

**Minutes of the Regular Meeting of
the Lemoore Planning Commission
October 22, 2007**

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

Attendance: Chairperson Moss, Vice-chairperson Kendall, Commissioners LeRoy, Elgin, Norgaard, Clement, Planning Director Smyth, Attorney Hilda Cantu Montoy.

Absent: Commissioner Ormonde

Public Comments and Inquiries: No public comments.

Approval of Minutes of Meeting of August 27, 2007:

It was moved by Commissioner Norgaard, seconded by Commissioner Clement to approve the meeting minutes of the August 27, 2007 meeting as submitted.

AYES: Voice Vote
NOES: None
ABSTAIN: Kendall
ABSENT: Ormonde

Zone Change #2007-01/Site Plan Review #2006-20 and Environmental Assessment #2006-27 application by Simpson Housing Solutions, LLC to change the zoning of a combined 4.9 acres located on the south side of "D" Street, east side of Smith Street, north-side of Oleander Avenue from RM-2 and R-1-7 to RM-3. The current General Plan designation is high density residential. The site plan review is to construct 66 unit two story apartment/ townhome complex called Oleander Terrace, on this site.

The public hearing was opened at 7:05 p.m.

Smyth stated that Oleander Terrace project is proposed on the east side of Smith Avenue, north of Oleander Avenue south of D Street. She stated that they propose to change the RM-2 zoning of 2.9 acres located on the south of D Street and 2.00 acres of R-1-7 zoned property, located on the east side of Smith Avenue north of Oleander Avenue, to RM-3 on the entire 4.9 acres. Smyth stated that the Site Plan proposes the construction of a 66-unit two story townhome/apartment complex on the two parcels once the Zone change is approved. Smyth stated that the complex consists of 33 three-bedroom units containing at 1,206 square feet, 33 two-bedroom units containing 936 square feet, and one three bedroom manager's unit containing 1,309 square feet which is located on the second floor of the community center. She said the building types include three triplexes, six four-plexes, one eight-plex, and two twelve-plexes. Smyth stated that the project will include a community recreation center with computer lab, fitness center, multi-purpose room, laundry facilities, pool, spa, bike racks, fenced tot-lot with play structures and management office.

Smyth stated that the Site Plan is being reviewed to determine its compliance with the City of Lemoore's policies, standards, codes and environmental impacts. She reviewed the findings pertaining to compliance with General Plan/zoning which includes setbacks and coverage, design, ingress/egress along with internal circulation, traffic and right of way, parking, landscaping, open space and sidewalks, fences, and walls, onsite lighting, public utilities, signs and dust control. Smyth showed suggested making some minor modifications to the project submittal as shown in the redlining drawings of the community building floor plan, a few of the elevations, and the landscape / sidewalk system around the project that should be incorporated.

Staff did a traffic analysis of the project estimating existing and future traffic on Oleander and existing traffic on D Street and anticipated future traffic on D Street. In the analysis, future traffic on Oleander did not exceed 500 cars per day which is the current General Plan standard for local streets, however the new General Plan standard for local street is 1,100 cars per day (referred to as ADT – average daily traffic). Future anticipated traffic on D Street would be about 6,100 cars per day with 549 during the peak hour which would be a level of service C for the two through lanes of traffic. Future traffic volumes are in conformity with the current and proposed General Plan.

Smyth stated that the project includes a zone change and a site plan for multi-family containing more than four dwelling units, so the Planning Commission is required to hold a public hearing and make recommendation to the City Council. She stated that the Council is required to hold a public hearing and make the final determination on the project.

Smyth stated that a preliminary environmental impact assessment was conducted for the project by staff in accordance to CEQA and 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. She stated that Commission should recommend that the City Council adopt a Mitigated Negative Declaration for the project pursuant to CEQA.

Smyth recommended that the Commission approve Resolution 2007-22 recommending that the City Council approve a mitigated negative declaration under the California environmental quality act, and approve Zone Change 2007-01 and Site Plan Review 2006-20 with the conditions as stated in the staff with an expiration date being two years from Council's approval.

Smyth stated that one letter has been received from Steven & Susan Reynolds. She read aloud the letter from the property owner.

Testimony for the project:

Sarah White of Simpson Housing stated that Holly's report was very thorough and they have met with the planning staff to make sure they have everything in line. She went on to review the project from "D" Street, Smyth Avenue and Oleander Avenue. The project will include a pool, managers office, etc.

