RESOLUTION NO. 2012-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE RECOMMENDED CITY COUNCIL APPROVAL OF A MITIGATED NEGATIVE DECLARATION #2012-03/ ZONE CHANGE 2012-02/ SPECIAL ZONE EXCEPTION #2012-01/ CONDITIONAL USE PERMIT #2012-01/ SITE PLAN REVIEW #2012-02/ APPLICATIONS BY MONTRIO CAPITAL PARTNERS TO CONSTRUCT UP TO 184 MULTI-FAMILY GATED COMMUNITY COMPLEX

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on May 14 ,2012 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, Montrio Capital Partners have submitted a Zone Change, Conditional Use Permit, Site Plan and Special Zoning application to build a 184 unit gated multi-family apartment community in two phases; and

WHEREAS, The applicant proposed to change the Zone District from CH (Commercial Highway) to PO (Professional Office) to conform to the General Plan Designation of Professional Office, however, the City Council did pass the 2012 Zoning Update which changed this property's designation to PO to be effective 5/18/2012 and therefore is not needed; and

WHEREAS, the Special Zoning application was requested to allow for the zoning to change from PO (Professional Office) to RM-2.5 (Multi-family up to one (1) unit per 2,500 square feet of area) once the project is built as approved, however the new 2012 Zoning Update no longer keeps this district and the equivalent district of RMD (Medium Density Residential) should be applied instead; and

WHEREAS, The proposed vacant area is a total of 11.05 acres described as Assessor Parcels #023-460-010 and 023-460-011 located north of the railroad tracks, south of vacant property and the City limit, east of Highway 41 and west of 19 ½ Avenue; and

WHEREAS, The project would provide 24 one-bedroom/one-bath units at 650 square feet, 128 two-bedroom/two-bath units at 925 square feet and 32 three-bedroom/two-bath units at 1,100 square feet each containing their own washer and dryers contained in two and three story buildings while the recreation building would be single story; and

WHEREAS, The site includes a minimum 184 carports, 180 open stalls and a recreation area with an outdoor pool, outdoor cabana, entertainment area, exercise room, and restrooms. There are five proposed tot lots and three barbeque areas shown within the complex. Ingress/egress to the apartment complex will be from 19 ½ Avenue; and

WHEREAS, staff conducted an environmental assessment and determined that a Mitigated Negative Declaration should be recommended to be filed under the California Environmental Quality Act per the environmental checklist presented at the April 23rd meeting; and

WHEREAS, a public hearing on the proposed project before the Lemoore Planning Commission was noticed in the Hanford Sentinel on April 7, 2012 and notices were sent to the property owners within 300' of the subject site on April 4, 2012 (more than 10 days in advance of the meeting) and the Lemoore Planning Commission held a duly noticed public hearing at their April 23, 2012 meeting, and continued the hearing to its May 14th meeting, and has duly considered all written and oral testimony presented; and

NOW, THEREFORE, BE IT RESOLVED, based on evidence in the entire record before it, the Planning Commission finds that the proposed Special Zone Exception, Conditional Use Permits for the Gated Community and Special Zone Exception, Site Plan Review and mitigated negative declaration environmental analysis, with redlines and conditions listed herein:

I) Provides for a compatible multi-family housing project within the Professional Office zone district (to be in effect May 18, 2012) and surroundings of the proposed project site.
II) The proposed Special Zone Exception, which would ultimately rezone the property from PO (Professional Office) to RMD (Medium Density Residential), would clarify the use constructed on the land and should be approved by City Council Ordinance and become valid after the construction of the proposed project as each phase is completed.
III) The applicable provisions of the City's General Plan and Zoning Ordinance (in effect at the time the applications were deemed complete), as stated in Lemoore Municipal Code Sections 9-1-2, 9-7A-7:E, 9-15B-2-A8, 9-15C-5, would be complied with.
IV) The facilities and improvements, vehicular ingress/egress and internal circulation, setbacks, height of buildings, location of service, walls, landscaping, drainage of site, and refuse enclosures will be so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property once the site plan is revised as specified herein.
V) The proposed lighting will be arranged as to deflect the light away from adjoining properties.
VI) Adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels through the listed conditions of approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore **recommends that the City Council**, at their June 5, 2012 meeting, hold a public hearing on the proposed project and thereafter consider adopting an Ordinance approving Special Zoning Exception #2012-01 from PO (Professional Office) to RMD (Medium Density Residential) to be valid after the project is constructed by Phases, and approve via Resolution Mitigated Negative Declaration #2012-03, Conditional Use Permit #2012-01 and Site Plan Review #2012-02 to construct up to 184 unit multi-family gated residential complex, to be valid so long as building permits are issued within two-years of the approval with the following conditions of approval:

1. *Overall Condition:* The project shall be developed as per approved plans, and any deviation from the approved plans will require re-submittal, payment of appropriate fee and a new approval by the Planning Department, unless they are covered in the conditions below or they are discussed in the Redlined drawings.

2. *Site Plan Layout* shall be revised and approved by City Council with the entitlements to ensure that: a) the parking frontages of carports facing Highway 41 or 19½ Avenue shall not exceed 25% of each frontage, b) all building setbacks to interior drive isles shall be at least 10' from the face of curb and incorporate a 4' monolithic sidewalk and 6' of landscape as shown on redlined drawing, c) required covered and uncovered parking shall be located within 200' of the front door of each unit they serve (which may require that an additional street bisect the project or that some of the originally proposed 184 units are lost or that ancillary buildings like the maintenance building be located where parking isn't at a premium), d) relocate the trash enclosure adjacent to building 20 westerly to accommodate emergency vehicular egress with Phase II construction and bicycle and pedestrian access prior to or concurrent with development of the property to the north (which a deferment agreement could be requested) , e) increase the landscape area adjacent to the ponding basin to accommodate 20' landscaped yard as generally shown on the redlined site plan, f) add missing pedestrian connectivity points via sidewalks and pedestrian gates as generally shown on the redlined site plan, g) relocate mailbox cluster area to the north of the recreation building, and h) maintain appropriate building separation to meet fire codes which may require 20' separation where openings are present such as between buildings 12 and 13 where walling off an entire façade of a building to not have openings would not be acceptable.

All identified pedestrian crossings of vehicular areas shall provide not only the raised speed hump but special stamping for improved visibility and should get final design approval from the Planning Director. 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.

3. *Design* shall be revised and submitted back to the Planning Commission for separate approval after entitlements are approved by City Council to ensure that a) floor plans and elevations are consistent with one another, b) that 32 square feet of exterior storage is provided for every unit, c) that the mix of elevation colors, materials and/or building façade elements include 5 sufficiently varying features and are located in such a manner to avoid monotony and duplication, d) rock facades should wrap buildings 1, 2, and 3 on the sides facing the points of egress, e) roof colors include two light color tones f) fire risers shall be concealed in enclosed building space, g) carports, trash enclosures, maintenance building, and mail area ancillary building structure designs compliment the complex and meet the intent of City policy. If further floor plan or elevation changes are proposed to the recreation building, these should be submitted with these design specifications at that time. Revised design packet shall include colorized frontage elevations for each side of the property and all elevations and floor plans for all buildings types as well as ancillary building structures.

   Roof mounted or ground mounted mechanical equipment and utility boxes, other than solar panels, shall be located such that they are not highly visible and shall be screened or hidden by landscaping and or painted to blend into the buildings they are attached or adjacent to as approved by the Planning Director. All utility locations shall be shown in the construction site plan and overall landscape plan with applicable screening defined.

   Mail Box clusters shall incorporate architecture and site plan considerations to ensure design compatibility and increase social contact in the neighborhood. It is anticipated that the area delineated on the redlined site plan, north of the recreation building, is a preferred location. Architecture might include an arbor over the mail boxes, vines growing over the arbor and several benches.

   The final project design will need to make sure mechanical ventilation or air condition be provided so that occupants may keep windows and doors closed for acoustical isolation purposes" per the special noise study and the backup for this being provided with the construction plans. Dual-pain sliding doors shall also be installed to further mitigate noise levels.

   Apartment unit building and unit number sizes, locations and numbering system shall be as approved by Planning, Building, Police, and Fire Departments for adequate visibility and insuring best possible response to calls for service.

