, shall be screened or incorporated into a roof design or, if this cannot be done, such equipment must be ground-mounted on the interior side or in the rear of the lot.” Air conditioning base unit locations are not shown on the plan, and therefore a condition should be added to require ground mounted units to be surrounded by landscaping to hide them and place in areas that are not highly visible. Additionally, all utilities should be located where there are not in visible locations and are hidden by painting them to blend into the buildings they are attached to and fire risers should be concealed in enclosed buildings.

**Design standard 9-7C-7-G-13(f)** states “pedestrian access provided by walkways to link residential units with other units and with recreational and other facilities within a project”. The project provides interior pedestrian pathways throughout the complex to all units and play areas. However, there are a few areas that are missing sidewalk and should be incorporated as shown. Three (3) raised wide path pedestrian crosswalks are providing through high travel areas of the parking lot for safe access and slower traffic. Only two show special stamped crossings, but all 3 pedestrian should provide special stamping for improved visibility and should get final design approval from the Planning Director. Four other raised speed bump like areas are incorporated into the site to slow traffic down but not necessarily provide for pedestrian travel.

**Design standard 9-7C-7-G-13(g)** states that “apartment complexes shall be designed to face out towards adjoining streets”. Building placement and landscape layout accomplishes this standard.

**Design standard 9-7C-7-G-13(h)** states that cluster mailbox location and designs to be made to “incorporate architecture and site plan considerations....to ensure design compatibility and increase social contact in the neighborhood”. A mail structure has been located on the south side of the recreation building but no design for the structure was provided. In looking at the site plan, it appears that the most appropriate location to encourage social contact may be to the north of the recreation building as shown on the redlined site plan. Approved site plan should incorporate this location and designs for the area should be approved by the Planning Director.

According to the applicant, the recreation building is a conceptual plan and not final. Therefore, staff suggests that the Planning Commission review and approve the final revised floor plan and elevations for the Recreation Building with the other ancillary structures, so long as the general intent and the basic uses within the building are maintained.

Apartment unit identification needs to be located as directed by Police and Fire Departments for adequate visibility.

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. Some of these policies are requirements while others like CD-I-60 talk of standards that should be included in a new green building standards, such as requiring installation of photovoltaic energy system, however the new zoning code was not in place when the applications were deemed complete. Therefore, these policies should be added to the conditions of approval and the applicant should provide a plan on how and what policies they will incorporate.

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

Two access points are proposed into the project from 19½ Avenue to include a two-way ingress/egress at the center of the project and a one-way egress point at the southerly section of the project. An additional point of access was considered during preliminary staff review at the northerly end of the project onto 19½ Avenue, but given the close proximity offset of the adjacent Castle Way, all involved department heads suggested that this point of access would be problematic. However, an emergency access point should be provided in the long-term at the center of the northerly property line as shown on the redlined drawing. This point should be required once Phase II of the project is completed. This area should also included a pedestrian/bicycle gate to tie together pedestrian connectivity to the north once the adjacent site is developed. When near term improvements are installed in this section, it should be done so to easily accommodate the pedestrian entry at a future date which the applicant can install initially or enter into a deferment agreement for some of the improvements.

Within the project, there are three north-south and two east-west internal streets. In order to keep traffic slowed down a series of four raised elongated speed humps are proposed along straight away sections for slowing. Three additional raised areas are focus on enhancing pedestrian safety and mobility and all 3 should have special stamping incorporated, not just the two proposed as shown in the redlined drawing. Pedestrian sidewalks are located throughout the complex, but there are a few areas missing connectivity and should be added as shown as blue-green colored paths on the Redlined Site Plan. All ramps and pedestrian / wheelchair crosswalks within and adjacent to the development 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.

