

RESOLUTION NO. 2008-16

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
APPROVING A ONE-YEAR EXTENSION FOR
DENSITY BONUS #2007-01 AND SITE PLAN REVIEW #2007-04
TO CONSTRUCT MONTGOMERY CROSSING
(A 57-UNIT MULTI-FAMILY HOUSING COMMUNITY)
REITERATING ALL PREVIOUS CONDITIONS WITH ADDITIONS AND MODIFICATIONS**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 28, 2008 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, Don Slattery of Pacific West Communities, Inc., has submitted an application for extension of the approval of Density Bonus #2007-01 and Site Plan Review #2007-04 to construct 57 units of multi-family work force housing on 5.05 acres with a dedication of approximately 1 acre of land to the city, for ponding basin; and

WHEREAS, the site on which the development is proposed is located on the east side of 19th Avenue, north of the Silverado/Tammy Lane alignment and presently zoned RM-3; and

WHEREAS, the original approval for the Density Bonus and Site Plan was through Planning Commission Resolution 2007-14 approved 6/25/2007 and affirmed by City Council Resolution #2007-26 adopted on July 3, 2007 for a one (1) year period expiring on July 3, 2008 ; and

WHEREAS, the applicant submitted an application on June 16, 2008 requesting a one (1) year extension prior to the expiration as per Section 9-15C-9 of the Lemoore Zoning Code; and

WHEREAS, the Lemoore Planning Commission held a meeting on July 28, 2008 and granted a one year extension to Density Bonus #2007-01 and Site Plan Review #2007-04 with modifications to the original conditions of approval to reflect new City policies.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore does hereby grant a one year extension to Density Bonus #2007-01 and Site Plan Review #2007-04 to expire on July 3, 2009 with the following conditions pertaining thereto:.

1. The project shall be developed as per 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 developer shall be required to enter into an affordability agreement prior to pulling building permits with the City or City Redevelopment Agency to guarantee affordability of at least 6 units be "affordable" to low-income families as required by the Density Bonus.
3. A second color palette or a fourth color shall be incorporated in the project to provide more variety.

Carport designs shall incorporate a pitched composition style roof system as approved by the Planning Director prior to issuing building permits.

Tot lot amenities should include at least five activities and be approved by the Planning Director prior to pulling building permits.

Roof-mounted mechanical equipment should be screened or incorporated into a roof design or, if this cannot be done, such equipment must be ground-mounted on the interior side or in the rear of the lot.

4. The project will be required to dedicate 60' of right-of-way along Tammy Lane in addition to right-of-way along 19th Avenue so that 40' exists from the center line of the street, as determined by the City Engineer. Additionally, a 10' public utility easement will need to be recorded along both Tammy Lane and 19th Avenue in back of the right-of-ways. Construction of the needed improvements will be coordinated with the Public Works Department.
5. Bike racks shall be incorporated into the construction drawing site plan accommodate four (4) bicycles in proximity to each building, accommodating a total of at least 28 bicycles throughout the complex in visible and accessible locations. 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.
6. Curb cuts along 19th Avenue shall be removed and replaced with sidewalk to match existing monolithic and any broken sidewalk shall be replaced. Parkway style sidewalk shall be installed along Tammy Lane per City standards.

Trees planted closest to the street shall be planted at 40' on-center within the parkway areas from the City's Street Tree List and meet City Standards (along both Tammy Lane and 19th Avenue). A 20' tree spacing shall be incorporated into areas between the main street's sidewalks and the buildings as shown on the redlined landscape plan. Trees to the south of the apartment buildings along Tammy Lane shall incorporate deciduous trees. Deep root watering pipes shall be installed to irrigate all trees within the right-of-way, parkways, landscape easements and on the project site to discourage roots from growing to the surface. Palm trees shall be eliminated from the project and drought and frost tolerant shall be used throughout the project which provide shade. Landscape plans do not conform and shall be submitted with the construction plans for Planning Department approval."

The tot lot area shall include three (3) 30-gallon shade trees and park bench.

7. A 7' light brown masonry block wall shall be installed along the easterly and northerly portions of the multi-family site which tapers down 20' before reaching streets so that the block wall ends where open style fence begins. Proposed street side and pool area fences shall be wrought iron and pilaster not to exceed 6' in height.
 8. 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.
 9. Developer shall work with city staff to determine the exact design and location of the ponding area as well as the exact alignment of Tammy Lane and submit a parcel map to separate the ponding area from the project site and dedicate all appropriate right-of-ways and public utility easements prior to submitting construction drawings for the project.
- On site runoff will need to be designed to handle onsite water flows and meet NPDES Regulations.
10. Six (6) street lights being installed adjacent to the project site in accordance with City standards. However, three of the lights shall be located close to street intersections or driveways with final approval by the Department of Public Works.
 11. All public improvements such as sanitary sewer, storm drainage, water, and streets shall be installed in accordance with the City of Lemoore design standards and applicable Master Plans. The storm drain system must be upgraded to handle run off and meet NPDES regulations.