4. *Green house gas /conservation* stemming from General Plan policies CD-I-58 through CD-I-62 shall be addressed by the applicant by submitting a plan of how they intend to meet these following four basic areas prior to the submittal of the construction drawings:

   Heat and Light: Incorporate passive heating and natural lighting strategies if feasible and practical. These strategies should include, but are not limited to, the following: a) Using building orientation, mass and form, including façade, roof, and choice of building materials, color, type of glazing, and insulation to minimize heat loss during winter months and heat gain during summer months; b) Designing building openings to regulate internal climate and maximize natural lighting, while keeping glare to a minimum; and c) reducing heat-island effect of large concrete roofs and parking surfaces.

Surface Water Runoff: Reduce storm water run-off, control water pollution, and promote water recharge through sustainable hydrological design by a) using canopy trees or shrubs to absorb rainwater and slow water flow; b) removing curbs and gutters from parking areas, where appropriate, to allow storm water sheet flow into vegetated areas; and c) incorporating drainage design into the infrastructure, including roof downspouts, retention cells, or infiltration trenches, to filter and direct storm water into vegetated areas or water collection devices irrigation and non-potable uses.

Energy Efficiency: Incorporate green building standards by a) using Energy Star® appliances and equipment in all buildings, b) incorporate green building methods to qualify for the equivalent of LEED Certified "Silver" rating or better (passive solar orientation must be a minimum component), c) pre-wire for optional photovoltaic energy systems and/or solar water heating on south facing roofs; and d) if using more than 40,000 kilowatt hours per year of electricity for the complex install photovoltaic energy systems.

Good Construction Practice: Practice environmentally sensitive construction practices by a) restricting use of chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and halons in mechanical equipment and building materials, b) promoting use of products that are durable and allow efficient end-of-life disposal (recyclable), c) promote the purchase of locally or regionally available materials; and d) promote the use of cost-effective design and construction strategies that reduce resource and environmental impacts.

5. *Ingress/Egress:* In order to accommodate the full buildout, as shown in the current General Plan, up to 8' of additional right-of-way (ROW) (affecting the layout of the front buildings) and a 10' public utility easement behind the ROW will need to be dedicated along 19½ Avenue frontage. The project will be responsible for building-out paveout, curb, gutter, 6' bike lane, 7' parkway, and 6' slightly meandering sidewalk adjacent to their site along 19½ Avenue as generally shown on the Redlined Site Plan. The exact design and location of all these infrastructure items and any cost sharing shall be determined by the City Engineer, Public Works, and Planning offices based upon the differences between local street and oversizing standards.

   Various striping will be needed around the project to assist with vehicular and pedestrian access as determined by the City Engineer and Public Works offices when civil plans are being drafted. At a minimum, a center turn lane will need to be striped to allow for traffic to safely enter the main gate, the westerly side of 19½ Avenue will need to be striped with a bike lane adjacent to the Project, and a bus turn out lane will need to be striped to the north of the main entrance.

6. *Offsite Pedestrian Connectivity* shall provide for a) striped bus pickup area in front of the entrance to the complex on the westside of the street (not a separate turnout), b) an 8' asphalt path sidewalk on the westside of the 19½ Avenue from the southerly edge of the project site to Bush Street to be installed, and c) standard sidewalk, curb, and gutter from the northside of the project site to the Castle Way alignment (approximately 60') to tie-into new in-ground flashing crosswalk as generally shown on the Redlined Site Plan at applicant's expense as part of the environmental mitigations. Additionally, any railroad improvements needed for pedestrians at 19½ Avenue railroad crossing will be the responsibility of the applicant

7. *Parking:* All parking spaces required for each unit (covered and uncovered) shall be located within 200' of the front door down any staircases to each unit as a person would walk.

   Eleven bike racks shall be provided in the complex to accommodate 4 bike racks each as generally shown on the redlined site plan. Racks shall hold the bicycle frame (not just the wheel), and should accommodate a u-shaped shackle lock, a wide range of cycle sizes, wheel sizes and types, and should be powder coated to avoid damaging the bicycle and colorized to blend in with the color palette of the complex. Bike rack design shall be submitted for Planning Director approval prior to their ordering and installation to ensure they meet these specifications and their locations shall be shown on the overall site plan and landscape plans.

8. *Landscape:* At least 101,140 square feet of landscaping must be provided and shown on a revised detailed landscape and irrigation plan and follow the State's Water Efficient Landscape of Choice required "Landscape package" format to be submitted with review fee to Planning for approval by City's appointed qualified landscape personnel prior to pulling building permits.

