

Mayor
John Murray
Mayor Pro Tem
John Grego
Council Members
Mary Hornsby
Ed Martin
Willard Rodarmel



City of
LEMOORE
CALIFORNIA

**Planning
Department**

210 Fox Street
Lemoore ♦ CA 93245
Phone (559) 924-6700
FAX (559) 924-9003

STAFF REPORT

Item # 7

To: Lemoore Planning Commission
From: Joseph Mendiola, Assistant Planner & Holly Smyth, Planning Director
Review Date: April 9, 2007
APPLICATION BY OCTAVIO AND RHONDA HURTADO TO EXTEND TENTATIVE SUBDIVISION MAP NO. 2004-08 TRACT 827 TO CONSTRUCT 20 SINGLE FAMILY RESIDENTIAL LOTS BY CHERRY AND TAMMY LANES
Subject: FAMILY RESIDENTIAL LOTS BY CHERRY AND TAMMY LANES

Project Location & Description:

The development is located between 19th Avenue and Vine Street at the intersection of Cherry Lane and Tammy Lane extensions. The Tentative Subdivision Map 2004-08 / Tract 827 proposes to subdivide 5.25 acres into 20 single family lots. The Tentative Subdivision Map was approved on February 14, 2005, along with its eighteen (18) conditions of approval.

The project has changed owners and the new owners, Octavio and Rhonda Hurtado have applied for a one (1) year extension. The application was received February 13, 2007, prior to the expiration date of February 14, 2007. Under the City's Municipal code section 8-7B-10 the applicant will receive an automatic extension of sixty (60) days or until the extension is approved, conditionally approved, or denied, whichever occurs first.

Staff Review:

The applicant's request is reviewed based on City criteria for granting extension approvals and the following findings have been made:

a. *How long of an extension is being requested?*

The original approval was for a two (2) year period given by the Planning Commission on its meeting of February 14, 2005 and was due to expire on February 14, 2007. Octavio and Rhonda Hurtado applicant/owner have requested an extension of one (1) year prior to the map's expiration. However, in talks this week with the applicant staff is recommending that a two year extension be provided due to the additional land the City will need to provide storm water basin capacity to the adjacent 19th Avenue Park. If granted by the Planning Commission, this would extend the total map life to four (4) years. Section 66452.6(3) of the State Map Act authorizes the local legislative body or advisory agency to grant up to five (5) year life to the map.

b. *What is the current status of the project?*

The Final Map and the Improvement Drawings are on third (3rd) submittal back to the City Engineer and the Public Works Department to continue the review process.

c. *What efforts were made to complete or start the project within the approval period?*

Corrections and re-submittal of both the Final Map and the Improvement Drawings as requested are continuing.

PLANNING COMMISSIONERS

Chairperson –Kimberly Moss, Vice-Chair –Sharon Kendall
Bob Clement, Lisa Elgin, , Angie Leroy, Marshall Norgaard, Mel Ormonde

d. How will the project be completed if the extension is granted?

The project will be considered complete when and if the corrected and/or revised submitted version of the Final Map as well as the Improvement Drawings have met with the approval of both the City Engineer and the Public Works Department, bonds are posted and the applicable conditions of the project have been met, and the City Council has accepted the Final Map for recordation.

e. Prior to granting a second extension, the final map for at least one phase should have been recorded.

(Not Applicable) Applicant is requesting their first extension.

f. Are there any new circumstances, which may require amending any previously imposed approved conditions or imposing new conditions?

At City Council meetings of December 5th and 19th, 2006, January 16th, 2007 and February 20th, 2007 new impact fees were adopted. Therefore, Condition #15 needs to be modified, to read as follows:

15. In accordance with the findings of City Council Resolutions: 2006-46 adopted on December 5, 2006; 2006-48 and 2006-49 adopted on December 19, 2006; 2007-01 adopted on January 16, 2007; 2007-04 adopted on February 20, 2007 and the Colgan Consulting Corporation Development Impact Fee Study Report, the project will have an impact on the need for new public facilities and improvements in the City. The costs associated with these impacts and the connection between the need for new public facilities and the proposed project are set forth in these five (5) Resolutions listed along with the Colgan Report. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in these five (5) Resolutions.

