LEMOORE PLANNING COMMISSION

Lemoore City Council Chambers
429 'C' Street

MAY 6, 2013

SPECIAL MEETING 7:00 P.M.

1. Pledge of Allegiance and Roll Call

   If you wish to comment on an item, which is not on the agenda, you may do so under "Public Comment." In order to allow time for all public comments, each individual's comments are limited to five minutes. When addressing the Commission, you are requested to come forward to the speaker's microphone, state your name and address, and then proceed with your presentation.
2. Public Comments and Inquiries
3. Approval – Minutes – Regular Meeting 1-14-13
4. Approval – Minutes – Special Joint Meeting of the City Council and Planning Commission 4-9-13
5. Site Plan Review #2013-01 – Application by the Lemoore City Council who has been working with Chevron Energy Solutions to evaluate the potential costs and long-term savings of installing solar at City-owed sites throughout Lemoore to offset energy costs. The north well field well sites #4 and #6 at Elder and 17th Avenues were previously considered and approved for solar and proposed solar on the Police Station is exempt from CEQA and not subject to Site Plan Review and therefore these 2 locations are not a part of Planning Commission's Site Plan/Environmental Review.
   a. Staff Report
   b. Public Hearing
   c. Discussion and Decision on Planning Commission Resolution #2013-01 approving Negative Declaration #2013-03 and Site Plan Review #2013-01.
6. Sign Variance #2013-01 - Sal Pablo of Sign Development representing Shirdhi Incorporated, is requesting a variance from Section 9-5F-3A-2, 9-5F-4 (design standards), Tables 9-5F-5B1, 9-5F-5-B2, and Table 9-6-3-E1 of the sign regulations in the zoning code pertaining to sign type and sign height in the downtown DMX zone district. The applicant would like to continue to use the existing 26'-6" freestanding non-conforming pole with the existing 10'-6' tall x 4'-2" wide sign located at 110 West "D" Street under section 9-2B-16 to allow flexibility under the above noted sections.
   a. Staff Report
   b. Public Hearing
   c. Discussion and Decision on Planning Commission Resolution #2013-02 approving Sign Variance #2013-01.
7. Commission's Report and Request for Information
8. Adjournment

<u>Tentative Future Agenda Items</u>
None at this time

CERTIFICATION OF POSTING

Notice of ADA Compliance: If you or anyone in your party needs reasonable accommodation to attend, or participate in, any City Council Meeting, please make arrangements by contacting the Human Resources Office at City Hall 24 hours prior to the meeting. They can be reached by calling 924-6700, or by mail at 119 Fox Street, Lemoore, California 93245.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 119 Fox Street, Lemoore, CA during normal business hours. In addition, most documents will be posted on the City's website at www.lemoore.com.

CERTIFICATION OF POSTING

I, Kristie R. Baley, City Clerk of the City of Lemoore, do hereby declare that the foregoing agenda for the Lemoore Planning Commission Special Meeting of Monday, May 6, 2013 was posted on the outside bulletin board located at City Hall, 119 Fox Street in accordance with applicable legal requirements. Dated this 3rd day of May 2013.

_____

Kristie R. Baley, City Clerk

Minutes of the Regular Meeting of the
Lemoore Planning Commission
January 14, 2013

Chairperson Meade called the meeting to order at 7:00 p.m.

ATTENDANCE: Chairperson Meade, Vice-Chairperson Garcia, Commissioner Wynne, Commissioner Monreal, Commissioner Marvin, Commissioner Clement, Commissioner Brown and Planning Director Smyth

PUBLIC COMMENT AND INQUIRIES: There was no comment.

SWEARING IN NEW PLANNING COMMISSIONERS BILL WYNNE AND CALVIN MONREAL

APPROVAL OF MINUTES –November 26, 2012

It was moved by Commissioner Garcia seconded by Commissioner Clement, and carried that the Planning Commission approves Minutes of November 26, 2012 as submitted.

AYES: Garcia, Clement, Wynne, Monreal, Marvin, Brown and Meade

Election of Chairperson:

Chairperson Meade stated that elections would be held for the position of Chairperson.

Commissioner Clement nominated Commissioner Meade for Chairperson, seconded by Commissioner Wynne.

Commissioner Meade took votes for Commissioner Meade to remain as Chairperson.

AYES: Clement, Wynne, Garcia, Brown, Marvin and Monreal ABSTAIN: Meade

Election of Vice-Chairperson:

Commissioner Brown nominated Commissioner Garcia as Vice chairperson, seconded by Commissioner Monreal

Meade took votes for Garcia as Vice-Chairperson.

AYES: Brown, Monreal, Wynne, Marvin, Garcia, Meade and Clement

Sign Variance #2012-03 application by David Rose from Section 9-5F-5-B1 and 9-5F-5B2 to allow a 4'x8' wall sign to be located at Elite Acid located at 317 S. Lemoore Ave.

Public hearing was opened.

Spoke: No one spoke.

Public hearing closed.

It was moved by Commissioner Marvin seconded by Commissioner Garcia and carried that the Planning Commission approve Resolution No. 2012-08.

AYES: Marvin, Garcia, Wynne, Monreal, Clement, Brown, Meade

Applications for Conditional Use Permit #2012-04 / Public Convenience or Necessity #2012-01 for a Type 02 Wine Growers liquor license / Minor Site Plan and Architectural Review #2012-12 to modify the existing Site Plan layout by George Meyer of Farmer's Fury Winery to open a wine tasting room and have a outdoor gated seating area in the front of the building to help market their wines at 358 West 'D' Street. Other merchandise sold will be shirts, hats, wine racks, wine bottle holders, and other items along with cheeses and olive oil and small appetizer type food.

Public hearing was opened.

Spoke: John Gordon
George Meyer
Charles Meyer

Public hearing closed.

Spoke: David Wlaschin
Jerry Behrens

It was moved by Commissioner Wynne seconded by Commissioner Monreal and carried that the Planning Commission approve Resolution No. 2012-20 with corrections

AYES: Wynne, Monreal, Marvin, Clement, Brown, Garcia and Meade

Spoke: Mayor Siegel

Planning Director's Report – Activity Update

Planning Director reviewed Activity updates.

Commission's Report and Request for Information:

Commissioner Clement echoed Commissioner Brown and gave kudos to Planning Director Smyth and staff, Public Works Director Wlaschin, to legal council Behrens and Mayor Siegel.

Adjournment: The meeting adjourned at 8:36 p.m.

Full digital audio recording is available.

Approved the 6th day of May, 2013

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Dr. Ronald E. Meade, Chairperson

Attest:

_____
Kristie R. Baley, City Clerk

Minutes of the Special Joint Meeting of the
LEMOORE CITY COUNCIL/LEMOORE PLANNING COMMISSION
April 9, 2013

MEETING CALLED TO ORDER:

At 6:05 p.m. the meeting was called to order.

ATTENDANCE:

Mayor Siegel; Mayor Pro Tem Wynne; Council Members Gordon, Neal, Rodarmel; Planning Commission Chairperson Meade; Vice Chairperson Garcia; Commissioners Brown, Clement, Martin, Monreal, Wynne; Acting City Manager/Police Chief Laws; Public Works Director Wlaschin; Planning Director Smyth; Project Manager Holwell; Administrative Analyst Prichard; Assistant Planner Hobbs; Planning Commission Clerk Bridges; City Clerk Baley

ABSENT: City Attorney Avedisian

ANNOUNCEMENT:

Mayor Siegel announced that City Council would adjourn to Lemoore City Council Closed Session at the same time the Planning Commission adjourns to the Special Lemoore Planning Commission Meeting.

PUBLIC HEARING – CDBG GRANT APPLICATION SUBMITTAL:

Planning Director Smyth presented a revised cost estimate and resolution reflecting the three activities that would be applied for within the grant application.

Activity #1 Lemoore Senior Center – Rehabilitation and Energy Upgrades: Smyth provided detailed information about rehabilitation and energy upgrades needed for each building at the Lemoore Senior Center site. She also provided detailed cost information and acknowledged health and safety issues. Smyth explained that the City's building inspector and various contractors provided prevailing wage and deferred maintenance information and that Chevron Energy Solutions was available to provide her with energy efficiency upgrade information. The City also received third party evaluations.

Activity #2 Business Assistance – Microenterprise Assistance – Business Training for Economic Development:
Smyth provided the results of a business assistance survey and explained that the purpose of the survey was to find out what activities interest small businesses in Lemoore. She projected that most of the grant funds will focus on home occupations which make up 30% of the small businesses in Lemoore. Smyth stated that a letter of support was received from the Kings Economic Development Corporation (Kings EDC).

Council Member Gordon showed concern about the possibility of increasing overhead at this time. He asked Kings EDC President/CEO John Lehn if the grant funds would duplicate the small business loans already provided by Kings EDC and if his staff would be available to assist with underwriting processes if needed.