   The landscape and site plans needs to include a 6' slightly meandering sidewalk, a 7' parkway with trees spaced an average of 40' on center as required to meet City standards within the right-of-way along 19½ Avenue, 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.

   Protective buffer landscaping also needs to be installed along the north, west, and south sides of the property as generally shown on the Redlined Landscape Plan. Trees in these "buffer" areas as well as along 19½ Avenue need to be planted at 20' on center on average and consist of at least 50% evergreen trees. Based on this standard, within the buffer area there shall be landscape to meet City standard and trees to include 32 trees along 19½ Avenue, 30 trees along the northerly property line, and 35 trees along the southerly property line. Adjustments to locations can be made to avoid utilities as needed so long as the total number of trees matches these numbers by frontage area. 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 detailed landscape plan will need to be revised and resubmitted to Planning for approval prior to pulling building permits conforming to this section.

   Due to the parking location along the highway 41 frontage, additional landscaping will need to be added adjacent to the westerly parking for a total of 20' wide in landscape area, which can include part of the ponding basin and will need to be submitted with the detailed landscape plan.

   Because barbecues are not allowed by City or Building Codes any longer on the individual unit patios, notification of such shall be given to tenants and enforced by management. Given this restriction, a minimum of 11 barbecues grills shall be added to provide at least one grilling area per building cluster at a total rate of .5 grills per building. These can be doubled up into larger barbecues for larger cluster areas.

   24,067 square feet of recreation area is needed, and must be identified on the landscape plan to show were it is being met. Tot lot areas need to be at least 750 square feet in area and surrounded by an open, smooth-surfaced fence and should be large enough to include park benches with adequate shade and layout so that parents can more easily attend to children. Tot lot structures must incorporate at least five activities. Two of the tot lot areas shall be converted into play space for youth and/or adults to allow for large open spaces to throw a football, baseball, basketball, etc. Specific tot lot plans and youth adult play areas are 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.

9. *Fences and Walls:* 6' tall standard masonry walls along the southerly and northerly boundaries of the project site shall be but pulled in 3-4' from the property line to allow for installation and maintenance of vines within the property that will form a solid covering within 2 years on the outside of the project perimeter to reduce long-term tagging and appearance of long blank walls. These walls shall stop at the intersection with the wrought iron fence a minimum of 15' in back of the sidewalk.

The 6' wrought iron fence, that will create the gated community, will need to incorporate 3 pedestrian gates and 2 vehicle gates along 19½ Avenue and 1 future pedestrian gate with future northerly development and 1 emergency vehicle gate with Phase II of the project on the northside. Should applicant desire to straighten out the location of the front fencing they can so long as they are even or behind the building front facade. The final design of the gates shall be approved by the Planning Director, generally following the design of the front gate photo that was submitted, and the fence design shall discourage jumping of the fence. Gate and fence design shall follow the standards listed in pre-2012 Zoning Code Section 9-7A-7:E (applicable to this development) and be submitted with construction drawings for approval by the Fire Department.

The existing 6' chain link fence along the westerly property line shall stay in place.

10. *Agriculture and Industry protection:* 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(sometimes referred to as Right to Farm agreement).

    Additionally, a noise and odor easement shall be recorded and tenants shall be informed, in a format approved by the City Attorney, that the property is located within one mile of industrial land uses and existing industry has the right to continue to emit such noise and odors as are otherwise allowable by law and to ensure that industry in these areas is not unreasonably hindered by residential tenants which move nearby.

11. *Lighting:* a) All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to shield adjacent properties and not produce glare; b) all outdoor lighting fixtures shall be energy-efficient. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures and all permanently installed exterior lighting shall be controlled by either a photocell or an astronomical time switch; c) lighting design in parking lots shall be coordinated with the landscape plan to ensure that vegetation growth will not interfere with the intended illumination; d) light levels in all new development, parking lots, and street lights to not exceed industry and state standards. An onsite lighting plan shall be prepared to make sure excessive lighting is not being proposed on site or too much energy is being expended.

    Four City street lights incorporating LED fixtures shall be installed along 19½ Avenue according to City standards as generally shown on the Redlined Site Plan.

12. *Utilities:* The development will need to appropriately tie into all City utilities and streets meeting City Public Works Standards. All utilities located on the project site shall be screened in landscape areas from the general view of the public and/or painted to blend in with adjacent objects as determined by the Planning Director and shown on the Overall Site Plan and Landscape Plans for construction.