She went on to say that their motto is to offer quality design and construction with quality property. She stated they screen their clients, and have strict rules and they are the long term owners of the complexes. She stated that they have several approved projects in other cities in the area.

Ms. White stated that one item of concern is that they would like to request to modify Condition #8 so that an arborist can examine the existing trees and make recommendations on the appropriate species that might replace them and on maintenance concerns of the trees.

Judy Holwell representing the City Redevelopment Agency (RDA) at 119 Fox Street stated that they have been working with Simpson Housing developers for over a year and as staff mentioned this is a difficult site to develop because of the shape of the parcels and its location. She stated that the RDA looked at this very carefully and tried to determine the best use of the site would be and they really believe that the multi-housing project of this nature is in the best interest of the community. Holwell stated that they also looked at what the RDA Five-year Implementation Plan which includes a goal of implementing safe and affordable multi-family housing projects. She stated that they did take this project before the RDA Board on May 15, 2007 to see if they would be interested to financially supporting the project and they did approve an earmark for this project for one million seven hundred and fifty thousand dollars if the project is approved. The RDA also adopted a resolution to apply for 2 million dollars in HOME funds to assist with this project's financial sources. She stated that they would like the Commission to consider this project.

Testimony against the project:

Terry Reynolds of 333 Oleander stated that first of all in the neighborhood he found two people who received the letter and others did not receive letters regarding this proposal. He noted that his concerns include traffic and access to this project. He stated that around 3 p.m. there is quite a bit of traffic in the vicinity and you can't get out because of the traffic. He stated that there is also a sewer problem in the area. Reynolds asked about the single family homes going in on the north side of D Street. He stated that if you open Oleander Avenue to D Street you will have more traffic and problems in that area. He asked how many more apartments do we need?

Andy Farpella of 348 Oleander Avenue stated that he agrees with Mr. Reynolds comments and that there is a traffic issue in this area.

Jen Gianolla of 169 Grace Court stated that her concern is the traffic from Smith to D Street and the parking may also be an issue along Smith Avenue which is too narrow to accommodate. She stated that she is not happy because this proposal will add more traffic and noise.

Bruce Polder of 164 Grace Court stated that he does like some of the project but he also agrees with Mr. Reynolds comments about the traffic. He stated that he doesn't know how or if this project benefits the community. He stated that there is a traffic problem already and the project would make the issue a bigger problem. Polder stated that he is the one who will be extending Oleander Avenue to "D" Street and this may cause him to have to put in more improvements.

Herb Dennison of 229 Smith Avenue stated that he is bothered by the magnitude of the project adjacent to Oleander Avenue. The traffic situation will get worse along with the noise. He stated that he spoke to the Planning Director back when and at that time the Director assured him that the City has no intention of building apartments on the portion of property abutting Oleander Avenue. He stated that his concern about the fence around the project with the two gate openings or the elimination of the fence that will cause people to park on Smith Avenue and we don't need people going in and out with cars as obstacles. He stated that basically the magnitude of this proposal is too much for the area and streets.

Rebuttal:

Sarah White stated that in regards to the apartment demands they have done a study on 9 or 10 apartment complexes and there were a few tax credit properties which were all 100% full with waiting lists. The market rate properties were 95% occupied. She stated that based on the report, there is a strong demand for the type of housing they are proposing. They have their own in-house property management and they stand behind the project for the long term. In regards to the zoning they understand the comments about the magnitude and they are not requesting any density bonuses and are in conformance with the general plan.

John Maples of San Diego stated that they are sensitive to their neighbors and their concerns. The City has certain departments that have already viewed this project and in regards to the concerns about the traffic and noise with the widening of the streets, they are satisfied with the proposed improvements. He stated that they are trying their best to improve the quality of life for those people who want to live in apartments in Lemoore and he feels that the City would be proud of this project.

Smyth stated that in regards to the concern about the two letters received by residents, we are required to send letters out within 300 ft. of the proposal from the Kings County Tax Roll and we had two full pages of mailing labels the were sent notices for this project. However, all the labels go to property owners not renters. Additionally, a notice was published in the Lemoore Advance. A second letter and published notice will be sent out for City Council public hearing being a final approval of the project is made. She stated that the high school traffic is slowed a bit in the areas as there are existing speed bumps on Oleander in place. In regards to the sewer problems as she mentioned, the Public Works Department and City Engineer will be responsible for reviewing and approving a grading plan and infrastructure plans to make sure that adequate tie-ins are made to the sewer, water, etc so that it does not exceed the capacity of the system and will be the responsibility of the developer to pay for and meet City standards. In regards to determining the need for apartment housing, Smyth stated that all cities in the State of California are required to adequately designate enough property within their jurisdictions to meet the Regional Housing Needs Allocation plan in the General Plan Housing Element. This property is one that is designated by the General Plan for high-density multi-family housing on both parcels of land in conformity with the Housing Element.