Mr. Lehn stated his only concern at this time is the City's capacity to underwrite the loans. However, he also stated Kings EDC staff should be available to assist City staff with that process. Mr. Lehn said Kings EDC loans are generally $5,000 to $250,000 and that the grant program funds would assist microenterprise businesses with smaller loans from $250 to $10,000; therefore he did not see a duplication issue.

Smyth provided detailed information concerning the procurement of contracts and CDBG requirements and projected that ten businesses would be assisted with the business assistance loans and the training assistance program is projected to allow two trainings per month for two years.

Activity #3 Microenterprise Planning Technical Assistance Grant – West Hills College Culinary Department – Restaurant Incubator:
Smyth informed the public this activity is a study and information provided will be helpful in the future for bringing in new business.

PUBLIC COMMENT – CDBG GRANT APPLICATION:
Mayor Siegel opened public comment.

Kings EDC President/CEO John Lehn asked if the scope of the incubator concept could be expanded to include the supply and demand needs of small businesses in downtown Lemoore as well with the expectation that it may lead to expansion into other areas.

Smyth suggested adding language to Resolution 2013-06 indicating Kings EDC is supportive of a Planning Technical Assistance grant to review the potential for a small business incubator in addition to the restaurant incubator.

Council Member Gordon questioned the success of the 2009 Adaptive Reuse Study.

Project Manager Holwell explained that in the case of the Adaptive Reuse Study, the property owners did not want to spend their own money for the improvements suggested in the study. Pioneer Square was one of the properties studied, but in the end, the property owner decided to make façade improvements instead.

Mayor Siegel asked if the study could be modified to grandfather in existing businesses so that they could take advantage of the incubators and reinvent themselves.

Smyth stated the business assistance program is part of the application so that existing businesses receive benefits of the grant as well.

West Hills College (WHC) President Don Warkentin stated that WHC has a significant culinary program and sees the grant as a way to provide training opportunities to the public.

Mayor Siegel asked for more information about the outcome of the incubator study.

Planning Director Smyth explained the structure of the study.

Lemoore Senior Center's Stretch Derouin thanked everyone involved in supporting the Senior Center. He expressed his enthusiasm for the rehabilitation and energy upgrades projected in the application.

Syd Smyth asked if the funds could be used to clean up the contaminated ground near the Senior Center so that it could be used by the seniors for a vegetable garden.

The Mayor was unsure if the area in question is still contaminated or who the owner is and asked Planning Director Smyth to clarify.

Planning Director Smyth informed the public that the property in question is not part of Activity #1 and it is on the side of the Little League property.

Planning Commissioner Dave Brown questioned the scope of work for the Senior Center and asked if the possibility of asbestos assessment and abatement costs have been addressed.

Planning Director Smyth confirmed asbestos assessment and abatement are requirements of the grant; however the cost for these requirements has not been included in the total project cost. She stated because there is only a 3% to 4% contingency, the cost would be paid out of the general fund.

Parks and Recreation Commissioner Ernie Smith expressed support for the project and stated the Senior Center is a viable location and the building has the potential to be used for various things.

Mayor Siegel asked if any private groups have offered assistance to the Senior Center.

Senior Center Board Acting President Richard Rey stated they recently contacted businesses for donations and they did receive some funding. He said Lemoore Christian Aid has also shown interest in selling their building and sharing the Senior Center facility, as well as expenses, should the project move forward. He also noted Lemoore is the only self supported Senior Center in the area.

Planning Commissioner Monreal expressed his support for including asbestos assessment and removal costs as part of each of the Senior Center phases. He suggested assessing the presence of asbestos first for each of the three buildings as they are rehabilitated and then modifying other areas of the project to bring the Activity within budget.

Planning Commissioner Jeff Garcia asked how accurate the projected costs of the Senior Center projects are.

Smyth replied that the projected costs are as close as they could be without detailed specifications.

Mayor Siegel confirmed that a sign in sheet had been passed around the room and closed Public Comment.

ADJOURNMENT TO SPECIAL MEETING OF THE LEMOORE CITY COUNCIL:

At 7:16 p.m. Council adjourned to the Special Meeting of the Lemoore City Council.

REPORT AND RECOMMENDATION - CDBG GRANT APPLICATION:

Planning Director Smyth read Resolution 2013-06 as revised during the Public Hearing.

It was moved by Council Member Gordon, seconded by Mayor Pro Tem Wynne and carried by Council to adopt Resolution 2013-06 to submit a CDBG application for the activities as read and with "Whereas Kings EDC is supportive of a Planning Technical Assistance grant to review the potential for a small business incubator in addition to the restaurant incubator; and" added.

Ayes: Gordon, Wynne, Neal, Rodarmel, Siegel

REPORT AND RECOMMENDATION – LETTER OF SUPPORT FOR STATE ROUTE 198 CORRIDOR PRESERVATION AND IMPROVEMENT STRATEGIC PLAN:

Project Manager Holwell presented an explanation for the letter of support to Council.

It was moved by Council Member Rodarmel, seconded by Mayor Pro Tem Wynne and carried by Council to authorize the Mayor to sign the letter in support of State Route 198 Corridor Preservation and Improvement Strategic Plan.

Ayes: Rodarmel, Wynne, Gordon, Neal, Siegel

CONCURRENT ADJOURNMENT TO CITY COUNCIL CLOSED SESSION AND SPECIAL MEETING OF THE PLANNING COMMISSION:

At 7:24 p.m. City Council adjourned to Closed Session in the Veterans Hall kitchen area regarding labor negotiations. There was no announcement.

At 7:26 p.m. the Planning Commission adjourned to the Special Meeting of the Planning Commission.

RECONSIDERATION OF SIGN VARIANCE #2012-03 APPLICATION BY DAVID ROSE FROM ELITE ACID FROM SECTION 9-5F-5-B1 AND 9-5F-5-B2 TO ALLOW FLEXIBILITY:

It was moved by Chairman Meade, seconded by Commissioner Monreal and carried by the Commission to approve the adoption of revised Resolution 2012-19 as re-written and replace the original decision on the variance.

Ayes: Meade, Monreal, Brown, Clement, Garcia, Martin, Wynne

CONCURRENT ADJOURNMENT TO JOINT SPECIAL MEETING OF THE LEMOORE CITY COUNCIL AND LEMOORE PLANNING COMMISSION:

At 7:41 p.m. Council and Commissioners adjourned to the Joint Special Meeting of the Lemoore City Council and Lemoore Planning Commission.

PUBLIC COMMENT:

William Munoz from the office of Assembly Member Rudy Salas submitted a letter in support of Naval Air Station Lemoore – F-35C Lightening II Joint Strike Fighter home base.

DISCUSSION – 2012 ZONING CODE IMPLEMENTATION ADJUSTMENTS:

The Lemoore City Council and Lemoore Planning Commission agreed to form two subcommittees.

Mayor Siegel appointed Commissioners Brown and Marvin with the assistance of Planning Director Smyth and resident Michael Montabelo to the Administrative Cleanup Ad Hoc Committee. Commissioners Monreal and Wynne with the assistance of Project Manager Holwell were appointed to the Amendments to the Zoning Code Ad Hoc Committee.

ADJOURNMENT:

At 9:15 p.m. the meeting adjourned.

Approved the 6th day of May, 2013.

_____

Dr. Ronald E. Meade, Chairperson

Attest:

_____

Kristie R. Baley, City Clerk

Mayor
William Siegel
Mayor Pro Tem
Lois Wynne
Council Members
John Gordon
Eddie Neal
Willard Rodarmel

City of
LEMOORE
CALIFORNIA

Planning Department

711 Cinnamon Drive
Lemoore CA 93245
Phone(559) 924-6700
FAX(559) 924-6708

STAFF REPORT

Item # 5

To: Lemoore Planning Commission

From: Holly Smyth, Planning Director

Review Date: May 6, 2013

Subject: City of Lemoore Solar Citywide Projects

A. General Information:

1.	Applicant:	Chevron Energy Solutions on behalf of the City of Lemoore Attn: Ashu Jain AJain@chevron.com 345 California Street, 18th Floor San Francisco, CA 94104-2624 415-733-4500
2.	Engineer/Surveyor	Chevron Energy Solutions (same as above)
3.	Locations:	1) 2650 W. Bush Street near Production Place for Well #7 2) 711 Cinnamon Drive serving Well #10 & CMC 3) 1650 N. Lemoore Avenue north of Glendale for Well#11 4) 1650 Cedar Lane north of Blue Jay for Well #12 5) 576 College Avenue south of Bush for Well #13 6) 1170 19th Avenue east of Enterprise at Well #9 and Wastewater Treatment Plant
4.	Property Descriptions: (Assessor's Parcels)	1) #023-510-019 2) #023-430-026 3) #021-030-058 4) #023-400-005 5) #023-510-013 6) #024-052-080
5.	Site Area:	See scope of work table
6.	Current General Plan Designations of project sites:	1) Community Facilities 2) Community Facilities 3) Parks and Recreation 4) Parks and Recreation 5) Parks and Recreation 6) Heavy Industrial

PLANNING COMMISSIONERS
Chairperson –Ronald E. Meade, Vice-Chair –Jeff Garcia
Dave Brown, Bob Clement, Jim Marvin, Calvin Monreal, Bill Wynne

7.	Current Zone Districts of project sites:	1) Public Services and Community Facilities (CF) 2) Public Services and Community Facilities (CF) 3) Parks and Recreation/Ponding Basin (PR) 4) Parks and Recreation/Ponding Basin (PR) 5) Parks and Recreation/Ponding Basin (PR) 6) Heavy Industrial (MH)

B. <u>Plan Location & Project Work Description & Surrounding Uses:</u>

The Lemoore City Council has been working with Chevron Energy Solutions to evaluate the potential costs and long-term savings of installing solar at City-owed sites throughout Lemoore as shown on the attached site plans to offset energy costs.