According to Figure 4-1 Roadway Classification, Figure 4-2 Planned Improvements, Table 4.3 Existing and Buildout Traffic, Figure 4-3 Street Sections, Figure 4-4 Truck Routes, and Figure 4-5 Transit Services and Bikeways of the 2030 General Plan, 19½ Avenue between Bush Street and Cinnamon Drive is a designated Collector (designated to be widen from 2 to 4-lanes of thru traffic)/ Truck Route / Bikeway street. Per these plans it appears that the street would need to accommodate four 11' travel lanes, an 11' center turn lane, two 6' striped bike lanes in the street, 7' new standard parkway whereas an existing 4' parkway is on the eastside of the street with Street Trees planted every 40' on center average, and 6' sidewalks within the ROW, 92' of right-of-way would be needed. However, in running some scenario traffic modeling, it appears that the street could accommodate the project and other anticipated land uses with only 2 thru lanes and still meet the City's Level of Service D, however a General Plan amendment would have to be processed and which is not recommended at this time. Public Works staff believes the existing 84' of right-of-way along the project site will be sufficient to carry out the necessary improvements when they are needed, and the placement of the improvements will be determined during the construction drawing phase to accommodate the above listed components with the project responsible for building out abutting streets to City Standards, which will include payout, curb, gutter, sidewalks and landscape areas. If a General Plan amendment is not processed by the time a building permit is pulled, up to 8' of additional right-of-way may have to be dedicated and improvements installed to accommodate the General Plan designated improvements.

It appears that a public utility easement (PUE) is needed behind the ROW along the 19½ Avenue street frontage as it does not appear that one was dedicated with Parcel Map 17-37 recorded in 2004. Therefore a 10' PUE will need to be dedicated, accepted, and recorded with the project prior to occupancy behind the existing 42' right-of-way from the centerline of the street.

The traffic discussion was provided with the April 23, 2012 Planning Commission packet at the back of the Environmental Checklist which can be viewed online on page 9 at [http://www.lemoore.com/planning/agendas/2012/apr23/data/4\\_23\\_12\\_pc\\_item\\_6\\_1.pdf](http://www.lemoore.com/planning/agendas/2012/apr23/data/4_23_12_pc_item_6_1.pdf).

### 3. Parking:

Under Section 9-12-3-1 of the Zoning Ordinance; multi-family dwellings require 1.5 parking spaces for every 1-bedroom apartment unit and 2 parking spaces for each 2-bedroom or 3-bedroom apartment unit, with one of these spaces per unit being covered parking. The project proposes 24 one-bedroom units, 128 two-bedroom units, and 32 three-bedroom units for 184 units. By City requirement, 356 parking stalls are required with 184 of them being covered carports and 172 uncovered. Under the American Disability Act (ADA) 8 of these parking spaces must meet ADA design specifications, which is what is proposed by the project. The proposed project provides for 184 covered spaces and 180 uncovered spaces, with 10 of these being provided for handicapped.

As mentioned in the design section, the location of the carports needs to be modified so that fewer are along the westerly side of the project and uncovered and covered spaces are closer to the units being used. Additionally, Section 9-12-1's purpose states that "off-street parking and loading areas are to be laid out in a manner which will insure their usefulness.....". Therefore, staff has prepared a Parking Allocation Plan to the proposal to roughly show where the closest parking spaces are to the units. Some tenants would have to park over 240' away on a daily basis (this excludes the travel distance along the staircase), whereas the City's policy on distance to trash enclosures is no more than 180' away for weekly usage. The new code Section 9-5E-3C4 states that multi-family parking should be within 200' of the unit they serve and that all parking, tenants and guest parking, shall be labeled which is a reasonable from each tenants door, down the stairs, and to the parking stall. As mentioned previously the center-most units have too great of a distance to travel and therefore an additional interior street should be considered to address the distance problems. Staff prepared a Example Potential Revised Parking Allocation plan to show how by altering the parking layout and changing the location of some of the larger buildings on the site plan to the exteriors and removing one building can reduce the problem with the parking layout and a site plan modification that meets this intent should be required before City Council approval. The final locations of the carports locations should be approved by the Planning Director.