The existing pole at the intersection of Tammy Lane and 19th Avenue and any other above ground utilities shall be under-grounding with the project.

Installation of four fire hydrants is required as delineated on the site plan and fire department connections shall be inspected for compliance by the Fire Marshall.

Trash enclosures shall be installed in location identified in the site plan per City standards. However, upgraded solid metal painted gates, which match the block shall be used and the block material color should blend with the 7' masonry block wall and the color palette of the complex. Trash enclosures shall be designed to meet the intent of General Plan policy CD-I-50 and approved by the Planning Department for their aesthetic design.

12. Should signage be used on the project, a separate application and administrative approval process will be required before ordering or installation of such.

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.*

15. In accordance with the findings of City Council Resolutions 2008-29 approved April 1, 2008 which updated impact fees originally adopted through City Council Resolution 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 ~~Resolution 2008-29 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) this Resolutions~~ which is updated annually.

16. a. Implement General Plan policies CD-I-58 to CD-I-60 as much as possible into the project as follows: Require new development to incorporate passive heating and natural lighting strategies if feasible and practical. These strategies should include, but are not limited to, the following:

- Using building orientation, mass and form, including façade, roof, and choice of building materials, color, type of glazing, and insulation to minimize heat loss during winter months and heat gain during summer months;
- Designing building openings to regulate internal climate and maximize natural lighting, while keeping glare to a minimum; and
- Reducing heat-island effect of large concrete roofs and parking surfaces.

16.b Require new development to reduce storm water run-off, control water pollution, and promote water recharge through sustainable hydrological design. Measures should include, but are not limited to, the following:

- Reducing imperviousness by limiting building footprint, using permeable paving or landscaping to break up expanses of impervious surfaces;
- Using canopy trees or shrubs to absorb rainwater and slow water flow;
- Removing curbs and gutters from streets and parking areas, where appropriate, to allow storm water sheet flow into vegetated areas;
- Incorporating drainage design into the infrastructure, including roof downspouts, retention cells, or infiltration trenches, to filter and direct storm water into vegetated areas or water collection devices; and

- Requiring the installation of sub-surface water retention facilities (for large development) to capture rainwater for use in landscape irrigation and non-potable uses.
- 16c. Incorporate green building standards to ensure a high level of energy efficiency in new development, retrofitting projects which should include, but are not limited to, the following:
- Require the use of Energy Star® appliances and equipment in new and substantial renovations of residential development, commercial development, and City facilities;
 - Require all new development incorporate green building methods to qualify for the equivalent of LEED Certified “Silver” rating or better (passive solar orientation must be a minimum component);
 - Require all new residential development to be pre-wired for optional photovoltaic energy systems and/or solar water heating on south facing roofs; and
 - Require all new projects that will use more than 40,000 kilowatt hours per year of electricity to install photovoltaic energy systems.
- 16d. Utilize Green Building Design.
Green Building Design Guidelines may include required and recommended "green" design and construction subjects including: Building Site and Form, Natural Heating and Cooling, Transportation, Building Envelope and Space Planning, Building Materials, Water Systems, Electrical Systems, HVAC Systems, and Construction Management.
- 16e. Use environmentally sensitive construction practices by:
- Restricting use of chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and halons in mechanical equipment and building materials;
 - Promoting use of products that are durable and allow efficient end-of-life disposal (recyclable);
 - Requiring subdivision applications on sites greater than five acres to submit a construction waste management plan for City approval;
 - Promoting the purchase of locally or regionally available materials; and
 - Promoting the use of cost-effective design and construction strategies that reduce resource and environmental impacts;
- Some building materials, such as certain types of heat insulation, damp proof membrane, glue or paint, are highly toxic. The City will promote the use of sustainable building materials and encourage the purchase of building materials from local or regional sources to reduce the environmental cost of transporting them from far away sources.
17. Bikelane striping shall be added on both sides of Tammy Lane and on the eastside of 19th Avenue adjacent to the project.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on the 28th day of July, 2008, by the following vote:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Kim Moss, Chairman

ATTEST:

Holly Smyth, Secretary

****This resolution is subject to review by the City Council pursuant to Lemoore Municipal code Section 9-15-B-3-B. The City Council may affirm, reverse, or modify this resolution and has final approval authority.****

CERTIFICATE

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

I, Holly P. Smyth, Secretary of the City of Lemoore Planning Commission, do hereby certify the foregoing Resolution of the Planning Commission of the City of Lemoore was duly passed and adopted at a Regular Meeting of the Planning Commission held on July 28, 2008.

DATED: July 28, 2008

Holly P. Smyth, Secretary
Lemoore Planning Commission