

**Minutes of the Regular Meeting of the  
Lemoore Planning Commission  
February 23, 2009**

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

**Attendance:** Commissioners Clement, Norgaard, Elgin, Marvin, Meade, Kendall, and Planning Director Smyth.

**Absent:** Ormonde

**Public Comments and Inquiries:** No Public Comments

**Approval of Minutes of Meeting of January 12, 2009.**

It was moved by Commissioner Clement, seconded by Commissioner Norgaard, to approve the minutes of January 12, 2009 as submitted.

AYES: Clement, Norgaard, Meade, Marvin, Elgin, & Kendall

NOES: None

ABSTAIN: None

ABSENT: Ormonde

**ENVIRONMENTAL IMPACT ASSESSMENT #2009-01 / ZONE CHANGE #2009-01 / SITE PLAN REVIEW #2009-01 APPLICATIONS BY RICHARD WILLS AND DAVCO DEVELOPMENT, LLC TO CONSTRUCT AN 81 UNIT TWO STORY APARTMENT COMPLEX AT THE SOUTHEAST CORNER OF ACACIA DRIVE AND WEST BUSH STREET**

Planning Director Smyth stated that the developer proposes to change the R-1-7 Planned Unit Development (PUD) zoning to RM-3 PUD zoning to conform to the 2030 General Plan. She stated that the application is to construct an 81 unit two-story apartment complex which will provide 24 two-bedroom units, 41 three-bedroom units including a managers unit, and 16 four-bedroom units each with washer and dryer hookups. Smyth reviewed the staff report and presented drawings on the overhead. She also reviewed an overall Site Plan with redlines which incorporates all the comments that were received from various departments.

Planning Director Smyth stated that in the General Plan, Bush Street from 19<sup>th</sup> Avenue to College Avenue will have a landscaped center median. She stated therefore this project would be required to incorporate a median that would limit access from Acacia to Elm with an opening at the project's main entrance so that as traffic continues to grow there won't be as many traffic conflicts.

Planning Director Smyth stated that the Design Element in the General Plan states that "architecturally interesting building designs shall be incorporated to avoid bulky and "box-like" designs". She stated that the color renderings have varying roof lines, varying building articulation, patio shadowing, and that staff didn't think it had that "box-like" design even though two of the buildings are a little over the 125' length recommended. She stated that the project's design did not meet the 32 square feet of private outdoor storage space. Smyth stated that looking at the floor plan it looks like the private storage space could be incorporated in the patio space but the condition states that the developer can choose where they provide the 32 feet of private storage space.

Planning Director Smyth stated that an environmental impact assessment of the project was conducted in accordance with California Environmental Quality Act. A phase I report was done for the project and identified two alleged hazard areas and at the request of the City Engineer, a focused phase II report was done to investigate the two issues which were generally cleared of problems. She stated that a condition was added that if construction commences and hazardous conditions are encountered the

developer will be responsible for the clean up prior to completing the project. She stated that the City Attorney agrees with the way this condition is written.

Chairperson Kendall opened the public hearing at 7:15 p.m.

Tom Davis of Davco Development, LLC, 2491 Alluvial Ave., #47 in Clovis, California stated that he is the developer of the project and presented a slide presentation. His presentation included slides of projects in other counties and he introduced other partner companies and how they were or would be involved with this project. Davis stated that the benefit of working with his team is that they will build, own, and maintain the development for at least 15 years. He stated that the project will have an onsite manager so they don't have issues, and an onsite maintenance staff.

Davis stated that the applicant's for the apartments will go through a stringent application process which includes both a criminal background check and a credit background check. He stated that it is income restricted as to who can move in. He stated that they also check the quality of people because they want people that will take care of the property and the applicants must qualify each year. Davis stated that they provide social service programs specifically for those residents. When the applicants are actually approved they sign a lease with very strict rules which they are required to follow. It is detailed with criminal activity and activity that is not wanted, and if they break the rules there is no grace period, no waiving they are automatically evicted.

Davis stated that the project has a lot of open area for the residents to gather and the children to play. The mail boxes are another area for residents to gather to have more of a community feel inside the project. He stated that some of the site and exterior features include stucco, wood frame, and concrete slab floors, on grade parking, tile roofs, landscape, pool, tot lots, barbecue areas, and plenty of parking. The interior features will include granite counter tops, higher end cabinetry in bathrooms and kitchen. He stated that by having a better living environmental that residents will want to take care of the property.

Davis stated that the project will also have a community building on site with a kitchenette, lounge, community service room, common laundry room, common restroom, a manager's office, a leasing office, social services dedicated to the residents. He stated that some of the services they will offer will be after school and preschool programs, life and job skills, computer classes, health and nutrition programs, English as a second language, volunteer programs and enrichment programs, money management and more as the needs are determined. Once the residents move in they will do a full assessment of their specific needs.