The project does not provide for any bike rack throughout the complex. Each small building cluster should provide for at least one bike rack that accommodates a minimum of four bicycles, while larger building clusters should provide more as generally shown on the Redlined Site Plan. Based on the proposed Redline layout, a total of 11 racks are provided, which would accommodate a minimum of 44 bicycles. The bicycle racks should be of such design as to hold the bicycle frame (not just the wheel), and should accommodate a U-shape shackle lock for greater security. The design should also accommodate a wide range of bicycle types and wheel sizes, and should be covered with a protective material for durability and to avoid damages to the bicycle.

### 4. Landscape, Sidewalks, and Open Space:

The entire site consists of 481,338 square feet of land (43,560 \* 11.05 acres). The General Plan and zoning requires that at least 50 percent of open space is to be landscaped on multi-family sites. According to the plans, there is 220,280 square feet of "open space" on the site which is not covered by apartment buildings, carports, parking aisles, maintenance building, or the club house. Therefore, 110,140 square feet of landscaping must be provided. According to the application, 180,400 square feet of landscaping is proposed, however it is uncertain what areas were included, but staff assumes the colorized areas in the Conceptual Planting Plan are included (which excludes the potential ponding basin area along Freeway 41). Therefore 82% of the open space areas are proposed to be landscaped meeting City requirements and 37% of the overall site is landscaped on site.

As mentioned in the previous staff report, pedestrian connectivity to Bush and Castle Way will need to be installed as discussed therein to make the project location compatible with the proposed use. What was not addressed, was there may be a need to make adjustments around the railroad crossing to accommodate pedestrian path. Westside street and thoroughfares impact fees do not account for any railroad improvements at 19½ Avenue and therefore any required accommodations needed for pedestrians at railroad will be the responsible of the applicant.

General Plan policy CD-I-7 requires “parkway strips with large canopy trees and other planting as needed along streets between the road and sidewalk to buffer pedestrians from traffic and help define residential and commercial streets. Additionally, policy CD-I-8 “Requires a 15’ landscaped front setback area along all arterial and collector streets...”. The proposed site plan does not include a parkway areas closest to 19½ Avenue in the right-of-way, nor does it have adequate tree plantings in the landscape easement or buffer areas, and needs some additional landscaping throughout. The redlined site plan shows the general location of the 6’ slightly meandering sidewalk that needs to be installed and the 7’ parkway with trees spaced an average of 40’ on center as required to meet City standards, and additional trees in the landscape buffer area that the proposal is missing. Groundcover in parkways less than 8’ in width cannot include turf, but shall be of a solid ground cover plant material.

Regarding the landscape easement and buffer areas, General Plan policy CD-I-46 requires a minimum 20-foot landscaped yard between streets and parking areas while apartment complexes also require “buffer” areas around the perimeter of the site which abuts areas zoned R or RA of 10’ in depth around the perimeter. Today there are not R or RA zoned properties abutting the site, however the Professional Office to the north does potentially allow for residential uses which would need buffering. To the south is not R or RA zoned properties, however, a protective buffer along the railroad tracks should be provided due to the type of use, noise, and dust caused by the existing railroad and potential future railroad traffic. Trees in these “buffer” areas need to be planted at 20’ on center on average and consist of at least 50% evergreen trees.

Tree numbers and locations are generally shown on the redlined landscape plan, however adjustments to locations can be made to avoid utilities (i.e. fire hydrants, light poles, etc.) as needed so long as the total number of trees matches the above mentioned numbers. Additionally buffer areas do require other landscape plantings as well to help reduce graffiti problems on long expanses of walls, hide parked cars from the street, hide utility equipment, hide trash enclosures and the like in general conformance with Section 9-7C-7G.2 of the Zoning Ordinance as approved by the Planning Director. The landscape plan will need to be refined and more detailed information provided to adequately determine that the standards are being met. Additionally, given the amount of landscape, the State’s Water Efficient Landscape of Choice is required to be met and the appropriate landscape package must be submitted with review fee to Planning for approval by City’s appointed qualified landscape personnel prior to pulling building permits.