Additionally, City Council recently adopted Ordinance No. 2006-01 a Public Facility Maintenance (PFM) District, whereby all new development must be included in order to pay for maintenance costs of streets, sidewalks, street lights, curbs, gutters, block walls, exterior-street landscaping, neighborhood parks and the like. Therefore, condition # 17 will need to be added as follows:

17. The subdivision shall request inclusion into the newly created Public Facilities Maintenance District (PFM) per Ordinance No. 2006-01 to maintain local streets, curbs, gutters and street lights.

In the last week the City Engineer's office has analyzed storm drainage needs in the area due to the future interchange planned for 19th Avenue at State Highway 198 which will remove some of our existing drainage capacity at the 19th Avenue Park. The City Engineer determined that the City will need acquire 2 additional acres of land to adequately handle storm drainage once the interchange is built. Staff has started to view various options and would like to add condition #18 to allow the maximum flexibility to the applicant and the City in regards to the final map so that the street and ponding/park design can be appropriately completed.

18. Based on changed circumstances, allow minor modifications to lots 6 through 20 to allow for possible re-alignment of the Tammy Lane alignment while maintaining as many of the original lots as possible which may include reduction in lot sizes and widths so long as they conform to the R-1-7 district standards and could include a reduction in the number of lots as agreed to by the applicant and the City to accommodate drainage needs at the 19th Avenue Park.

Recommendation:

The Planning Commission should approve the attached draft resolution, which approves a one (1) year extension for Tentative Subdivision Map 2004-08 to expire February 14, 2008 and reiterates the Tract No. 827 original conditions of approval with the above listed revisions and additions.

RESOLUTION NO. 2007- 05

**A RESOLUTION OF THE LEMOORE PLANNING COMMISSION
APPROVING A ONE YEAR EXTENSION FOR TRACT 827 TENTATIVE SUBDIVISION MAP
NO.2004- 08 SHOWING ALL NEW INCLUSIVE CONDITIONS WITH MODIFICATIONS FOR
OCTAVIO AND RHONDA HURTADO**

At a Regular Meeting of the Lemoore Planning Commission duly called and held on April 9, 2007 it was moved by Commissioner _____, seconded by Commissioner _____ and carried that the following Resolution be adopted:

WHEREAS, An approved Tentative Subdivision Map for Tract 752, to subdivide and develop 5.25 acres into 20 lots; and

WHEREAS, the tract on which the development is proposed is located between 19th Avenue and Vine Street at the intersection of Cherry and Tammy Lane extensions and is described as Assessor Parcel No. 023-290-012; and

WHEREAS, the original approval for the project was given by the Planning Commission through Resolution 2004-08 on February 14, 2005 valid for two years; and

WHEREAS, the applicant, Octavio and Rhonda Hurtado, has filed for a one-year extension and has made adequate progress towards completion of their final map; and

WHEREAS, Two new city policies have been adopted since the original approval and therefore original condition number 15 will need to be modified and condition number 17 added: and

NOW, THEREFORE, BE IT RESOLVED that the Lemoore Planning Commission does hereby grant a two (2) year extension to Tentative Subdivision Map No. 2004-08 to expire on February 14, 2009 with the following conditions reflecting all modified and original conditions pertaining thereto:

1. The development shall be in accordance to the submitted map except for any modifications needed to meet the conditions of approval stated hereunder.
2. All homes built within the subdivision shall meet the standard City setback requirements which require a 25' front yard, 10' and 5' side yards, and a 10' rear yard setback, for single story homes. Two story homes must increase the side yard setbacks to 10' and the rear yard setback to 15'.
3. Cherry Lane, Applewood Lane and Tammy Lane shall be constructed to the City Standard for "Local" streets and parkway style sidewalks systems shall be installed with landscaping and trees planted at an average spacing of 40' on center from the City Street Tree List. If adjacent existing areas are monolithic or have varied street widths, transitional areas shall be provided at the edges of the subdivision.
4. If new fences are installed, such fences shall meet City Standards.
5. A 10' Public Utility Easement shall be provided along all lots that front public streets within the development and shall be reflected on the Final Subdivision Map.