The north well field well sites #4 and #6 at Elder and 17th Avenues were previously considered and approved for solar and proposed solar on the Police Station is exempt from CEQA and not subject to Site Plan Review and therefore these 2 locations are not a part of Planning Commission's Site Plan/Environmental Review. The City Council has now determined the project alternatives it wishes to pursue and is now processing one Site Plan Review and one Environmental Review for the entire project at multiple sites within the City of Lemoore (except for the North Well Field site and Police Station) as they will fall under one fixed-price contract.

The attached site plans show the locations of the sites and the areas where solar panels would be placed. The following table identifies the scope of work at each site and the surrounding land uses.

	APN #	Solar Panel Location	Scope of Work	Surrounding Land Use Designations
1)	023-510-019	2650 W. Bush Street, north of West Hills College south of **Well #7**	Install a 194 kWDC solar photovoltaic (PV) electrical generation that is ground-mounted at a 20-degree fixed tilt on a 13,500 square foot portion of the site.	Medium Density Residential (PUD), Low Density Residential (PUD), and Community Facility
2)	023-430-026	711 Cinnamon Drive (Serving **Well #10 and the municipal building**)	Install a 252 kW DC solar photovoltaic (PV) electrical generation that is ground-mounted at a 20-degree fixed tilt on the southside of the existing municipal building on a 17,600 square foot portion of the site due north of the railroad tracks Install a 269 kW DC solar shade structure in the Cinnamon Municipal Complex (CMC) parking lot on the north side of the municipal building on an 18,000 square foot portion of the site.	Light Industrial, Low Density Residential (PUD), Parks & Recreation Ponding Basin
3)	021-030-058	1650 N. Lemoore Avenue, north of Glendale Avenue **at Well #11**	Install a 259 kW DC solar photovoltaic (PV) electrical generation system that is ground-mounted at a 20-degree fixed tilt on an 18,000 square foot portion of the site.	Low Density Residential (PUD) and Limited Agriculture (AL) in the County
4)	023-400-005	1650 Cedar Lane north of Blue Jay Lane at **Well #12 at Bevilaqua park/ ponding basin**	Install a 346 kW DC solar photovoltaic (PV) electrical generation system that is ground-mounted at a 20-degree fixed tilt on a 24,100 square foot area of the site.	Low Density Residential (PUD) and Regional Commercial
5)	023-510-013	576 College Avenue at **Well #13**, north of Pedersen Ave. alignment	Install a 720 kW DC solar photovoltaic (PV) electrical generation system that is ground-mounted at a 20-degree fixed tilt on a 15,000 square foot portion of the site.	Low Density Residential, Mixed Use, and Public Services & Community Facilities
6)	024-052-080	1170 19th Avenue, east of Enterprise Drive at **Well #9 and the Wastewater Treatment Plant**	Install a 414 kW DC solar photovoltaic (PV) electrical generation system that employs a single-axis tracker on a 28,800 square foot portion of the site.	Public Services & Community Facilities and Light Industrial

C. Project Review:

Major Site Plan Review by the Planning Commission is required for "new nonresidential or mixed-use developments of ten thousand (10,000) gross square feet or more". The only City solar project that is under this threshold is the Police Department solar project. Additionally, the proposed solar at the north well field site is not being reviewed with this Site Plan application, as a more extension solar project was previously approved and therefore does not need to be reviewed again for a less extensive project than the originally approved Site Plan/Conditional Use Permit. This 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:

As discussed above, the project sites involve properties designated in the General Plan as Community Facilities, Parks and Recreation, and Heavy Industrial with zoning designations of Public Services and Community Facilities (CF), Parks and Recreation/Ponding Basin (PR) and Heavy Industrial (MH).

The Community Facilities land use designation and zoning is intended for "lands owned by public entities, including schools, administrative offices, corporation yards, and public facility, including recycling centers, sewage treatment ponds, and fire stations". The main purpose for the Community Facilities designation at the project site is that it has been a part of the City's sewer treatment site and prior to 1973 was a burn dump.

The Parks and Recreation land use designation and zoning is "Intended for improved and unimproved park facilities, including neighborhood, community, and regional parks; public golf courses; and recreational facilities that provide visual open space and serve the outdoor recreational needs of the community." Additionally, zoning states that this district "also includes ponding basins and other drainage facilities" as some parks incorporate as a part time use while in other cases it may be a stand alone ponding basin with no shared use.

The Heavy Industrial land use and designation and zoning "allows primary manufacturing, refining, packaging, processing, and similar activities including those with outdoor facilities. It also accommodates warehousing and distribution uses, with support commercial services and ancillary office space. No retail uses are allowed."

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

Most of the sites will utilize existing driveways for ingress and egress. After construction is complete it is anticipated that one person will visit the site roughly twice a month which equates to less than 1 ADT. Therefore, the sites do not pose an impact on streets and thoroughfares and not be subject to traffic impact fees.

3. Streets Lights, On-site Lighting, and Glare:

The proposed site plans do not show any new on-site lighting. Should any on-site lighting be provided, the lighting fixtures shall be designed, shielded, aimed, and located to not glare onto adjacent properties.

Chevron Energy Solutions provided staff with findings from a study prepared by the Federal Aviation Administration (FAA) that found that photovoltaic panels produce less glare than soil or vegetation.

4. Landscape, Sidewalks, and Open Space

The site plans do not show any new landscaping or sidewalks beyond what already exists, and are not proposing eliminate any existing landscaping or sidewalks.

5. Fences and Walls:

New fence enclosures will be 6' tall plus 3 strands of barbed wire on top. When connecting to existing fence lines, new fences will match to the existing type and height.

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

The addition of the solar panels will not affect existing storm drainage flows. Sewer and refuse services will not be needed on site.

The Well #7 site on Bush Street and Marsh Drive is planned for a future fire station and possibly two new streets. The solar panels have been positioned to stay out of the areas where there future improvements are planned.

7. Signs:

No signage is shown on the drawing or indicated on the application. A separate sign application, processing fee, and approval by the Planning Department will be required for any signage before any is ordered or put in place on the project.

8. Soils and Dust Control:

The project will need to comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards and the City of Lemoore dust control requirements.

D. <u>Environmental Impact:</u>

A preliminary environmental impact assessment of the project was conducted by the staff in accordance with California Environmental Quality Act and is included in the staff report. It is

determined that the project could not have any significant adverse impacts on the environment if certain mitigation measures, incorporated in the conditions of approval, are added to the project. The Commission should adopt a Negative Declaration for the project pursuant to California Environmental Quality Act which is included in the draft resolution.

E. Recommendation:

- The Planning Commission should review the staff report, take any comments from the project proponent and the general public.

- The Planning Commission should approve the attached Resolution 2013-01 approving a Negative Declaration under the California Environmental Quality Act and approving Site Plan Review 2013-01.

Attachments:

Exhibit A - Site Plans – 8 pages total
Draft Resolution

City of Lemoore

Phase 3 Solar Program

Chevron Energy Solutions

May 6, 2013

© 2013 Chevron

Well #7 – North of West Hills College: Fixed-Tilt Ground Mounted Solar Project – 194 kW

CITY OF LEMOORE **3/28/2013**

WATER WELL No. 7
BUSH STREET & MARSH DRIVE
LEMOORE, CA 93245

Well #10: Fixed-Tilt Ground Mounted Solar Project – 252 kW, Solar Parking Canopies – 269 kW

WELL No. 10		
ARRAY	MODULES	kW DC STC
1	840	252.0
3	518	134.7
4	518	134.7
TOTAL	1828	507.0

CINNAMON MUNICIPAL COMPLEX		
ARRAY	MODULES	kW DC STC
2	288	86.4
TOTAL	288	86.4

CITY OF LEMOORE **3/26/2013**

WATER WELL No. 10 & CINNAMON MUNICIPAL COMPLEX (CMC)
711 W. CINNAMON DRIVE
LEMOORE, CA 93245

©

Cinnamon Municipal Complex: Fixed-Tilt Ground Mounted Solar Project – 86 kW

WELL No. 10		
ARRAY	MODULES	kW DC STC
1	840	252.0
3	518	134.7
4	518	134.7
TOTAL	1828	507.0

CINNAMON MUNICIPAL COMPLEX		
ARRAY	MODULES	kW DC STC
2	288	86.4
TOTAL	288	86.4

CITY OF LEMOORE **3/26/2013**

WATER WELL No. 10 & CINNAMON MUNICIPAL COMPLEX (CMC)
711 W. CINNAMON DRIVE
LEMOORE, CA 93245

©

Well #11 – Lemoore Avenue & Glendale Avenue: Fixed-Tilt Ground Mounted Solar Project – 259 kW