    Sewer and storm water services need to connect at the southeast corner of the project as determined by Public Works. The applicant will need to verify grades for sanitary sewer and storm water to appropriately tie into the City system, which may or may not require a lift station. The project may have to appropriately tie into the ponding basin east of the adjacent mini-storage facility in addition to tying 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 and sewer systems need to tie into what connection points. The proposed onsite ponding basin may be able to serve as a detention basin, but will need to be appropriately sized per the City Engineer and will need to be maintained to not create a nuisance (i.e. mosquito hatchery for West Nile virus) or blight.

The water lines shall be looped through the complex to achieve fire flows with proper backflow devises, water meters, Fire Department Connections (to be located within buildings) and hydrants as determined by Public Works.

Above ground power and/or phone poles and any onsite utilities shall be properly abandoned (such as irrigation lines and standpipes) or under-grounded per City standards.

All buildings in the complex shall have fire sprinklers and Fire Department Connections (FDC) for each structure. All FDC's shall be located on the northside of all buildings to avoid smoke from the prevailing wind pattern. The FDC's shall be located and screened so that they are not highly visible to the public. A directory map of the complex showing hydrants, FDC's, building layout and addresses shall be located onsite and a small 8½x11" version provided to the City during the course of construction. Adequate keys shall be provided to the Fire Department for all emergency access. Click to enter technology will be required at the vehicle entry gates for ease of emergency access.

Trash enclosures shall be designed to accommodate regular and recycle trash bins, and incorporate a non-combustible trellis or semi-open roof structure to screen views from above, as well as a stucco finish over the block structure to match buildings, and solid powder coated metal gates in a color that match apartment's color palette as approved by the Planning Director and Fire Department. All trash enclosure shall be moved back when located by parking stalls to allow enclosure doors to open with less encroachment in drive lanes. Construction of the three (3) trash enclosures located over the utility easements along the southerly portion of the site may have to incorporate special construction instructions within these utility areas on the plans as required by the Public Works Department to avoid potential near term damage or long-term accessibility.

13. *Signage:* A separate sign application, processing fee, and administrative approval process will be required before ordering or installing any signage or lease up signage and flags so that they are in conformity with the City's sign ordinance.

14. *Soils and Dust Control:* A soils report shall be provided for the project. The developer shall comply with the 9510 Rule, the Fugitive Dust Control Standards and other applicable rules of the San Joaquin Valley Unified Air Pollution Control District at all times, as delineated in their attached letter, in addition to the City of Lemoore dust control requirements.

    If construction happens to unearth archeological remains if historical, archaeological, or paleontological resources are accidentally discover during construction, grading activity in the immediate area shall cease and materials and their surroundings shall not be altered or collected. Then a qualified archaeologist or paleontologist must make an immediate evaluation and avoidance measures or appropriate mitigation must be completed".

15. *Parcel Lines:* a parcel map merger or parcel map will need to be filed, approved by the City, and recorded prior to pulling building permits.

16. The project will be subject to Westside Impact Fees. In accordance with the findings of City Council Resolution #2011-10 adopted on March 15, 2011 and the Colgan Consulting Corporation City of Lemoore, CA – Development Impact Fee Study Report, the project will have an impact on the need for new public facilities and improvements in the City. The costs associated with these impacts and the connection between the need for new public facilities and the proposed project are set forth in Resolution #2011-10 and the Colgan Report. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in Resolution #2011-10 or as set by subsequent resolutions adopted annually by the Council until building permits are pulled. Traffic impacts shall be based on a per unit basis.

17. Upon completion of any Parcel Map or Parcel Merger and infrastructure 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 in addition to a digital copy for incorporation into the City's GIS system.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on May 14,2012, by the following votes:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

_____
Ron E. Meade, Chairperson

ATTEST:

_____
Holly P. Smyth, Secretary

This resolution is a recommendation to the City Council pursuant to Lemoore Municipal code Section 9-15G-2G. The City Council will provide the final approval of the Special Zoning Exemption, environmental, conditional use permit and the site plan for the project due to requested zone change.

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 May 14, 2012.

DATED: May 15 , 2009

Holly P. Smyth, Secretary
Lemoore Planning Commission