A noise and odor easement must be recorded on the property, in a form acceptable to the City Attorney, to acknowledge the presence of nearby industry and the right of the

industry to continue to emit such noise and odors as are otherwise allowable by law and to ensure that industry in these areas is not unreasonably hindered by residential users and owners which move nearby at a later date.

6. All infrastructure improvements (water /sewer /storm /fire hydrants /street lights etc.) within public right-of-way shall be in accordance with the City of Lemoore standards and specifications and in accordance with applicable Master Plans. Improvement drawings must show existing and proposed sanitary sewer, storm drainage, water, street lights, fire hydrants and street infrastructure (including curb, gutter, and parkway style sidewalks) associated with the development.

All proposed and existing onsite utilities shall be undergrounded by the developer at their expense. Any utility which may need to be relocated will also be undergrounded. The improvement plans for the subdivision must be approved by the City of Lemoore Engineer and Public Works Departments.

7. *The location and number of cluster mail box units shall be coordinated with the Lemoore Postmaster and the financial responsibility of the developer.*
8. *The subdivision shall be built utilizing the recommendations contained in the soils report.*
9. *A digital copy of the final map and improvement plans shall be provided to the City prior to Final Map recordation.*
10. *That the developer shall at all times comply with the Fugitive Dust Control Standards of the San Joaquin Valley Unified Air Pollution Control District and shall take complete control of dust during the preparation of the subdivision site and during construction by taking the following measures:*
 - a. *Submit for approval of the Public Works Director a program for the control of dust, which shall include, but not limited to, a watering schedule (frequency and time of day), use of dust control emulsions, and/or other measures necessary for control of dust.*
 - b. *Provide equipment and labor for watering of all exposed or disturbed soil surfaces, including weekends and holidays.*
 - c. *Sweep construction area and adjacent streets of all mud and dust at the end of the workday.*
 - d. *In addition, the developer shall deposit with the City an amount of five thousand dollars (\$5,000) which may be used by the City for dust control measures on this development, should the developer fail to adequately control dust. In case the City incurs costs for dust control in excess of the above amount, the developer shall reimburse the City for this additional amount. Upon acceptance by the City of the subdivision improvements, the deposit sum less any amount expended by the City will be refunded to the subdivider.*
11. *That the developer and contractor shall comply with all applicable provisions of the NPDES regulations, and are responsible for all General Permit applications to the Regional Water Quality Control Board. Proof of application shall be provided to the City prior to commencement of construction.*

