

REVISED RESOLUTION NO. 2007-43

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE
MODIFYING THE RECOMMENDATION BY PLANNING COMMISSION RESOLUTION #2007-22
ON MITIGATED NEGATIVE DECLARATION #2006- 27 AND SITE PLAN REVIEW #2006-20
TO CONSTRUCT OLEANDER TERRANCE, A 65 UNIT MULTI-FAMILY HOUSING COMMUNITY BY
ADOPTING THIS ALL INCLUSIVE RESOLUTION**

At a Regular Meeting of the City Council of the City of Lemoore duly called and held on December 18, 2007 at 7:30 p.m. on said day, it was moved by Council member _____, seconded by Council member _____ and carried that the following Resolution be adopted:

WHEREAS, Simpson Housing Solutions, LLC, submitted an Environmental, Zone Change and Site Plan Review application to construct 65 units of multi-family complex on the 4.9 acre site; and

WHEREAS, the subject property is located on the east side of Smith Avenue, north of Oleander Avenue and south of West "D" Street, described as Assessor Parcel Nos.023-020-064 and 023-020-065, presently zoned RM-3 and R-1-7; and

WHEREAS, the Planning Commission of the City of Lemoore at its regular meeting of October 22, 2007 passed Resolution #2007-22 recommending approval of the above listed applications with 15 conditions of approval after holding a public hearing on the original site plan submittal; and

WHEREAS, the City Council reviewed the Planning Commission staff report, Resolution #2007-22, Planning Commission Meeting Minutes and, held an appropriately noticed public hearing at their November 6, 2007 regular meeting on the Oleander Terrace Project and continued the item to a future meeting; and

WHEREAS, the applicant held a neighborhood meeting on December 5, 2007 to try to determine what project changes could be made so that it would be more palatable to the neighbors and submitted a Revised Site Plan addressing some of the concerns; and

WHEREAS, City Council re-reviewed the Planning Commission staff report, Resolution #2007-22, Planning Commission Meeting Minutes, held a second appropriately noticed public hearing and considered testimony at their December 18, 2007 regular meeting on the Oleander Terrace Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemoore does hereby:

- I. Find that the staff report, presentations, revised site plan with 65 units, and the revised 15 conditions of approval below and testimony taken during the Planning Commission and City Council meetings demonstrated that:
 - a. All applicable provisions of the Zoning Ordinance will be complied with
 - b. The project is so arranged that traffic congestion will be avoided and pedestrian and vehicular safety and welfare are protected and there will be no adverse effect on surrounding property.
 - c. Proposed lighting will be so arranged as to deflect the light away from adjoining properties
 - d. Signs will comply with all of the applicable provisions of Chapter 14 of the Zoning Ordinance and
 - e. Adequate provisions have been made to reduce all adverse or potentially adverse environmental impacts to acceptable levels; and

- II. Approve Mitigated Negative Declaration #2006-27
- III. Approve Revised Site Plan Review #2006-20 to expire on December 18, 2009 (subject to the approval of Ordinance #2007-08 which will change the zoning on both parcels to RM-3) with to the following conditions of approval:
1. The project shall be developed as per the revised redlined site plan approved plans, and any deviation from the approved plans will require re-submittal, payment of appropriate fee and a new approval by the Planning Department, unless they are covered in the conditions below.
 2. The drive aisles may need to be reduced to 25' or the building placement adjusted in order that the buildings shown on the redlined site plan are at least 10' away from the interior parking/drive area.
 3. Each residents shall have a minimum of fifty-four (54) square foot of private useable patio or balcony that is at least six feet in width and delineated on the construction. All private patios and balconies shown with metal railings must be changed out to a solid material across them to compliment the building architecture as approved by the Planning Director.
 4. A second color palette shall be added to the complex to provide more aesthetic variety to the streetscape as approved by the Planning Director and could include building colors and roof colors. Additionally, four of the four-plex elevations shall be changed so that the two side wing features are modified from a hip style roof to a gable style, as shown on the redlined color drawing. All semi-enclosed patios shall use solid material approved by the Planning Director so that tenant's property is not visible.

