

**RESOLUTION NO. 2009-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE APPROVING  
MITIGATED NEGATIVE DECLARATION 2009-01 / ZONE CHANGE NO.2009-01 /  
SITE PLAN REVIEW NO. 2009-01 TO CONSTRUCT THE VILLAGE AT ACACIA  
(81 UNIT MULTI-FAMILY HOUSING COMMUNITY)**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on February 23, 2009 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**, Richard Wills has submitted an application for a Zone Change and Site Plan Review to construct an 81 unit multi-family housing project on a 6.36 acre site; and

**WHEREAS**, the project will provide 24 two-bedroom units, 41 three-bedroom units including the managers unit, and 16 four-bedroom units each with washer dryer hookups. Additionally, an 1,800 square foot community center will be provided with a computer center, laundry room, pool, barbeque area and two tot lots; and

**WHEREAS**, the proposed Village at Acacia complex is located on the southwest corner of West Bush Street and Acacia Drive , more particularly described as Assessor Parcel Number 023-420-011; and

**WHEREAS**, the General Plan designation for the site is Medium Density Residential which allows condos and apartments while the current zoning is R-1-7 with a Planned Unit Development overlay. Therefore, a Zone Change is being sought to RM-3 with a Planned Unit Development overlay to be in conformity with the 2030 General Plan and the proposed project; and

**WHEREAS**, staff conducted an environmental assessment and determined that a Mitigated Negative Declaration should be filed under the California Environmental Quality Act; and

**WHEREAS**, a public hearing on the proposed project before the Lemoore Planning Commission was noticed in the Lemoore Advance on January 29, 2009 and notices were sent to the property owners within 300' of the subject site on February 2, 2009 (more than 10 days in advance of the meeting) and the Lemoore Planning Commission held a duly noticed public hearing at their February 23, 2009 meeting, and has duly considered all written and oral testimony presented; and

**WHEREAS**, the Planning Commission finds, based on evidence in the entire record before it, that the proposed Zone Change is required to achieve the purposes of the City's Zoning Ordinance, as stated in Lemoore Municipal Code Section 9-1-2, and that the proposed Zone Change would be consistent with the purpose and intended application of the zone classification proposed, RM-3 with a Planned Unit Development overlay;

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemoore recommends that the City Council, at their March 17, 2009 meeting, hold a public hearing on the proposed project and thereafter approve Mitigated Negative Declaration #2009-01, adopt an ordinance approving Zone Change #2007-01 from R-1-7 with a Planned Unit Development overlay to RM-3 with a Planned Unit Development overlay, and approve Site Plan Review #2009-01 to construct an 81 multi-family residential complex, to be valid so long as building permits are issued by March 17, 2010 or within one year from City Council's approval (whichever is the later) with the following conditions of approval:

1. *Overall Condition:* 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 or redlined.
2. *Design:* 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.

Complex designs needs to incorporate 32 square feet of private storage space per housing unit within the site.

Color palette of the complex shall generally match the attached approved color rendition to insure variety in the look of the various buildings. Color chips shall be submitted and construction plans identify specific color locations and be approved by the Planning Director.

Roof mounted mechanical equipment, other than solar panels, shall 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 as approved by the Planning Director.

Mail Box clusters shall incorporate architecture and site plan considerations to ensure design compatibility and increase social contact in the neighborhood. It is anticipated that the area delineated on the redlined site plan, south of the pool, is the preferred location. Architecture might include an arbor over the mail boxes, vines growing over the arbor and four (4) benches.

3. *Green house gas / conservation:* Incorporate passive heating and natural lighting strategies if feasible and practical. These strategies should include, but are not limited to, the following: a) 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; b) Designing building openings to regulate internal climate and maximize natural lighting, while keeping glare to a minimum; and c) reducing heat-island effect of large concrete roofs and parking surfaces.

Reduce storm water run-off, control water pollution, and promote water recharge through sustainable hydrological design by a) using canopy trees or shrubs to absorb rainwater and slow water flow; b) removing curbs and gutters from parking areas, where appropriate, to allow storm water sheet flow into vegetated areas; and c) 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 irrigation and non-potable uses.