Landscape/Open Space	Frontage	City Req.	Proposed
Frontage Trees in Parkway in ROW	644'	16 trees plus ground cover not turf	None
Frontage trees in landscape buffer area on property along 19½ Avenue	644'	32 trees and landscape per Section 9-7C-7-G-2	25 trees
Frontage trees in landscape buffer area along northerly property line	599'	30 trees and landscape per Section 9-7C-7-G-2	23 trees
Frontage trees in landscape buffer area along westerly property line	825'	General Plan policy CD-I-46 requires a 20' landscaped yard, should be like parkway and buffer together like 19½ Avenue frontage (41 + 21)	21 trees in a mostly 4' wide area, needs to be increased to 20' wide landscaped area
Frontage trees in landscape buffer area along southerly property line	699' labeled?	35 trees and landscape per Section 9-7C-7-G-2	27 trees
Private Space (400 sq ft per dwelling unit on patios or common open space req)		73,600	180,400
Outside Storage per unit	32 sq ft	9 sq ft	Section 9-7C-7G-3 requires, project will need to enlarge outdoor storage area to meet the 32 sq ft per unit

The landscape plan does not show any landscaping in the ponding basin so it is assumed that the area might be just dirt. However, due to the location of the parking adjacent to the highway, the landscape portion of the ponding basin will need to be 20' minimum in width.

Additionally, section 9-7C-7G.12 requires at least one recreation area at least ten thousand square feet in size or five percent whichever is greater, in developments greater than 25 units. Based on the 481,338 square foot site, 24,067 square feet of recreation area is needed. In roughly looking at the site it appears that the project may meet the square footage requirement, however the information needs to be provided when getting the detailed play structure and areas approved to show how the minimum requirements are being met. Apart from tot lots, the project provides recreational activities through their clubhouse and adjacent recreational area. Their conceptual layout includes an exercise room, social room, work, room, and pool equating to approximately 8,100 square feet of space, and 3 barbecues.

Per City ordinance and building code, barbecues are not allowed on individual unit patios and therefore notification of such shall be given to tenants and enforced by management. Given this restriction, a minimum of 11 barbecues grills should be added to provide at least one grilling area per building cluster at a total rate of .5 grills per building. These could be doubled up into larger barbecues for larger cluster areas.

The Zoning Ordinance requires that a minimum of one tot lot shall be required for every forty (40) dwelling units and be a minimum of 750 square feet in area and such lots shall be surrounded by an open, smooth-surfaced fence. Five tot lots are proposed within the complex but does not indicate the size of each tot lot area, however it is estimated that 500 square feet of tot lot play yard is proposed for each lot, and will need to be increased. The plan does not indicate if tot lots are surrounded by a fence. Fenced area should include park benches and adequate shade and layout so that parents can more easily attend to children. Tot lot structure should also incorporate at least five activities. A specific tot lot plan is required to be reviewed and approved by the Planning Department with the play equipment approved by the Parks and Recreation Commission prior to pulling building permits as required by the Zoning Code.

The nearest park space to the project is over ½ mile away as the crow flies, or close to ¾ of a mile to drive or walk to the Lemoore Youth Sports Complex which is not open to the general public, while City park is 1¼ miles away. General Plan policy PSCF-I-5 states "Incorporate the following elements into the creation of new community, neighborhood, and pocket parks:....A mix of passive and active recreational facilities that meet the needs of citizens of all ages and interests". Because of the far distance of the local public parks, play space for all ages and interests should be incorporated into the project potentially in lieu of a few of the tot lot structures. In talking with the City's Parks and Recreation Director, there is a disparate need for large open space areas for teenagers to throw a football, baseball, basketball, etc. Therefore, staff recommends that the applicant coordinate with the City to provide one or two large open space or court areas in lieu of two of the tot lot structures to meet the needs for adults and teens on site.