Covered carport areas shall incorporate a pitched composition roof system that would be a complementary color to the apartment building roofs as approved by the Planning Director prior to issuing building permits and included in the construction drawings. Two additional carport covered parking spaces are needed on the Revised Site Plan to meet City Standards. Additional, two of the parking stalls at the south easterly edge of the project will need to be striped as no parking zones so that a person can turn around, which will reduce the parking from 134 spaces shown in the revised site plan to 132 which still meets City standards.

Four new interior windows shall be added in the community center and one new door into the laundry room, as shown on the redlined drawing.

The Smith Avenue entrance into the project and the seven-plex locations shall be switched so that the driveway is further south and the seven plex does not block the view between buildings #1 and #3.

5. Right of way dedications need to be made to the City so that East D Street has 42', Smith Avenue has 30', and Oleander Avenue has 30' from the centerlines of the streets to the site through an Offer of Dedication or Parcel Map. The radius along the SE corner of Smith and D will need to be dedicated to accommodate a 30' curb radius while the NE corner of Smith and Oleander will need to accommodate a 20' curb radius. A 10' PUE will also need to be offered along the front of all three of these streets within the project property through an "Offer of Easement" or Parcel Map. In order to adequately verify that correct ROWs are in place, a record or survey map or a Parcel Map shall be filed and delineate all adjacent references to property maps and ROWs.

Striping for the project may include a center turn along East D Street to allow left turns into the complex and Smith Avenue. A crosswalk will be needed across Smith Avenue in an east-west just south of D Street and possibly north-south across D Street to get to the future bus stop on the NE corner of D Street and Smith Avenue.

The project will be responsible for building out abutting streets to City Standards, which may include paveout, curb, gutter, sidewalks and landscape areas. The project should be constructed to keep the same curb and gutter alignment of the adjacent streets.

6. Either a Parcel Map Merger will need to be processed or a "Covenant to Hold as One" recorded on the property to insure that the properties will never be sold independently of one another prior to building permits being pulled (City staff prefers the use of a Parcel Map Merger). Such drawings shall be provided to the City in layer format to be incorporated into the City's GIS system.

7. All ramps and pedestrian / wheel chair crosswalks within the development will need to be properly identified both on the plans and on the ground and will need to be approved by the Department of Public Works to comply with the Americans with Disabilities Act.

There shall be enough bike racks to accommodate a total of 33 bicycles within close proximity to the residential units. The bike racks should be of such design as to hold the bicycle frame (not just the wheel), and should accommodate a u-shaped shackle lock, a wide range of cycle sizes, wheel sizes and types, and should be covered with a protective material to avoid damaging the bicycle. Some of this could be provided in the storage closets of the units on the ground floor if a rack system is in place in the closet.

8. A certified arborist shall evaluate the existing trees and evaluate the type of similar trees that could be used as determined by the Planning Director and applicant and between buildings 1, 2, and 3 and the Olive tree to recreate some of the original neighborhood character.

The landscape plan will need to be revised to include a solid ground cover in both the "parkway" areas and "landscape easement" areas and the sidewalk will need to be increased to 6' wide along East D Street and approved by the Planning Director prior to pulling building permits. Trees in the parkway will need to be from the City's Street Tree List and planted every 40' average on center. Trees in the "landscape easement" shall be planted 20' on center and include turf for ground cover (see redlined drawing). Trees along the interior perimeter of the site shall be planted at a maximum of twenty feet (20') between their centers, and include shrubs, subject to the standards in Section 9-7C-7H.2.

Parkway style sidewalk system must be installed along Smith and Oleander to include a 5' parkway, 4.5' sidewalk and then the landscape area behind the property line as discussed above. Additionally, deep root watering pipes must be installed to irrigate all trees on the project site to discourage roots from growing to the surface.

The redlined interior parallel sidewalks, as shown on the Redlined Conceptual Landscape Plan, shall not be included in the Landscape Plan or Site Plan construction drawings. Pedestrian gates and sidewalk entrances need to be added in the fencing to encourage walkability as shown on the redlined drawing in orange highlighting.