Incorporate green building standards by a) using Energy Star® appliances and equipment in all buildings, b) incorporate green building methods to qualify for the equivalent of LEED Certified "Silver" rating or better (passive solar orientation must be a minimum component), c) pre-wire for optional photovoltaic energy systems and/or solar water heating on south facing roofs; and d) if using more than 40,000 kilowatt hours per year of electricity for the complex install photovoltaic energy systems.

Practice environmentally sensitive construction practices by a) restricting use of chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs) and halons in mechanical equipment and building materials, b) promoting use of products that are durable and allow efficient end-of-life disposal (recyclable), c) promote the purchase of locally or regionally available materials; and d) promote the use of cost-effective design and construction strategies that reduce resource and environmental impacts.

4. *Ingress/Egress & Streetscape:* Acacia drive entrance shall be widened to 30 and a 20' curb radius shall be provided on the Southwest corner of Bush and Acacia Drive. In order to accommodate the full buildout of Bush Street, 9' additional feet of ROW and 10' public utility easement will need to be dedicated along the project's Bush Street frontage. The project will be responsible for building-out and maintaining the landscaped median, paveout, curb, gutter, 7' parkway, and 11' joint use sidewalk adjacent to their site along Bush Street as generally shown on the site plan. The exact design and location of the median shall be worked out with the City Engineer, Public Works, and Planning offices.

Various striping will be needed around the project to assist with vehicular and pedestrian access as determined by the City Engineer and Public Works offices when civil plans are being drafted. At a minimum, a center turn lane will most likely need to be striped in the westbound travel lane of Bush Street leading up to Acacia Drive. Additionally, the westerly side of Acacia Drive will need to be striped with a bike lane along the frontage of the Project.

5. *Parking:* 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. Additionally, at least two (2) additional parking stalls will need to be converted to handicapped stalls nearest the Type 2 buildings at the south side of the project as generally shown on the redlined site plan.

Eleven bike racks (including one added in the redlined site plan by the pool) shall be provided in the complex to accommodate 8 bikes each. Racks shall 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 powder coated to avoid damaging the bicycle and colored to blend in with the color palette of the complex. Bike rack design shall be submitted for Planning Director approval prior to their ordering and installation.

6. *Landscape:* At least 58,751 square feet of landscaping must be provided and shown on a revised landscape site plan and can include median landscape.

Trees planted in the parkway shall be spaced on an average of 40' on center averages that incorporate trees from the City's Street Tree List as well as groundcover that will form a solid ground cover, usually turf. Based on this standard, there should be 17 trees in the parkway along Bush and 10 trees in the "parkway" along Acacia.

Trees in "landscape easement" or "buffer" areas around the perimeter shall be planted at 20' on center on average and consist of at least 50% evergreen trees. Based on this standard, there should be 33 trees along the Bush Street section, 20 along Acacia, 33 along the southside of the property and 20 trees along the westerly property line as generally shown on the redlined landscape plan, however adjustments to locations can be made to avoid utilities as needed so long as the total number of trees matches the above mentioned numbers. Additionally buffer areas do require other landscape plantings as well to help reduce graffiti problems on long expanses of walls, hide parked cars from the street, hide utility equipment, hide trash enclosures and the like in general conformance with Section 9-7C-7G.2 of the Zoning Ordinance as approved by the Planning Director. The landscape plan will need to be revised and resubmitted to Planning for approval prior to pulling building permits.

The project will be required to install and maintain the median strip along the frontage of their property. The exact design of such will need to be coordinated between Planning, Public Works, and City Engineer's offices. Staff has anticipated that an opening would be provided at the main entrance on Bush Street at the center of the complex.

Tot lot areas need to be surrounded by a fence and should be large enough to include park benches with adequate shade and layout so that parents can more easily attend to children.

Tot lot structure must incorporate at least five activities. A specific tot lot plan is required to be reviewed and approved by the Planning Department with the play equipment approved by the Parks and Recreation Commission prior to pulling building permits.