#### 5. Fences and Walls:

As mentioned in the previous staff report, the applicant has applied for a Conditional Use Permit to allow for a gated community. The applicant proposes various fencing and walls throughout the project. Along the south and north boundaries of the project site, the applicant proposes to construct a 6' concrete masonry unit (CMU) block wall. Section 9-7C-8B of the Zoning Ordinance requires "...a decorative masonry wall at least seven feet (7') in height..." between multi-family and single family sites. Because it is unknown if multi-family will be located to the north, given the Professional Office zoning, the taller decorative fence might be warranted on this side of the project. However, a larger concern for staff is that these long block walls become a graffiti zone on the

outside of the complex. In order to reduce the paintable surface area, staff would recommend using the 6' standard masonry wall if vines could be planted on the outside of the complex along the northerly wall. However, in order to maintain this area, staff would recommend that the block wall be pulled in 3-4' to allow for the maintenance of the area. Additionally, the wall along the railroad tracks will be a primary target as well for tagging and this same treatment should also be done along the southerly side of the block wall.

Along the west side of the project adjacent to State Highway 41, the applicant proposes to leave the existing 6' high chain link fence in place. The reason for not proposing a block wall along this frontage is that the highway is raised some 20' plus. The noise study analyzed the impact to the project without a sound wall along this frontage and determined that the day-night average will still be under 65 db CNEL, within City standards and therefore should be allowed as proposed.

The applicant shows a 6' steel picket fence gating along their frontage with entry gates for autos and pedestrians on the Site Plan, to create a gated community. The location of the 6' fence is in between the buildings and across the breezeways, so that the tall fence is behind the face of each building meeting city policy. However, staff is uncertain as to why the fence lines jog at odd places instead of having a straight line, which should be able to be altered if desired by the applicant. A one-page photo of a potential front gate design was submitted with the application but no details of the remainder areas of fencing were not shown. The fence design needs to discourage jumping of the fence and should be approved separately by the Planning Director prior to pulling building permits. Staff would anticipate that the gate panels look similar to the photo submittal of the main gate with the pickets extending past the horizontal connector pipes. When staff reviewed in the prior report, it appears that the project meets the minimum threshold to allow the approval of a gated community. However, the standards listed in Section 9-7A-7:E shall be incorporated into the fence design.

Only one pedestrian gate was included in the proposed site plan, but as discussed at the last meeting potentially two additional pedestrian gates and connectors need to be provided to 19½ Avenue per the Redlined Landscape Plan. Additionally, as discussed above, future pedestrian connectivity should be provided on the north central portion of the site, once the adjacent property develops.

#### 6. Agricultural and Industrial Easements for Noise and Odor:

The last staff report and environmental discussed the noise study conducted for the project. In summary, to meet the City's policy, "the final project design would need to make sure mechanical ventilation or air condition be provided so that occupants may keep windows and doors closed for acoustical isolation purposes", and therefore this should be added to the mitigations and conditions of approval.

General Plan policy COS-I-49 "Require tenants of all new development within one mile of industrial land uses to record odor easements attesting to the presence of nearby industry and acknowledging the right of said industry to emit odors that are not a threat to human health." General Plan policy LU-G-11 states "protect desirable industrial uses from encroachment by subsequent incompatible residential and commercial uses" and the text leading up to the goal states that City policy requires that residential uses located within one-mile of industry must sign a noise-odor easement. Because the project site is located within 350-400' of the Leprino Foods West site, the project applicant will need to record a noise-odor easement on the property and notify tenants in a form acceptable to the City Attorney.