CITY OF LEMOORE 3/25/2013

WATER WELL No. 11
18TH AVENUE & E. GLENDALE AVENUE
LEMOORE, CA 93245

Well #12 – Cedar Lane & Bluejay Avenue: Fixed-Tilt Ground Mounted Solar Project – 346 kW

CITY OF LEMOORE 3/25/2013

WATER WELL No. 12 & SPORTS PARK CONCEPT
BLUEJAY AVENUE & CEDAR LANE
LEMOORE, CA 93245

©

Well #13 – East of West Hills College: Fixed-Tilt Ground Mounted Solar Project – 216 kW

CITY OF LEMOORE 3/25/2013

WATER WELL No. 13
PEDERSON STREET & COLLEGE AVENUE
LEMOORE, CA 93245

Waste Water Treatment Plant: Single Axis Tracking Ground Mounted Solar Project – 414 kW

ARRAY	MODULES	kW DC STC
1	240	72.0
2	540	162.0
3	600	180.0
TOTAL	1380	414.0

CITY OF LEMOORE **3/13/2013**

WATER WELL No. 9 & WASTE WATER TREATMENT PLANT
19TH AVENUE & ENTERPRISE DRIVE
LEMOORE, CA 93245

Mayor
William Siegel

Mayor Pro Tem
Lois Wynne
Council Members
John Gordon
Eddie Neal
Willard Rodarmel

City of
LEMOORE
CALIFORNIA

Planning Department

711 Cinnamon Drive
Lemoore, CA 93245
Phone(559) 924-6740
Fax(559) 924-6708

LEMOORE PLANNING COMMISSION NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION #2013-03 AND HOLD PUBLIC HEARING FOR SITE PLAN REVIEW #2013-01 FOR CITYWIDE SOLAR PROJECTS TO OFFSET ENERGY COSTS

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Lemoore shall consider the following application in a public hearing during its Special Meeting on Monday, May 6, 2013, at 7:00 p.m. in the Council Chamber located at 429 "C" Street in Lemoore.

The Lemoore City Council has been working with Chevron Energy Solutions to evaluate the potential costs and long-term savings of installing solar at City-owed sites throughout Lemoore as shown on the attached map to offset energy costs. The north well field well sites #4 and #6 at Elder and 17th Avenues were previously considered and approved for solar and proposed solar on the Police Station is exempt from CEQA and not subject to Site Plan Review and therefore these 2 locations are not a part of Planning Commission's Site Plan/Environmental Review. The City Council has now determined the project alternatives it wishes to pursue and is now processing one Site Plan Review and one Environmental Review for the entire project at multiple sites within the City of Lemoore (except for the Well Field and Police Station listed above) as they would all fall under one fixed-price contract as follows:

APN #	Solar Panel Location	Scope of Work
023-510-019	2650 W. Bush Street, north of West Hills College south of Well #7	Install a 194 kWDC solar photovoltaic (PV) electrical generation that is ground-mounted at a 20-degree fixed tilt on a 13,500 square foot portion of the site.
024-052-080	1170 19th Avenue, east of Enterprise Drive at Well#9 and the Wastewater Treatment Plant	Install a 414 kW DC solar photovoltaic (PV) electrical generation system that employs a single-axis tracker on a 28,800 square foot portion of the site.
023-430-026	711 Cinnamon Drive (Serving Well #10 and the municipal building)	Install a 252 kW DC solar photovoltaic (PV) electrical generation that is ground-mounted at a 20-degree fixed tilt on the southside of the existing municipal building on a 17,600 square foot portion of the site due north of the railroad tracks Install a 269 kW DC solar shade structure in the Cinnamon Municipal Complex (CMC) parking lot on the northside of the municipal building on an 18,000 square foot portion of the site.
021-030-058	1650 N. Lemoore Avenue, north of Glendale Avenue at Well #11	Install a 259 kW DC solar photovoltaic (PV) electrical generation system that is ground-mounted at a 20-degree fixed tilt on an 18,000 square foot portion of the site.
023-400-005	1650 Cedar Lane north of Blue Jay Lane at Well #12 at Bevilaqua park/ ponding basin	Install a 346 kW DC solar photovoltaic (PV) electrical generation system that is ground-mounted at a 20-degree fixed tilt on a 24,100 square foot area of the site.
023-510-013	576 College Avenue at Well #13, north of Pedersen Ave. alignment	Install a 720 kW DC solar photovoltaic (PV) electrical generation system that is ground-mounted at a 20-degree fixed tilt on a 15,000 square foot portion of the site.

The Planning Department staff of the City of Lemoore has prepared the Environmental Impact Assessment on the above-stated proposal and is recommending that the Planning Commission, at their May 6, 2013 meeting, adopt a Negative Declaration in accordance with the provisions of the California Environmental Quality Act and approve Site Plan Review #2013-01 above listed applications for the entire project. **The public review period for the environmental will begin on April 15, 2013 through May 6, 2013.**

Persons having comments or concerns about the above-stated applications are encouraged to attend and offer their comments at the hearing. Written comments can also be filed in the Planning Department, City of Lemoore, 711 Cinnamon Drive in Lemoore, Ca. 93245, prior to the date of the hearing.

If the proposed applications are challenged by any person in court, it may be limited to only those issues that were raised at the public hearing or in any written correspondence delivered to the Planning Commission at, or prior to, the public hearing. Copies of the specific site layouts of the solar panals, project information, the Environmental Impact Assessment and proposed Negative Declaration are on file in the Planning Department of the City of Lemoore, 711 Cinnamon Drive, Lemoore, California 93245 and can be reviewed during regular office hours.

H. Smyth, Planning Director

DATED: April 15, 2013
PUBLISHED: April 18, 2013
Hanford Sentinel

RESOLUTION #2013-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING NEGATIVE DECLARATION #2013-03 AND SITE PLAN REVIEW #2013-01 APPLICATIONS FROM THE CITY OF LEMOORE TO INSTALL SOLAR PANELS AT SIX SITES OWNED BY THE CITY OF LEMOORE

At a Special Meeting of the Planning Commission of the City of Lemoore duly called and held on May 6, 2013, 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, the Lemoore City Council has been working with Chevron Energy Solutions to evaluate the potential costs and long-term savings of installing solar at City-owned sites throughout Lemoore; and

WHEREAS, the proposed six sites that have been identified are described as 1) 2650 W. Bush Street near Production Place for Well #7 (APN# 023-510-019); 2) 711 Cinnamon Drive serving Well #10 & CMC (APN# 023-430-026); 3) 1650 N. Lemoore Avenue north of Glendale for Well#11 (APN# 021-030-058); 4) 1650 Cedar Lane north of Blue Jay for Well #12 (APN# 023-400-005); 5) 576 College Avenue south of Bush for Well #13 (APN# 023-510-013); and 6) 1170 19th Avenue east of Enterprise at Well #9 and Wastewater Treatment Plant (APN# 024-052-080); and

WHEREAS, the General Plan designation is Public Services and Community Facilities for Sites 1 and 2, Parks and Recreation/Ponding Basin for Sites 3, 4, and 5, and Heavy Industrial for Site 6; and

WHEREAS, a preliminary environmental impact assessment of the project was conducted by the staff in accordance with California Environmental Quality Act, and it was determined that the project could not have significant effects on the environment; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at their May 6, 2013 meeting.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore approves Negative Declaration #2013-03 and Site Plan Review #2013-01 to install solar panels at six sites owned by the City of Lemoore, so long as building permits are issued by May 6, 2015 (2 years) with the following conditions of approval:

1. The submitted site plan project shall be developed as per attached approved plans and any substantial deviation from the approved plans will require a re-submittal and a new approval by the Planning Department, unless otherwise covered in the conditions below.

2. The developer will need to comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards, and the City of Lemoore dust control requirements.

This environmental 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.