Davis stated that the project will be built with energy efficiency and is being built so that it does not have the feel of affordable or low income housing. He stated that the rental for the units would be based on income levels.

Davis stated that on the proposed financing they have applied for tax credits to be part of the financing source. He stated that they have a permanent loan and the City of Lemoore Redevelopment Agency has agreed to provide \$1.65 million to the project as subsidy and the developer themselves will be deferring some of their fees to make up the final sources of finance.

Davis stated that they only work with the top property management companies in California; specifically those that have worked with affordable housing.

Commissioner Marvin asked if the financial portion was included in the packet. Director Smyth stated that it was not included, that Planning Commission does not review the finances because we don't approve a project on its financial merits, we review the project just from our policies like zoning, the General Plan and Land Use issues. Smyth stated that the finances have gone through the Redevelopment Department and they have earmarked \$1.65 million for the project.

Commissioner Marvin asked Davis if the Planning Commission / City Council approved the project how long would it be before the start of construction. Davis stated that if all goes as planned probably year end or first of the year and indicated that the total cost of the project was approximately \$15.5 million.

Commissioner Norgaard asked what sets the rents and if they will be working with Kings County Housing Authority at all on the project. Davis stated that the Housing and Urban Development (HUD) sets the affordable rent rates but at this time he is not involved with Kings County Housing Authority. He stated that if an applicant comes to them with a housing voucher and they meet all the other requirements they would qualify to live in the project.

Commissioner Clement asked what would be involved in the club house. Davis replied besides the services being offered, the residents may hold birthday parties, meetings, and things of that nature. Commissioner Clement asked if there would be any security. Davis stated that with the services being provided to the residents they do have security policing, other than maybe during construction, and it's been his experience that no policing has been need.

Commissioner Meade asked if the signal light that is proposed at 19<sup>th</sup> and Bush is part of this project. Planning Director Smyth stated that it was not part of this project but a separate project that the City is doing. She stated that this project will be paying impact fees towards improvements like the signal. Commissioner Meade asked if the interior streets would be wide enough for the heavy handicap student buses. Planning Director Smyth stated that the buses don't usually go inside, but in front of this project there is a large enough entryway where you could pull in and pick up anyone needing to be picked up and come right back out and not have to drive through the complex.

Chairperson Kendall asked if there was anyone else who would like to speak in behalf of the project and asked if anyone wished to speak in opposition to the project.

Phil Humberger of 1535 Cypress Lane in Lemoore stated that Planning Director mentioned that traffic would be coming in through Bush Street and he wanted to know if there would be a turnout lane and would the street be widen. Planning Director Smyth stated that Bush Street in that area would accommodate the existing parking on the north side of the street and it would have two other lanes going toward Highway 41, a center median that would have a turn pocket into the complex and two lanes that would go in towards town east bound. Humberger asked Davis if there is anyone making up the difference of the rents charged to the resident and if there would be section 8. Davis stated that the rents are based on income and with the section 8 only if the have a voucher which he does not have a contract.

Scott Stanton of 1545 Cypress asked if there was any way that we could work on the street improvements prior to adding more vehicles and stated that newspaper articles agree that there is a problem yet we continue to add more housing.

Chairperson Kendall asked there was anyone else that would like to speak in opposition or in favor of the project and received no replies. The public hearing was closed as 8 p.m.

Commissioner Marvin asked Davis how he chose this area to build this project and would they be building the project all at once. Davis stated that the market conditions and the need for affordable housing determined the need for the project. He stated that areas that have General Plans have designated areas for affordable housing and the ability to have the agency participate, because they are competing in the State for the tax credits. He stated that the project would be built all at once.

Commissioner Meade stated that the Redevelopment Agency has to set aside a certain amount of dollars for affordable housing that must be spent within the City. Planning Director stated that we have three Redevelopment project areas, the original area, amendment 1 and amendment 2. She stated that in each of the project areas the State law requires 15% of the housing that is built, must help accommodate low to moderate housing, and more specifically states that a certain percentage this be specifically for low-income households.

Commissioner Meade stated that it seems that there is a concentration of these units in that quadrant of the City and that creates a demographic imbalance in the school system which creates Federal issues within the school district. When future projects are looked at is it possible that they look at other areas. Planning Director Smyth stated that the State requires that we have a certain percentage zoned multifamily. The General Plan generally identifies and lays the ground work to state that this is an appropriate spot.

Commissioner Marvin asked if impact monies are paid at the completion of the project. Planning Director Smyth stated that the impact fees are paid at the time permits are pulled.