The land to the north of the proposed subdivision is unincorporated Kings County territory zoned Limited Agriculture (AL-10) per the attached County Zone Map section. According to the County, the property is not in the Williamson Act. According to the State of California's Natural Resources Agency Department of Conservation Map of Kings County Important Farmland, this area is designated as Grazing Land, which is defined as land on which the existing vegetation is suited to the grazing of livestock. According to the owner of this unincorporated land at the April 23rd public hearing, he had farmed the area prior to the raised highway going in and had just recently, put in irrigation under the highway so that he could start farming again. To mitigate the potential effects of the project, a Notice and Disclosure Statement must be recorded on the property, in a form acceptable to the City Attorney, which states that the residents should be prepared for the inherent and potential inconveniences and discomforts often associated with normal and usual agricultural activities and operations, and the County will not take any nuisance abatement actions against any normal and usual farming operations.

#### 7. On-Site Lighting:

The proposed site plan does not identify any site lighting in the parking lot areas or at the entrances. It is also assumed that additional lighting may be mounted beneath the parking structures but is not delineated on the site plan. General Plan policies CD-I-63 identifies several items that need to be addressed and included in the conditions of approval and meet prior to pulling building permits.

Building mounted lighting is also not shown and should be integrated into the architectural design of the buildings and also not glare onto adjacent properties. Lighting fixtures should be included in construction and approved by the Planning Department prior to their installation. A lighting plan should be prepared to make sure excessive lighting is not being proposed on sight or too much energy is being expended when not needed.

#### 8. Public Utilities (Storm Water/Water/Sewer/Power Poles/Street Lights/Fire Hydrants/Fire Sprinkler/Refuse)

Originally, a gas line was shown on a map across the north-westerly portion of the site. According to the City Engineer in reviewing the Preliminary Title report, the gas line is actually located to the north of this site and will not be in conflict with the project.

Main City Water and Sewer lines and easements totaling 40' in width are located along the southerly property line as shown on the project Site Plan. Three trash enclosures are located within the utility easement, however, public works is willing to allow for this minor encroachment; however Public Works may need to approve special construction instructions within these utility areas and incorporated into the plans. The apartment building on the southeast corner of the project look like it is on the easement line and will need to ensure that the footing is not constructed within the easement.

The development will need to appropriately tie into all City utilities and streets meeting City Public Works Standards. Sewer and storm water services need to connect at the southerly side of the project as determined by Public Works. As mentioned in the previous staff report, the proposed onsite Retention basin is not adequately sized for the labeled purpose, but could be used as a Detention basin. Regardless of use, the project would still need to still tie into the City's storm water system. The applicant will need to verify grades for sanitary sewer and storm water to appropriately tie into the ponding basin east of the adjacent mini-storage facility and/or tie-into the ultimate future system that will go towards the ponding basin near West Hills College once the Walmart project of another development project constructs the connection points. Depending on timing, the project may be able to temporarily house an onsite retention basin in Phase II while Phase I is constructed. It will be determined by Public Works what storm systems need to tie into what connection points.

City water lines exist onsite as well as within 19½ Avenue. Public Works requires that the water line to be looped through the complex with proper backflow devices and Fire Department connections and hydrants.

Above ground power poles exist on the project site, and City standards require that all above ground power poles to be under-grounded.

According to the City's GIS, it does not appear that any street lights exist adjacent to the project site. According to City standards, street lights shall be installed every 165' apart. This will require four street lights be installed and are generally located on the redlined site plan, but will need to be verified with Public Works and meet City standards, incorporating LED lights.

The site plan proposes nine (9) fire hydrants within the development and conform to the Fire Departments original location plan. However, if the site plan is modified per staff's recommendation, the Fire Department will need to re-assess the locations of the hydrants. All buildings in the complex will be required to have sprinklers and Fire Department Connections (FDC) for each structure. The Fire Department generally requests that all FDC's be located on the northside of all buildings to avoid smoke from the prevailing wind pattern. In order to not be unsightly, the applicant should disguise the pipes and FDC within an enclosed space attached to the buildings they serve so that they are not too visible to the public and keys and map of locations are provided to the Fire Department as they see fit.