Once built, the project will be responsible for appropriately maintaining all landscaping and sidewalks within and abutting their site.

9. The fenced area around the tot lot shall be enlarged so that the park benches can be accommodated within the play area and tot lot structure shall also incorporate at least five activities as approved by the Planning Director prior to pulling building permits.

The block wall shown along the easterly most portion of the site and the southerly portion of the site adjacent to Oleander Avenue should be changed to wrought iron, a type that is easy to remove ~~should adjacent property general plan designation be modified as shown on the redlined landscape plan.~~

The block wall design, adjacent to the landscape buffer area on the interior portion of the lot, shall be submitted for approval by the Planning Director in conformity with the provision of Section 9-7C-8B of the Lemoore Municipal Code prior to building permits being pulled and adjoining property owners shall be notified two weeks in advance of its construction.

The project site shall be surrounded with wrought iron fencing with opening at the two main drive approaches while the two emergency vehicle access will gated with touch pad opening mechanisms. ~~The applicant shall have the option to not construction the 4' delineated fence along Oleander Avenue and 3/4 of Smith Avenue north of Oleander as delineated on the Redlined Landscape Plan. Two pedestrian gates shall be provided along D Street and one along Smith Avenue in the center of the complex (if fencing is to remain in place). The exact exterior fencing type should be selected after the buildings are constructed so that sample materials can be compared and selected to what best blends into the neighborhood by the Planning Director as the complex fronts onto a major entrance into the City that is 950' long so long as visual permeability is maintained.~~

Construction plan sets for the pool area and its fencing will need to be reviewed by the Kings County Environmental Health Department prior to issuing building permits.

- 10. Exterior lighting shall be place in such a manner as to not produce excessive lighting or glare to adjacent residentially zoned properties so as to constitute a nuisance. Lighting should be similar to the neighborhood and not bright white in color. Building mounted lighting should be integrated into the architectural design of the buildings and also not glare onto adjacent properties.

All street lights will be required to meet City standards as approved by the Department of Public Works but should be located close to intersections or driveways. It appears that 9 street lights will need to be installed with the project as generally shown on the redlined site plan.

- 11. The development will need to appropriately tie into all City utilities and streets meeting City Public Works Standards. The applicant will need to verify grades for sanitary sewer and storm water to appropriately tie into the system, which may or may not require a lift station. The site will need to be graded so that it does not shed water onto adjacent properties.

Above ground power poles exist along the site adjacent to Smith Street and will need to be eliminated and/or under-grounded, depending on if they provide existing service, and coordinated with adjacent property owners along the street.

All buildings over 5,000 square feet are required to have sprinklers. Fire Department Connections (FDC) for each structure will be inspected for compliance by the Fire Marshall. Keys for all electrical rooms shall be keyed a-like and copies given to the Fired Department. Knox box shall be located by the leasing office with keys for office and all electrical rooms contained therein.

All utilities located on the project site should be screened from the general view of the public and/or painted to blend in with adjacent objects.

Trash enclosures shall be built per City standards, however upgraded gates shall be installed to be of a solid metal material painted to match a tan colored block used in the complex.

12. Should signage be used on the project, a separate application and administrative approval process will be required before ordering or installation of such and must take care in locating so that signage does not impair adequate visibility along D Street.
13. *The developer shall comply with the Fugitive Dust Control Standards of the San Joaquin Valley Unified Air Pollution Control District at all times.*
14. *Upon completion of any infrastructure improvements and their acceptance by the City, the developer's engineer shall prepare drawings of as built improvements and shall submit to the City one reproducible and three blue line copies for the City's records in addition to a digital copy for incorporation into the City's GIS system.*
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.*

Passed and adopted at a Regular Meeting of the City Council of the City of Lemoore held on December 18, 2007, by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

John F. Murray, Mayor

ATTEST:

Nanci C.O. Lima, City Clerk

CERTIFICATE

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

I, **NANCI C.O. LIMA**, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on December 18, 2007.

DATED: December 19, 2007

Nanci C.O. Lima, City Clerk