

RESOLUTION NO. 2018-46

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
APPROVING GENERAL PLAN AMENDMENT NO. 2017-01 AND MAJOR SITE PLAN
REVIEW NO. 2016-03 FOR A 176-UNIT MULTI-FAMILY UNITS AND 4.57 ACRES OF
COMMERCIAL DEVELOPMENT AT THE SOUTHEAST CORNER OF HIGHWAY 41
AND HANFORD-ARMONA ROAD IN THE CITY OF LEMOORE**

WHEREAS, CV Housing, LLC (agent: Brett Fugman) has requested to change the General Plan land use designations from Mixed Use and Neighborhood Commercial to Medium Density Residential and Neighborhood Commercial and to approve a site plan for a 176-unit multi-family apartment complex on the proposed site; and

WHEREAS, the site is located at the southeast corner of Highway 41 and Hanford-Armona Road (APN 021-660-031); and

WHEREAS, the site is currently vacant; and

WHEREAS, the site contains land that was not given a land use designation in the 2008 General Plan Update, and was not zoned in the 2012 Zoning Ordinance Update; and

WHEREAS, the applicant has also requested a change of zoning, Zone Change 2017-01, from Mixed Use (MU) and Neighborhood Commercial (NC) to Medium Density Residential (RMD) and Neighborhood Commercial (NC), which will be acted upon by Ordinance; and

WHEREAS, as Lead Agency under the California Environmental Quality Act (CEQA), the City staff reviewed the project to determine whether it could have a significant effect on the environment because of its development. In accordance with CEQA Guidelines Section 15382, "[s]ignificant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An Initial Study was prepared. The Initial Study found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project in the form of mitigations have been made by or agreed to by the project proponent. A Mitigated Negative Declaration (MND) was prepared; and

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at its October 8, 2018, meeting and recommended approval of the proposed project and adoption of the MND.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore finds that no significant environmental impacts would result from the identified project and adopts the Mitigated Negative Declaration that has been prepared.

BE IT FURTHER RESOLVED that the City Council of the City of Lemoore approves General Plan Amendment 2017-01 in accordance with the Planning Commission recommendation

to designate the southern 10.69 acres of land Medium Density Residential, and the northernmost 4.57 acres as Neighborhood Commercial, based on the evidence present and the following specific findings:

1. The General Plan amendment is in the public interest and the General Plan, as amended, will remain internally consistent.
2. Private property without any General Plan land use designation applied to it could be detrimental to the City and would not be in the public interest.
3. Any potential significant effects on the environment resulting from the proposed project will be reduced to a level less than significant with the mitigation measures contained in the Mitigated Negative Declaration,

BE IT FURTHER RESOLVED that the City Council of the City of Lemoore approves Major Site Plan Review 2016-03 in accordance with the Planning Commission recommendation to approve 176 units on 10.69 acres, based on the following specific findings:

1. The proposed project is consistent with the objectives of the General Plan, and complies with applicable zoning regulations, specific plan provisions, and improvement standards adopted by the City.
2. The proposed architecture, site design, and landscape are suitable for the purposes of the building and the site and will enhance the character of the neighborhood and community.
3. The architecture, character, and scale of the building and the site are compatible with the character of buildings on adjoining and nearby properties.
4. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.

BE IT FURTHER RESOLVED that the City Council of the City of Lemoore approves Major Site Plan Review No. 2016-03 for 176 multi-family units subject to the following conditions:

1. The site shall be developed consistent with the approved Site Plan, Elevations, and its conditions; Major Site Plan Review No. 2016-03 comments, and applicable development standards found in the Zoning Ordinance and City Municipal Code.
2. The project would be developed in three phases. The first two phases cover the apartment complex. The third phase will consist of the commercial development and will require the application for and approval of a separate site plan review application. Site Plan Review No. 2016-03 reviews the multifamily development and street layout only.
3. All mitigation measures in the Mitigated Negative Declaration approved with General Plan Amendment 2017-01 and Zoning Map Amendment 2017-01 and Site Plan Review 2016-03 shall be complied with.

4. Plans for all public and private improvements, including but not limited to, water, sewer, storm drainage, road pavement, curb and gutter, sidewalk, street lights, landscaping, and fire hydrants shall be approved by the City Engineer, and these improvements shall be completed in accordance with the approved plans to the satisfaction of the Public Works Department.
5. A public facilities maintenance district (PFMD) shall be formed at time of building permit for Phase 1 to provide the maintenance costs for common landscaping and other improvements, in accordance with existing City policy. Annexation into an existing PFMD is acceptable.
6. The project shall be subject to the applicable development impact fees adopted by resolution of the City Council.
7. A noise and odor easement shall be recorded on the property, in a form acceptable to the City Attorney, to acknowledge the presence of nearby industry and railroad, and the right of the industry and railroad to continue to emit such noise and odors as are otherwise allowable by law and to ensure that industry in these areas is not unreasonable hindered by residential users and owners that move nearby at a later date.
8. The developer shall comply with the standards, provisions, and requirements of the San Joaquin Valley Air Pollution Control District that relate to the project.
9. Fire hydrant types and locations shall be approved by the Lemoore Volunteer Fire Department.
10. Street trees from the city approved street tree list shall be planted with root barriers as per Public Works Standards and Specifications.
11. Street lights shall be provided within the project as per City local street lighting standards.
12. Any existing roadway, sidewalk, or curb and gutter that is damaged during construction shall be repaired or replaced to the satisfaction of the Public Works Department.
13. All signs shall require a sign permit separate from the building permit.
14. The project and all subsequent uses must meet the requirements found in Section 9-5B-2 of the Zoning Ordinance related to noise, odor, and vibration, and maintenance.
15. This Site Plan Review approval shall expire within two years, unless an extension is granted by the City.

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PASSED AND ADOPTED by the City Council of the City of Lemoore at a Regular Meeting held on 6th day of November 2018 by the following vote:

AYES: Chedester, Brown, Madrigal

NOES: Blair, Neal

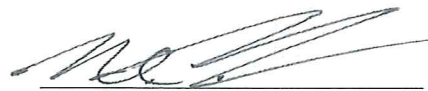
ABSENT: None

ABSTAIN: None

ATTEST:


Mary J. Venegas
City Clerk

APPROVED:


Ray Madrigal
Mayor