Planning Director Smyth stated that she noticed color elevation did not precisely follow the floor plan layout and exact color chips had not been provided and therefore suggested a change on page two of the Resolution, item 2, the third paragraph; the first sentence should read "Color palette of the complex shall generally match the attached approved overall color rendition in regards to color and elevations to insure variety in the look of the various buildings." Additionally, she stated that Item #5 of the Resolution should have an additional paragraph which reads, "Red curbing shall be painted in the front area of the complex and the width of this drive area shall be reduced as approved by Planning, Police and Public Works Departments." Planning Director Smyth asked Davis if he agreed with the changes. Davis stated that for now he was in agreement.

Planning Director Smyth mentioned that because there is a Zone Change involved, the way that the Resolution is set up is that the Resolution recommends particular conditions and goes to City Council. City Council will have a public hearing on it also and Council will then be able to ratify, modify or deny the project.

Commissioner Clement stated that he has some concerns on some items that are listed on the environmental checklist. He stated that under 1) hazardous materials ,he is concerned with that topic for the existing homeowner in that area, under item 2) Hydrology and water quality, his concern is with the water runoff. He stated that with the recent storm there was at least 3 feet of water on Lincoln Lane and now we're going to put more water. He asked where the water would go. Planning Director Smyth stated that the water runoff for this project would go directly south to Bevalaqua Park whereas the runoff for Lincoln Lane goes directly to 19<sup>th</sup> Avenue Park.

Commissioner Meade stated that the project is not a box like project and believed it was an aesthetically looking project for affordable housing.

Commissioner Elgin asked Davis, as the developer if he was involved in the Environmental Assessments and asked if he was happy with those assessments. Davis stated that he hired a 3<sup>rd</sup> party to do the assessment and that he is never happy with environmental consultants. Commissioner Elgin asked how long was that property a truck yard. Commissioner Clement stated 60 years. Commissioner Elgin stated that she had a problem believing there was no hazardous waste on the site.

Planning Director Smyth stated that the focused areas where they had received previous complaints, had been dug down about 11 feet and soil samples were done. She stated that what was found was organic which means that there was probably crops grown there at one time. She stated that a condition was added that if the developer or the City encounters hazardous conditions during the course of grading or construction, the developer will be responsible to properly abate all such hazards prior to completion of the apartment project. Davis stated that they have signed an indemnification agreement with the property owner.

Commissioner Clement asked if there were any underground petroleum tanks. Davis stated that there was not.

It was moved by Commissioner Marvin, seconded by Commissioner Elgin to approve Resolution No. 2009-01 with changes to condition #2 and #5 as per staff suggestions with the zone change and ratification resolution to be later considered by the City Council.

AYES: Marvin, Elgin, Norgaard, Meade, Clement and Kendall  
NOES: None  
ABSTAIN: None  
ABSENT: Ormonde

**GENERAL PLAN ANNUAL REPORT:**

Smyth stated that staff had hoped to get the new annual report to the Commission. She stated that staff would have to bring this back at a later time as the previous report template is being redone to now include all the new General Plan policies . She stated that this should be sent to the Commission via email prior to the next meeting.

**2008 PLANNING STATISTICS:**

Planning Director Smyth stated that the activity statistics handed out this evening basically shows how much application activity the department handled in the 2008 calendar year. She stated that this is just for the Commission's information and will be later include in the City's next budget.

**PLANNING DIRECTOR'S REPORT:**

Smyth reviewed the items in the activity update. She asked Commissioners to mark their calendars for the housing element summit at the joint City Council and Planning Commission meeting scheduled for Tuesday March 17, 2009 at 5 p.m.. She noted that a flyer was included in their packets.

She stated that there are no items for the March meeting but will be in touch with Commissioner's if it appears there needs to be a meeting. She reminded those attending the Planner's Institute to try to car pool as per City policy.

Smyth stated that the memo from Judy Howell, Redevelopment Project Manager, on who to contact for code enforcement type complaints in case the Commissioner's receive complaints they will be able to refer them to the correct contact.

**COMMISSION'S REPORT AND REQUEST FOR INFORMATION:**

Commissioner Marvin stated that he did not feel that there was enough information for the Planning Commission such as the cost of the project and when it will be completed for the project earlier this evening. He stated that he felt the action of the RDA is information that the Commissioner's needed to know that they had approved the funds for this project. He stated that this information is needed for people like him that are interested in low and low moderate income housing. He asked if the box like structures north of this project, is any of that low income. Smyth stated that those are luxury apartments at high rents. Marvin stated that with 81 units coming in we must have been under provided for until Mr. Davis came in. It's going to take a long time at the rate we are building for us to need any more. Smyth explained when if a City wants to deny an affordable apartment project, City's must be meeting their regional housing needs assessment which we are not even close to meeting.

Clement asked about projects on the west side of the freeway. Smyth stated that we have the Walmart project still under EIR and the college expansion and Victory Village is moving forward with their infrastructure plan and Final Map.

**ADJOURNMENT:** The meeting adjourned at 8:40 p.m.