7. *Walls and Fences:* Along the southerly boundary of the project site, a 7' high decorative masonry wall shall be provided, and stop 3' behind the sidewalk adjacent to Acacia Drive, as generally described in Section 9-3-8B of the Zoning Ordinance as approved by the Planning Director. The wall on the western side of the property can remain as a 6' masonry wall, so long as the color is coordinated with the southerly block wall and shall stop at the intersection with the wrought iron fence, 15' in back of the sidewalk. Along the entire north and east sides of the project fronting Bush Street and Acacia Drive, the wrought iron fencing shall be no more the 3½' in height.

The proposed fencing and gates at both entrances into the complex shall be removed from the project as generally shown on the redlined plan and shown in the color rendering.

Specific designs of all fences and walls shall be reviewed and approved by the Planning Director prior to ordering materials and detailed in the construction drawings.

8. *Lighting:* a) All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to shield adjacent properties and not produce glare; b) all outdoor lighting fixtures shall be energy-efficient. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures and all permanently installed exterior lighting shall be controlled by either a photocell or an astronomical time switch; c) lighting design in parking lots shall be coordinated with the landscape plan to ensure that vegetation growth will not interfere with the intended illumination; d) light levels in all new development, parking lots, and street lights to not exceed industry and state standards;

Lighting shall be similar to the neighborhood and not bright white in color. Building mounted carriage lighting shall be integrated into the architectural design of the buildings as approved by the Planning Director prior to their installation.

9. *Utilities:* A 10' wide public utility easement shall be provided within the private streets in addition to along Bush Street and Acacia Drive behind the right-of-way.

The development will need to appropriately tie into all City utilities and streets meeting City Public Works Standards. Sewer and storm water services need to connect at the southeast corner of the project as determined by Public Works. The applicant will need to verify grades for sanitary sewer and storm water to appropriately tie into the City system, which may or may not require a lift station.

The water lines shall be looped through the complex with proper backflow devices and Fire Department connections and hydrants as determined by Public Works.

Any above ground power poles shall be properly abandoned or under-grounded.

Four City street lights shall be installed along Bush Street and two along Acacia Drive according to City standards as generally shown on the redlined site plan.

Four (4) fire hydrants shall be provided within the development as clarified on the redlined site plan. All buildings in the complex shall have fire sprinklers and Fire Department Connections (FDC) for each structure. All FDC's shall be located on the northside of all buildings to avoid smoke from the prevailing wind pattern. The FDC's shall be blended in within an enclosed space attached to the buildings so that they are not too visible to the public and a map of their locations and adequate keys are provided to the Fire Department.

All utilities located on the project site shall be screened in landscape areas from the general view of the public and/or painted to blend in with adjacent objects as determined by the Planning Director.

Trash enclosures shall be designed to accommodate regular and recycle trash bins, and incorporate a trellis or roof structure to screen views from above, stucco finish over block structure, and solid powder coated metal gates in a color that match apartment's color palette as approved by the Planning Director.

10. *Signage:* A separate sign application and administrative approval process will be required before ordering or installing such so that it is in conformity with the City's sign ordinance.
11. *Soils and Dust Control:* A soils report shall be provided for the project. The developer shall comply with the Fugitive Dust Control Standards of the San Joaquin Valley Unified Air Pollution Control District at all times, as delineated in their attached letter, in addition to the City of Lemoore dust control requirements.
12. *Hazards:* If the developer or the City encounters hazardous or toxic materials, substances, wastes or other hazardous conditions during the course of grading or construction, the developer will be responsible to notify Kings County Environmental Health Services or other appropriate agencies and to properly abate all such hazards prior to completion of the apartment project.

An asbestos survey of existing onsite structures shall be made once the units are vacant by an assessor licensed to conduct such surveys and sampling, prior to any demolition of the structures is made. If any asbestos is identified, it shall be appropriately removed per state, local and federal standards.

13. *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. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in this Resolution which is updated annually.*
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.*

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on February 23, 2009, by the following votes:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

**APPROVED:**

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**Sharron Kendall, Chairperson**

**ATTEST:**

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**Holly P. Smyth, Secretary**

**\*This resolution is a recommendation to the City Council pursuant to Lemoore Municipal code Section 9-15G-2G. The City Council will provide the final approval of the environmental, zone change and site plan for the project due to the requested zone change.\***