Passed and adopted at a Special Meeting of the Planning Commission of the City of Lemoore held on May 6, 2013, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

_____
Ronald E. Meade, Chairperson

ATTEST:

_____
Kristie R. Baley, City Clerk

ENVIRONMENTAL CHECKLIST FORM

CITY OF LEMOORE

1. **Project Title:** Environmental Review #2013-03
2. **Lead Agency Name and Address:** City of Lemoore, 119 Fox Street, Lemoore California 93245
3. **Contact Person and Phone Number:** Jeff Laws, Acting City Manager (559) 924-6700
4. **Project Location:**
   -2650 W. Bush Street near Production Place for Well #7 (023-510-019)
   -711 Cinnamon Drive serving Well #10 & CMC (024-052-080)
   -1650 N. Lemoore Avenue north of Glendale for Well#11 (021-030-058)
   -1650 Cedar Lane north of Blue Jay for Well #12 (023-400-005)
   -576 College Avenue south of Bush for Well #13 (023-510-013)
   -1170 19th Avenue east of Enterprise at Well #9 and Wastewater Treatment Plant
5 **Project Sponsor's Name and Address:** City of Lemoore and Chevron Energy Solutions
6. **General Plan Designation:**
   - Community Facilities
   - Heavy Industrial
   - Community Facilities
   - Parks and Recreation
   - Parks and Recreation
   - Parks and Recreation
7. **Zone District:**
   - Public Service & Community Facilities (CF)
   - Heavy Industrial (MH)
   - Public Service & Community Facilities (CF)
   - Parks & Recreation/Ponding Basin (PR)
   - Parks & Recreation/Ponding Basin (PR)
   - Parks & Recreation/Ponding Basin (PR)
8. **Description of Project:** Installation of DC solar photovoltaic electrical generation system at City-owned sites throughout Lemoore to offset energy costs.
9. **Surrounding Land Uses and Setting:**
   Well #7 Medium Density Res. (PUD), Low Density Res(PUD),
   Well #9 Public Services & Community Facilities, Light Industrial
   Well #10 Light Industrial, Low Density Res.(PUD), Parks & Recreation Ponding Basin
   Well #11 Low Density Res.(PUD), AG Farm Land (County)
   Well #12 Low Density Res(PUD). Regional Commercial, Low Density Res.
   Well #13 Low Density Res., Mixed Use, Public Services & Community Facilities .
10 **Other public agencies whose approval is required:**

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

(The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.)

	Aesthetics		Agricultural Resources		Air Quality
	Biological Resources		Cultural Resources		Geology/Soils
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology/Water Quality
	Land Use/Planning		Mineral Resources		Noise
	Population/Housing		Public Services		Recreation
	Transportation/Traffic		Utilities/Service Systems		Mandatory Findings of Significance

DETERMINATION - On the basis of this initial evaluation:

(To be completed by the Lead Agency)

X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

____ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

____ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

____ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL

____ IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

____ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to project like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is: potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effect from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans. zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Signature | Date

Jeff Laws, Acting City Manager | City of Lemoore

Printed Name | For

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS - Would the project:				
a) Have a substantial adverse effect on a scenic vista?				XX
b) Substantially damage scenic resources, including, but not limited to, trees, rock, outcroppings, and historic buildings within a state scenic highway?				XX
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				XX
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				XX

II. AGRICULTURAL RESOURCES - Would the project:

(Note: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the *California Agricultural Land Evaluation and Site Assessment Model* (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.)

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				XX
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				XX
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				XX

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
III. AIR QUALITY - Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				XX
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			XX	
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				XX
d) Expose sensitive receptors to substantial pollutant concentrations?				XX
e) Create objectionable odors affecting a substantial number of people?				
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish & Wildlife Service?			XX	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Dept. of Fish & Game or US Fish & Wildlife Service?			XX	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				XX
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				XX
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				XX
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				XX
V. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				XX
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				XX

VI. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				XX
b) Cause a substantial adverse change in the significance of an Archaeological resource pursuant to Section 15064.5?				XX
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				XX
d) Disturb any human remains, including those interred outside of formal cemeteries?				XX

VII. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to *Division of Mines & Geology Special Publication 42*.)				XX
ii) Strong seismic ground shaking?				XX
iii) Seismic-related ground failure, including liquefaction?				XX
iv) Landslides?				XX
b) Result in substantial soil erosion or the loss of topsoil?				XX
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				XX
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?				XX
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				XX

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				XX
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident Conditions involving the release of hazardous materials Into the environment?				XX
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				XX
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				XX
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				XX
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				XX
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				XX
h) Expose people or structures to a significant risk or loss, injury or				XX

death involving wildland fires, including where wild lands area adjacent to urbanized areas or where residences are intermixed with wild lands?				
IX. HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements?				XX
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.)?				XX
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				XX
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				XX
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				XX
f) Otherwise substantially degrade water quality?				XX
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				XX
h) Place housing within a 100-year flood hazard area structures which would impede or redirect flood flows?				XX
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				XX
j) Inundation by seiche, tsunami, or mudflow?				XX
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?				XX
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project(including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				XX
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X
XI. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				XX
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				XX
XII. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				XX
b) Exposure of persons to or generations of excessive ground-borne				XX

vibration or ground-borne noise levels?				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				XX
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				XX
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				XX
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				XX
XIII. POPULATION AND HOUSING - Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by processing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?				XX
b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?				XX
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				XX
XIV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?				XX
ii) Police protection?				XX
iii) Schools?				XX
iv) Parks?				XX
v) Other public facilities?				XX
XV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				XX
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have been an adverse physical effect on the environment?				XX
XVI. TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections.)?			XX	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				XX
c) Result in a change in air traffic patterns, including either an increase				XX

in traffic levels or a change in location that results in substantial safety risks?				
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				XX
e) Result in inadequate emergency access?				XX
f) Result in inadequate parking capacity?				XX
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				XX
XVII. <u>UTILITIES AND SERVICE SYSTEMS</u> - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				XX
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				XX
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				XX
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				XX
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to the serve the project's projected demand in addition to the provider's existing commitments?				XX
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				XX
g) Comply with federal, state, and local statutes and regulations related to solid waste?				XX
XVIII. <u>MANDATORY FINDINGS OF SIGNIFICANCE:</u>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?				XX
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)?				XX
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				XX

Mayor
William Siegel
Mayor Pro Tem
Lois Wynne
Council Members
John Gordon
Eddie Neal
Willard Rodarmel

City of

LEMOORE

CALIFORNIA

Planning Department

711 Cinnamon Drive
Lemoore CA 93245
Phone(559) 924-6740
FAX.(559) 924-6708

STAFF REPORT **Item # 6**

To: Lemoore Planning Commission

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

Review Date: May 6, 2013

Subject: Application for Variance #2013-01 from Sign Regulations to allow flexibility from Section 9-5F-3A-2, 9-5F-4 (design standards), Tables 9-5F-5-B1, 9-5F-5-B2, and Table 9-6-3-E1 – For the Non-conforming Pole Sign at 110 West "D" Street

A. General Information:

1.	Owner:	Shirdhi Incorporated 2563 W. Lake Van Ness Fresno, California 93711
2.	Applicant/Representative:	Sign Development Inc. Sal Pablo 1366 W. Ninth Street Upland, California 91886 Phone:(909) 920-5535 Fax: (909) 920-5540 spablo@sdi-signs.com
3.	Location:	110 West "D" Street
4.	Property Description:	Assessor Parcel #020-042-017
5.	Site Area:	125' x 150' (18,750 square feet total site)
6.	Zone Districts:	DMX-2 (Downtown Mixed Use, Auto Oriented)
7.	General Plan Designation:	Mixed Use
8.	Existing Use:	Valero Gas/Food Shop

B. Project Location & Description:

Sal Pablo of Sign Development, Inc., representing Shirdhi Incorporated (Valero) has submitted an application requesting a variance from Section 9-5F-3A-2, 9-5F-4 (design standards), Tables 9-5F-5-B1, 9-5F-5-B2, and Table 9-6-3-E1 of the sign regulations in the zoning code pertaining to sign type and sign height in the downtown DMX zone district. The subject site is located at 110 West "D" Street on the north-west corner of Armstrong and West "D" Street. The applicant is requesting to allow them to continue using the existing 26'-6" non-conforming freestanding pole with the existing 10'-6' tall x 4'-2" wide sign on the northwest corner front portion of the Valero business as shown in Exhibit A (formerly Chevron). The existing sign is internally

PLANNING COMMISSIONERS
Chairperson –Ron Meade, Vice-Chair –Jeff Garcia
Dave Brown, Bob Clement, Jim Marvin, Calvin Monreal, Bill Wynne

illuminated and the pricing will be changed manually. The site with sign is shown in the picture below. The name will be changed from Chevron to Valero with the Valero colors as shown in the attached Exhibit A.

The site is zoned DMX-2 (Downtown Mixed Use, Auto Oriented) district and Table 9-6-3-E1 "Allowed Permanent Signage Types" in downtown, does not allow freestanding pole signs but Section 9-6-3E-1 states that "the city's general policies, standards, permit requirements, and development, maintenance, and removal standards, which are described in article 9-5F (signage) shall also apply." According to Section 9-5F Monument and Pylon signs are the preferred sign type for freestanding signs. Currently the code allows for sites with less than 300 feet of street frontage to have a monument sign per entrance with a maximum 50 square feet and maximum 4' height in the DMX2 zone district. For sites with three hundred feet or more of street frontage, a monument or pylon sign is permitted. This site meets the less than three (300) foot street frontage and so a monument sign would be allowed.