All 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.

Eleven (11) double-capacity trash enclosures are proposed throughout the complex. Each enclosure is proposed to house two large trash bins and two recycle bins. General Plan policy CD-I-50 requires "all new multi-family developments submit plans for trash enclosures for design review approval". The clarifying text further states that "Trash enclosure walls should be of a block or masonry material and designed to match the building where it is located...Trash enclosures within developments of two-story or more should incorporate a trellis cover or open roof design to screen views from above, but not be a problem in fighting fires. Final design approval of the structure will need to be reviewed by the Fire Department to make sure it does not impede fire suppression nor be made of combustible materials. Landscaping around the enclosure is highly recommended". Additionally, enclosure gates should be made of a solid metal material painted to match the block and color palette of the complex. Therefore, trash enclosures shall be designed to meet the intent of General Plan policy CD-I-50 and approved by the Planning Department for their aesthetic design.

#### 9. Signs:

The location of a monument sign is shown on the site plan submittal at the main drive into the complex. It is assumed that this sign and special rent up signage will be requested. Therefore, a separate sign application, processing fee, and approval by the Planning Department will be required for all signage before any is purchase or put in place on the project.

#### 10. Soils and Dust Control:

A soils report will need to be submitted with civil and/or construction plans to ensure that appropriate compaction and design being provided will accommodate the structural integrity needed for the buildings on site.

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, as delineated in their attached letter, and the City of Lemoore dust control requirements. As per comments received from the air pollution control district, the project will be required to meet the 9510 rule (indirect Source Review) and submit a construction notification to the District for the project and that compliance with the District's Regulation VIII (fugitive dust) Rules will be monitored as well as any other applicable Air District Rules.

#### **D. Parcel Lines**

The project site consists of two separate parcels and delineated in an odd way. In order to ensure that the project site is maintained as one complete unit, a parcel map merger or parcel map will need to be filed, approved by the City, and recorded prior to pulling building permits.

#### **E. Public Input:**

At the April 23<sup>rd</sup> Planning Commission meeting written comments received to date were provided in the agenda packets and during the meeting a duly noticed public hearing was opened, some comments were taken, and then the hearing was continued to the May 14<sup>th</sup> meeting. After the staff report on the Site Plan is provided, the Commission should continue the public hearing to take any additional testimony. All written and verbal testimony should be taken into consideration when reviewing the overall project and the various proposed conditions. Staff has tried to incorporate some of the testimony into the review of the site plan and has added some conditions to try to mitigate effects.

#### **F. Recommendation:**

- The Planning Commission should listen to the staff report, re-open the public hearing to take comments from the applicant and the general public, close the public hearing, and discuss the project and if further changes are needed to adequately protect the public.
- The Planning Commission should approve the attached Draft Resolution #2012-08, with any changes desired, determining that the proposed use is compatible in a Professional Office district and recommending that the City Council adopt an Ordinance approving Special Zoning Exemption #2012-01 to allow zone change from PO (Professional Office) to RMD (Residential Medium Density) after the project is complete and adopt a Resolution approving mitigated negative declaration under the California Environmental Quality Act and approving Conditional Use Permit #2012-01 and Site Plan Review #2012-02 to construct up to 184 unit gated apartment community with the conditions stated therein, expiring two years from Council's approval.

Because the new Zoning Ordinance will be in place 5/18/2012, prior to Council's hearing of the project, staff does not recommend including the zone change from Commercial Highway to Professional Office as it will already be completed.



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GRAZING LAND - 271,831 acres

GRAZING LAND IS LAND ON WHICH THE EXISTING VEGETATION IS SUITED TO THE GRAZING OF LIVESTOCK.

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