City Attorney Montoy stated that any cost created by this development are the developer's responsibility. With respect to affordable housing there are laws that the City has to abide by and whenever these projects come forward they have to abide by the State laws. Housing elements must comply with the State, otherwise other projects like commercial cannot move forward without a compliant housing element.

City Attorney Montoy stated that the state also addresses redevelopment. She stated that issue of density bonuses could have been applied for. Under State law, there are various findings that would have to be made if the Planning Commission wanted to deny an affordable housing project. To deny a project findings would have to be made that 1) the housing element in compliance with the State law and approved by the State, 2) that the City has met its regional housing needs allocation, 3) that the project would have significant impact affecting public health and safety where the funds to mitigate will render the project unaffordable, and 4) that the project is inconsistent with both the General Plan and zoning. It does not appear that these findings can be made for this project.

The public hearing closed at 8:45 p.m.

Kendall asked about photos and addresses of other projects that they may have built. She stated that this would allow the Commission to go by and see how they are maintained as we have had other projects that are not maintained and they have become problematic. The applicant agreed that they could send to Ms. Smyth to forward to the Commission.

Smyth explained how traffic was anticipated to flow once Oleander Avenue was built out to D Street. She stated that most people will use the fastest and shortest route to their destination and will most likely enter Oleander Terrace complex via D Street entrance.

Smyth suggested to change the first paragraph of Condition #8 as per applicant's request to read "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 between buildings 1, 2, and 3 and the Olive tree to recreate some of the original neighborhood character."

It was moved by Commissioner Norgaard, seconded by Commissioner Kendall to approve Resolution #2007-22 recommending that the City Council adopt Mitigated Negative Declaration under the California Environmental Quality Act, approve Zone Change 2007-01 and approve Site Plan Review 2006-20 with the 15 conditions with the suggested amendment to Condition #8 with the expiration date being two years from Council's approval.

AYES: Norgaard, Kendall, Elgin, Leroy, Clement, Moss
NOES: None
ABSTAIN: None
ABSENT: Ormonde

Determine General Plan Conformance regarding vacating Lodge Way.

Smyth stated that the City Council passed Resolution of Intent #2007-36 and asked the Planning Commission to make a determination that the proposed abandonment of Lodge Way is in compliance with the Lemoore General Plan. She stated that Lodge Way is a dead-end street in the Avalon subdivision that was originally required to access the property to the south in the event of future development. Smyth stated that the property is now and permanently serves a City ponding basin. She explained that as a way to provide affordable housing units in Lemoore, the City is considering vacating this area to convert to an infill lot. The Redevelopment Agency would use low-moderate housing funds to construct an affordable home and sell it to an income qualified family.

Smyth stated that Lodge Way is not a General Plan designated collector or arterial street, and its abandonment does not conflict with the General Plan. She stated that the land use designation for the area is medium density residential and a newly created 60' x 100' lot size will conform to the general plan building intensity standards.

Smyth recommended the Planning Commission to pass Resolution #2007-23 determining that the vacating of Lodge Way is in compliance with the Lemoore General Plan.

Moss asked for public comments. There was none.

It was moved by Commissioner Clement, seconded by Commissioner Elgin to pass Resolution 2007-23 determining that the vacating of Lodge Way is in compliance with the Lemoore General Plan.

AYES: Clement, Elgin, Norgaard, Kendall, LeRoy, Moss
NOES: None
ABSTAIN: None
ABSENT: Ormonde

Planning Director's Report:

Smyth stated that the next meeting falls on a holiday and asked if we could schedule the Commission meeting the following day which would be November 13th. She stated that some items for the next meeting include Innovative Community Revisions, Flatley PUD revisions and maybe one more item.

Commission's Report and Request for Information:

Norgaard suggested that the impact fee schedule should be provided to developers up front by Planning staff and also with the project approval letter. Elgin stated that the Days Inn needs to change their changeable copy sign as required in the previous approval.

Adjournment: The meeting adjourned at 9:15 p.m.