The applicant has submitted a Sign Variance application under Section 9-2B-16 which states that "variances provide relief from the strict application of development standards and provisions if specified findings can be made." This code section allows the applicant to request to waive or modify a procedural requirement based on the above section on the particular circumstances of that project alone. The applicant is requesting to allow flexibility under the above noted sections and allow Valero to continue to use the existing 26'-6" non-conforming freestanding pole with the existing 10'-6' tall x 4'-2" wide sign, so they may enjoy the same property rights enjoyed by other businesses in downtown who have pole signs. This involves having an

approved variance from Section 9-6-3-E-2b (Prohibited Signs in Downtown), requires freestanding signs to go through Site Plan and architectural review, Section 9-6-3-E-2d (Prohibited Signs in Downtown), does not allow internally illuminated can signs with translucent field and Section 9-5F-2-E-7(Prohibited Signs), does not allow pole signs (which are defined as unadorned pole signs).

Based on Section 9-2C-6 "Abandonment or Discontinuance Generally" "whenever a nonconforming use has become abandoned or discontinued for a continuous period of twelve months, the nonconforming use shall not be re-established and the use of the site of structure thereafter, shall be in conformity with the regulations for the district in which it is located; provided, however that a similar type nonconforming use may be established within the twelve month period." According to our research, the business license for the Chevron gas station expired in 12/2011 and utilities were closed in 1/2012. Shirdhi Inc., obtain a business license in April, 2013, therefore, the freestanding pole sign is non-conforming and based on the above section of the code would need to be in conformity with the current regulations for the DMX2 district.

The site area is currently zoned Downtown Mixed Use, Auto Oriented in the DMX2 district. The area to the north, east and adjacent west are also in the DMX2 zone district and the area to the south is zoned DMX1. The proposed non-conforming freestanding pole sign is in scale and harmony with the existing building and the surrounding area so long as it remains a gas station. The size of the sign continues to fit the location as most of the freestanding pole signs in the vicinity of downtown are located at the corner area of the businesses. DMX1 does not allow freestanding pole signs and several businesses in Lemoore have grandfathered/legal non-conforming pole signs. These businesses include the Shell station/market located on the southeast corner of Follett and West "D" Street, Lemoore Hardware located at the southwest corner of Follett and West "D" Street, Saigon Pho and Rolls Restaurant at the southwest corner of Fox and West "D" Street and the Farmers Furry sign at present is s non-conforming sign and located at the northeast corner of Fox and West "D" Street.

The request to allow the existing 26'-6" high existing freestanding pole sign, as described above and conceptual location shown in the attached Exhibit A allows for more visibility and economic opportunity for this business at this location and is in harmony with the architectural design of the building and surrounding area so long as it stays as a gas station/market. Currently, freestanding monument signs require landscaping around the bottom of the sign. Therefore, the applicant will need to submit landscaping/irrigation plans for approval to be placed around the bottom of the pole sign and seasonal plants will need to be continuoisly planted or sometype of year round greenery with irrigation. According to the applicant the sign will continue to be internally illuminated and the pricing on the sign will be changed manually. Only the colors and name will change on the sign.

As part of this application procedure, a public hearing notice was published in the Hanford Sentinel and property owners within 300' of the proposed site were notified of the request being made by mail with the time, date, and location of the public hearing included as required by the City's Zoning Ordinance.

Section 9-2B-17E Conditions of Approval states that the designated approving authority shall impose conditions to ensure that the variance does not grant special privileges inconsistent with the limitation on other properties in the vicinity and the zoning district in which the property is located and may impose reasonable conditions to ensure that the approval complies with the findings required.

The applicant is requesting a variance from the following provisions of the 2012 Zoning Code:

C. Variance Review:

In accordance with Sections 9-2B-16D, the Planning Commission may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:

Criteria #1 – There are special circumstances applicable to the property (e.g. location, shape, size, surrounding, topography, or other conditions) so that the strict application of this zoning code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district:

This site is zoned the same as the businesses to the north, east and adjacent west. Two businesses to the southwest have freestanding signs facing West "D" Street allowed under the grandfathering/non-conforming sign structure provisions as they were installed under different City zone regulations. The applicant believes they should get to enjoy the same benefits with the existing pole type sign for their business, even though the sign is slightly taller then those signs to the south.

Criteria #2 - Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought:

The applicant states that they are requesting to have the same sign benefits as the business surrounding their location within the downtown area even though they are in a different downtown zone district which also does not allow freestanding pole signs. As mentioned above several businesses in Lemoore as shown in Exhibit B have grandfathered pole signs.

Criteria #3 – Granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question:

To the north Jones auto body shop, east is Badasci's Tire and adjacent west is a hair salon which are also in the DMX2 district. To the south of this site on D Street is DMX1 zone districts. The front of this building faces West "D" Street where the sign is proposed. Illumination exists on the pole sign and there shall be no interference with the other businesses. Nearby uses have legal non-conforming signage and the proposed signage as requested by the applicant is non-conforming. The applicant will need to meet the general design standards for sign illumination found in section 9-5F-4. The artificial illumination of signs, either from an internal or external source, shall be designed so as not to cast stray light on surrounding right of way and properties. These shall apply a) External light sources shall be directed and shielded to limit direct illumination of an object other than the sign, b) the light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign; c) Unless otherwise permitted by another requirement, signs shall not have blinking, flashing , or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color, d) Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices; and e) light sources shall utilize energy-efficient fixtures to the greatest extend possible and shall comply with Title 24 of the California Code of Regulations. The applicant must meet all building standards applicable to this sign.

Criteria #4 – The variance is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title:

The only sign policy direction in the General Plan comes from policy CD-I-18, "Update the standards in the Sign Ordinance to regulate all commercial signs, logos, banners, and other forms of commercial signage in Lemoore,…." and then further states that "the sign ordinance should encourage creative and well-designed signs that contribute in a positive way to the City's visual environment, express local character, and help develop a distinctive image for the City…". In order to understand the intent of the sign ordinance, one must look to "Section 9-5F-1 Purpose" in the Zoning Code. The main one that applies specifically to this variance request is "2. Promote signs and graphics that are attractive, pleasing, and harmonized with the physical character of the building and environment surrounding properties." Based on the existing on-site signage style, size, and location, the proposed freestanding pole sign would best "harmonize" with landscaping/irrigation planted as per section of the code.

Based on these criteria and previous discussed policies, regulations, intent and the type of signage the applicant is requesting, staff believes that the proposed existing freestanding pole sign should be allowed at this location so long as the business is maintained as a gas station/mini-market. Additionally, the property owner(s) should not change or allow additional signage on this freestanding sign located at this site, without first going through proper channels prior to installation. The applicant, under a separate sign application has submitted for review of signage for the canopies, gas pumps and store front. Any additional signage for the entire location would need to be submitted for review of the Planning Department.

D. Environmental Impact:

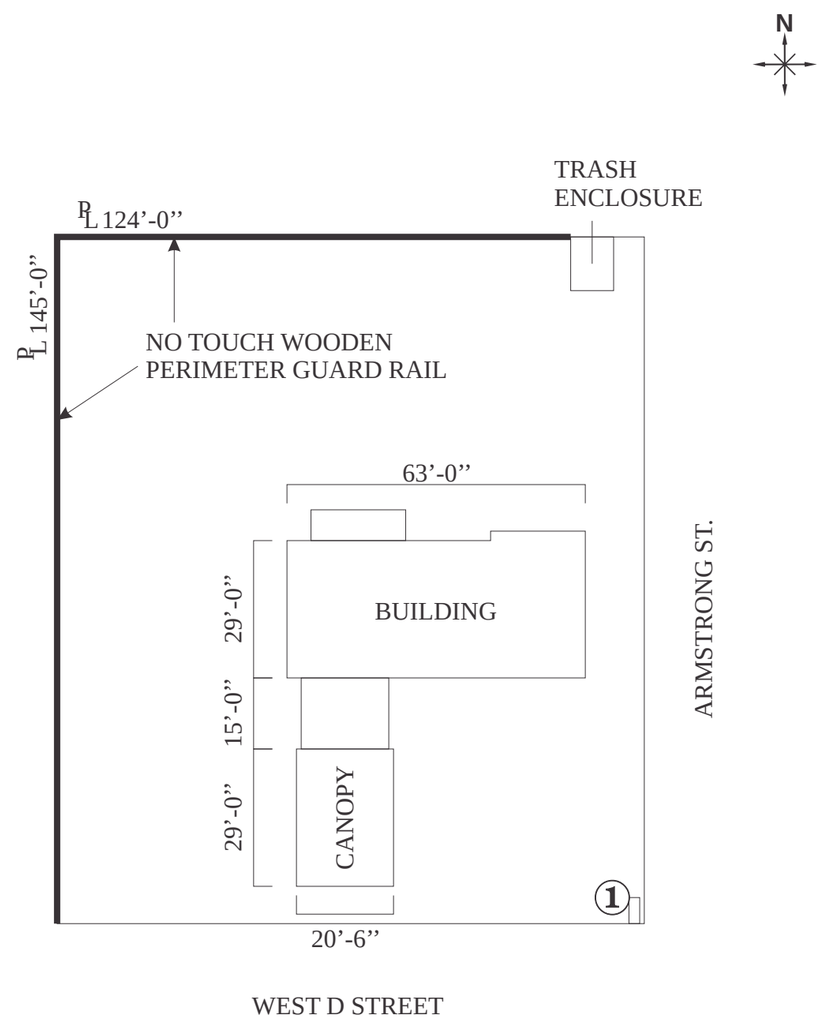
The variance is generally categorically exempt from the California Environmental Quality Act as per Section 15311 of the State Guidelines.