12. *That the developer shall submit to the Community Development Department the following documents for processing after approval of the Tentative Subdivision Map.*
- a) *Five (5) copies of the final subdivision map along with closure calculations, preliminary title report dated within 90 days of submittal, and the final map application fee. The final map shall bear the signature and seal of the licensed land surveyor or registered civil engineer licensed to practice land surveying, preparing the map. If any of these required elements are missing, no attempt will be made to review the submittal.*
 - b) *Five (5) copies of subdivision improvement plans shall be submitted to the Community Development Department including water, sewer, storm drainage, street lighting, sidewalks, curb, gutter and fire hydrants drawn at a scale of not less than 1"-40' horizontal and 1"-4' vertical to be distributed to all commenting parties. General layout and grading may be shown on 24"x36" plan sheets. Plan and profile sheets shall be provided for curb grades and all proposed underground construction, and shall identify points of crossing. Calculations for pavement sections and any nonstandard facilities shall be provided. Details for all construction not covered by City Standard Specifications and/or Detail Drawings shall be provided. Plans shall be signed and sealed by the civil engineer in responsible charge. No review will be attempted on an incomplete submittal.*
 - c) *Two (2) copies of the engineer's cost estimates for the proposed improvements showing quantities and unit prices. Unit prices shall conform to the City standard prices, which are available at the Public Works Department.*
 - d) *That after review of the final map is complete, the applicant's engineer shall submit a letter certifying that monumentation is in place and ready for field inspection. Upon receipt of that letter, staff will inspect the monumentation of the tract, prior to final approval of the map. If monumentation of individual lots is to be delayed until construction, the owner shall post with the City a bond-guaranteeing placement of all required monumentation.*
 - e) *That prior to submittal of the original tracings of the final map to the City for signature and recordation, the original tracing shall include notarized signatures (in black indelible ink) of all persons having record interest in the area within the boundary of the map, the seal and signature (in indelible ink) of the Registered Civil Engineer/Licensed Land Surveyor preparing the map, and the signature (in black indelible ink) of the Kings County Tax Collector. Use of improper ink for these signatures may cause rejection of the map by the City or the County Recorder's office.*
 - f) *That after approval of the improvement drawings, the City will maintain possession of the original drawings for the duration of the project. The developer or his representative may obtain copies through a certified blueprinting service (Western Blueprinting or Airport Blueprint) that will retrieve the originals, make the needed copies and return the originals to the City.*
 - g) *That upon completion of the subdivision improvements and their acceptance by the City, the developer's engineer shall prepare drawings of as built improvements and shall submit to the City one reproducible and three blue line copies for the City's records.*

13. *That all subdivision improvements including water, sewer, storm drainage, curbs, gutters, sidewalks, street lights, fire hydrants and street improvements shall comply with the Public Works Standards of the City unless provided differently in this report as an allowed Planned Unit Development standard and meet the approval of the City Engineer.*
14. *That the subdivider shall defend, indemnify and hold harmless the City of Lemoore and all of its departments, officers, agents and employees of and from all claims, actions and proceedings of any kind or nature to attack, set aside, void or annul the actions of the Planning Commission and/or City Council in reviewing and approving the map. This condition is imposed pursuant to Government Code Section 66474.9. The City will promptly notify the subdivider of any such claim or action and will fully cooperate with the subdivider in the defense thereof.*
15. In accordance with the findings of City Council Resolutions: 20065-46 adopted on December 5, 2006; 2006-48 and 2006-49 adopted on December 19, 2006; 2007-01 adopted on January 16, 2007; 2007-04 adopted on February 20, 2007 and the Colgan Consulting Corporation Development Impact Fee Study Report, the project will have an impact on the need for new public facilities and improvements in the City. The costs associated with these impacts and the connection between the need for new public facilities and the proposed project are set forth in these five (5) Resolutions listed along with the Colgan Report. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in these five (5) Resolutions.
16. The developer shall include with the payment bond a sum (or a cash sum) sufficient to pay for the cost of undulations, in the event undulations are approved by the Police Department at any time within one (1) year after the final home within the subdivision is built.
17. The subdivision shall request inclusion into the newly created Public Facilities Maintenance District (PFM) per Ordinance No. 2006-01 to maintain local streets, curbs, gutters and street lights.
18. Based on changed circumstances Allow minor modifications to lots 6 through 20 to allow for possible re-alignment of the Tammy Lane alignment while maintaining as many of the original lots as possible which may include reduction in lot sizes and widths so long as they conform to the R-1-7 district standards and could include a reduction in the number of lots as agreed to by the applicant and the City to accommodate drainage needs at the 19th Avenue Park.

Passed and adopted at a Regular Meeting of the Lemoore Planning Commission held on the _____ day of _____, 2007, by the following vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Kim Moss, Chairman

ATTEST:

Holly P. Smyth, Secretary

CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss.
CITY OF LEMOORE)

I, **HOLLY P. SMYTH**, Secretary of the City of Lemoore, do hereby certify the foregoing Resolution of the Lemoore Planning Commission was duly passed and adopted at a Regular Meeting of the Planning Commission held on _____, 2007.

DATED: _____, 2007

Holly P. Smyth, Secretary