E. Recommendation:

The Planning Commission should review the above application, open the scheduled public hearing to take comments and consider approving the attached Resolution #2013-02 with the conditions of approval contained therein to allow the existing freestanding pole sign at the northwest corner of Armstrong and West "D" Street for the Valero business.

Attachments:

Exhibit "A" – Proposed sign modifications
Draft Resolution



SITE PLAN
SCALE: 1/32”= 1’-0”

EXISTING SITE

Sign Development Inc.
License #576277

Upland, CA 91786 (909) 920-5535

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CUSTOMER APPROVAL

SIGN AND PRINT FULL NAME _____ DATE _____

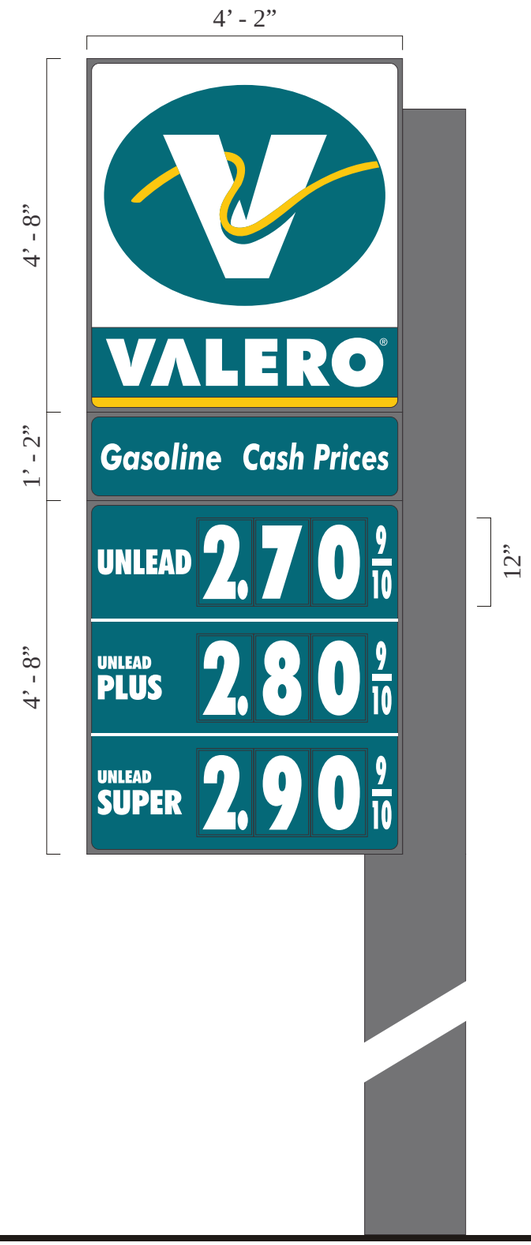
NO. M2390 **PAGE: 1 OF 2**

DATE: 04.04.13BA

REV:

VALERO

110 W. D ST.
LEMOORE, CA



REMOVE LIGHT FIXTURE FROM PRICE/ID STRUCTURE

EXISTING D/F PRICE/ID SIGN

REMOVE METAL PRICE SIGN FROM LIGHT STANDARD.
PAINT LIGHT STANDARD VALERO MOCKINGBIRD (DARK GRAY)

NOTE:
PAINT EXISTING CABINET AND STRUCTURE VALERO MOCKINGBIRD DARK GRAY

① REFACE EXISTING D/F PRICE/ID SIGN SCALE: 1/2” = 1’-0”

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Upland, CA 91786 (909) 920-5535

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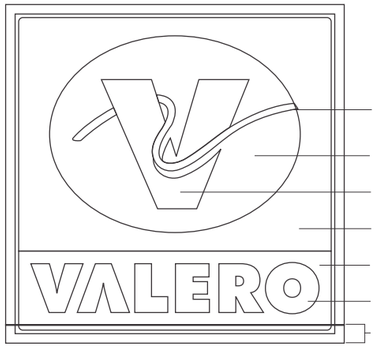
CUSTOMER APPROVAL

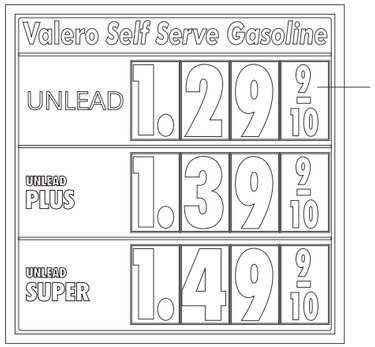
SIGN AND PRINT FULL NAME DATE

NO. M2390 **PAGE: 2 OF 2**
DATE: 04.04.13BA
REV:

VALERO 110 W. D ST. LEMOORE, CA

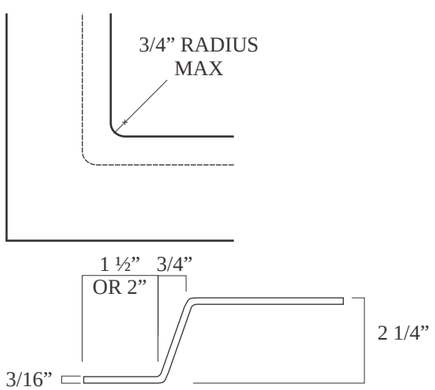


VALERO YELLOW (PANTONE 123C)
VALERO TEAL (PANTONE 315C)
WHITE #7328
WHITE #7328
VALERO TEAL (PANTONE 315C)
WHITE #7328
VALERO YELLOW (PANTONE 123C)

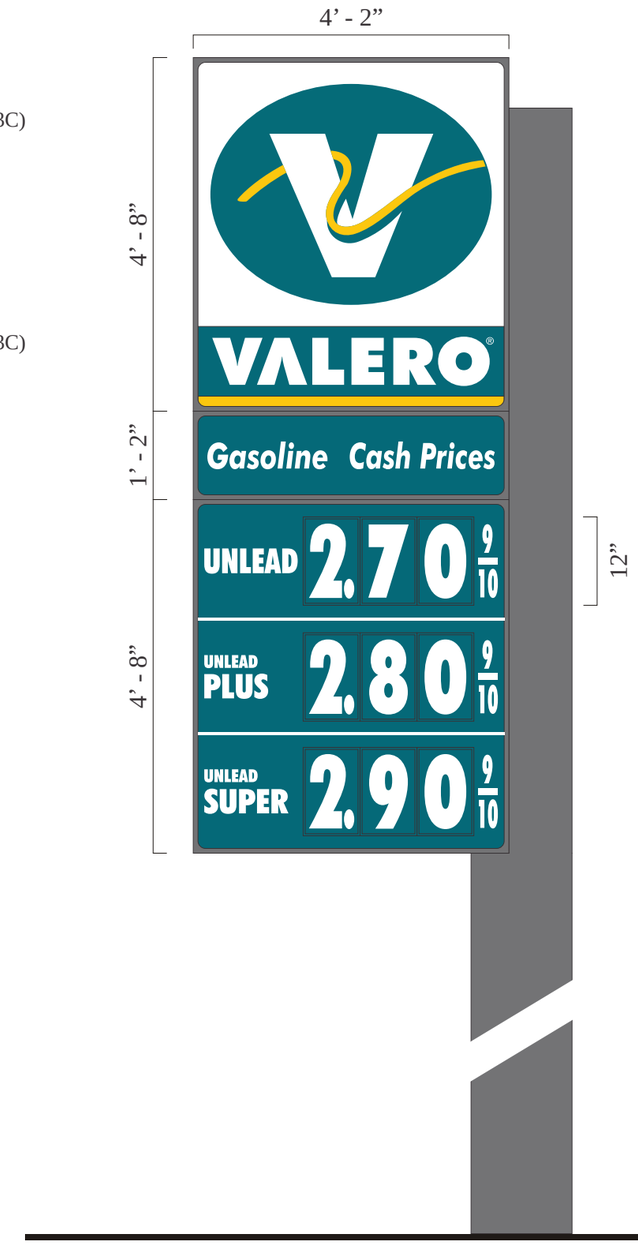


CHANGEABLE NUMERALS:
WHITE COPY
VALERO TEAL BACKGROUND

NOTE:
DIESEL PRICE PODS - VALERO YELLOW BACKGROUND AND CHANGEABLE VALERO TEAL NUMERALS



MOLDED FACE CORNER SECTION



① REFACE EXISTING D/F PRICE/ID SIGN SCALE: 1/2" = 1'-0"

REFACE/REPAINT EXISTING CABINET:

CABINET CONSTRUCTION: ALUMINUM
ILLUMINATION/ELECTRICAL: STANDARD FLOURESCENT COOL WHITE HIGH OUTPUT INTERNAL ILLUMINATION, INTERNAL MAGNETEK BALLASTS (OR EQUAL), UL LABEL AND VISIBLE DISCONNECT SWITCH ALL ELECTRICAL COMPONENTS TO BE UL LISTED AND APPROVED

FACE MATERIALS: MOLDED HIGH IMPACT CLEAR ACRYLIC FACES WITH TRANSLUCENT 3M VINYL SECOND SURFACE DECORATION

FINISH SPECIFICATIONS: SHERWIN WILLIAMS PAINTED, RETAINERS, DIVIDER BARS, POLE AND BASE TO MATCH VALERO MOCKING BIRD DARK GRAY

GENERAL NOTE: ALL SIGNAGE TO BE MANUFACTURED AND INSTALLED ACCORDING TO LOCAL AND NATIONAL BUILDING AND ELECTRICAL CODES

PID-1

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CUSTOMER APPROVAL

SIGN AND PRINT FULL NAME DATE

NO. M2390 **PAGE:**
DATE: 04.04.13BA
REV:

VALERO 110 W. D ST.
LEMOORE, CA

Mayor
William Siegel
Mayor Pro Tem
Lois Wynne
Council Members
John Gordon
Eddie Neal
Willard Rodarmel

City of
LEMOORE
CALIFORNIA

Planning Department

711 Cinnamon Drive
Lemoore, CA 93245
Phone(559) 924-6740
Fax(559) 924-6708

LEMOORE PLANNING COMMISSION
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Lemoore Planning Commission will conduct a public hearing on the following matter at its Special Meeting of Monday, May 6, 2013 at 7:00 p.m. in the Council Chambers at 429 "C" Street, Lemoore, California:

The gas station located on the north-west corner of Armstrong and West "D" Street at 110 West "D" Street was closed for more than 12 months, which made the existing signs subject to today's sign standards in the Downtown Mixed Use Zone Distrct (DMX-s) zone district. The new owner wants to retain the existing "pole sign", which is not allowed under existing City Zoning standards. However, if adjacent properties have similar signage, a Variance (as outlined in Section 9-2B-16 of the Lemoore Municipal Code) can be applied for in order to allow its continuance in a fashion similar to adjacent neighbors that does not grant special privileges over other properties in the vicinity.

Therefore, Sign Variance #2013-01 was applied for by representatives of Valero to allow them to keep the existing 26'-6" non-conforming freestanding pole with the existing 10'-6' tall x 4'-2" wide sign for their business. This involves having an approved variance from the following Lemoore Municipal Code Sections:

-9-6-3-E-2b (Prohibited Signs in Downtown), requires freestanding signs to go through Site Plan and architectural review
-9-6-3-E-2d (Prohibited Signs in Downtown), does not allow internally illuminated can signs with translucent field
-9-5F-2-E-7(Prohibited Signs), does not allow pole signs (which are defined as unadorned pole signs)

Information pertinent to the above sign variance is on file in the Planning Department of the City of Lemoore located at 711 Cinnamon Drive, and can be reviewed during regular office hours. Persons having comments or concerns about the above-stated sign variance to the Lemoore Municipal Code are encouraged to attend and offer their comments at the hearing. Written comments can also be filed in the Planning Department, City of Lemoore, 711 Cinnamon Drive, Lemoore, CA. 93245, prior to the date of the hearing.

If the proposed sign variance to the Lemoore Municipal Code is challenged by any person in court, it may be limited to only those issues that were raised at the public hearing or in any written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

H. Smyth
Planning Director

Dated: April 24, 2013
Published: April 26, 2013
In Hanford Sentinel

RESOLUTION #2013-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING VARIANCE #2013-01FROM SHIRDHI INCORPORATED (SIGN DEVELOPMENT INC.) TO ALLOW FLEXIBILITY FROM SECTION 9-5F-3A-2, 9-5F-4 (DESIGN STANDARDS), TABLES 9-5F-5-B1, 9-5F-5-B2, AND TABLE 9-6-3-E1 FOR A NON-CONFORMING POLE SIGN AT 110 WEST "D" STREET

At a Special Meeting of the Planning Commission of the City of Lemoore duly called and held on May 6, 2013, 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, Sal Pablo of Sign Development Inc., representing Shirdhi Incorporated, has submitted an application for a Variance to allow a non-conforming pole sign to remain and be modified at a site located at 110 West "D" Street; and

WHEREAS, the proposed site is described as Assessor Parcel #020-042-017 and is 18,750+/-square feet in size; and

WHEREAS, the zoning on the parcel is DMX-2 (Downtown Mixed Use, Auto Oriented) and the General Plan designation is Mixed Use; and

WHEREAS, the subject pole sign has been deemed a non-conforming use because it does not meet the current sign design standards in the DMX-2 zone and because the gas station use on the site has been abandoned for a period of more than one year; and

WHEREAS, 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 15311, and the variance is generally categorically exempt from the California Environmental Quality Act as per Section 15311 of the State Guidelines.

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at their May 6, 2013, meeting.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore that the following findings with respect to the Variance:

Finding #1 – There are special circumstances applicable to the property (e.g. location, shape, size, surrounding, topography, or other conditions) so that the strict application of this zoning code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district:

This site is zoned the same as the businesses to the north, east and adjacent west. Two businesses to the southwest have freestanding signs facing West "D" Street allowed under the grandfathering/non-conforming sign structure provisions as they were installed under different City zone regulations. The applicant should get to enjoy the same benefits with the existing pole type sign for their business, even though the sign is slightly taller than those signs to the south.

Finding #2 - Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought:

The applicant states that they are requesting to have the same sign benefits as the business surrounding their location within the downtown area even though they are in a different downtown zone district which also does not allow freestanding pole signs. Several businesses in Lemoore have grandfathered pole signs.

Finding #3 – Granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question:

To the north Jones auto body shop, east is Badasci's Tire and adjacent west is a hair salon which are also in the DMX2 district. To the south of this site on D Street is DMX1 zone districts. The front of this building faces West "D" Street where the sign is proposed. Illumination exists on the pole sign and there shall be no interference with the other businesses. Nearby uses have legal non-conforming signage and the proposed signage as requested by the applicant is non-conforming. The applicant will need to meet the general design standards for sign illumination found in section 9-5F-4. The artificial illumination of signs, either from an internal or external source, shall be designed so as not to cast stray light on surrounding right of way and properties. These shall apply a) External light sources shall be directed and shielded to limit direct illumination of an object other than the sign, b) the light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign; c) Unless otherwise permitted by another requirement, signs shall not have blinking, flashing , or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color, d) Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices; and e) light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations. The applicant must meet all building standards applicable to this sign.

Finding #4 – The variance is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title:

The only sign policy direction in the General Plan comes from policy CD-I-18, "Update the standards in the Sign Ordinance to regulate all commercial signs, logos, banners, and other forms of commercial signage in Lemoore,…." and then further states that "the sign ordinance should encourage creative and well-designed signs that contribute in a positive way to the City's visual environment, express local character, and help develop a distinctive image for the City…". In order to understand the intent of the sign ordinance, one must look to "Section 9-5F-1 Purpose" in the Zoning Code. The main one that applies specifically to this variance request is "2. Promote signs and graphics that are attractive, pleasing, and harmonized with the physical character of the building and environment

surrounding properties." Based on the existing on-site signage style, size, and location, the proposed freestanding pole sign would best "harmonize" with landscaping/irrigation planted as per section of the code.

BE FURTHER IT RESOLVED that the Planning Commission of the City of Lemoore approves this Resolution making a finding that the project is categorically exempt under CEQA under Section 15311 and approves Zone Variance #2013-01 allow a non-conforming pole sign to remain and be modified at a site located at 110 West "D" Street so long as building permits are issued by May 6, 2015 (2 years) with the following conditions of approval:

1. The submitted site plan project shall be developed as per attached approved plans and any substantial deviation from the approved plans will require a re-submittal, payment of appropriate fees, and a new approval by the Planning Department, unless otherwise covered in the conditions below.

2. The size or height of the sign may not be increased beyond the current condition.

3. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign.

4. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign.

5. Unless otherwise permitted by another requirement, signs shall not have blinking, flashing, or fluttering lights, or other illumination devices that have a changing light intensity, brightness, or color.

6. Colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices.

7. Light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations

8. . The applicant must meet all building standards applicable to this sign.

9. The sign must be removed if the building on the site is demolished and any new signs on the site shall meet the current sign standards of the City.

This variance 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.

Passed and adopted at a Special Meeting of the Planning Commission of the City of Lemoore held on May 6, 2013, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

_____
Ronald E. Meade, Chairperson

ATTEST:

_____
Kristie R. Baley, City Clerk