

RESOLUTION NO. 2009-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF LEMOORE APPROVING ENVIRONMENTAL IMPACT ASSESSMENT # 2009-16 /
BOUNDARY LINE ADJUSTMENT #2009-01 / SITE PLAN REVIEW NO. 2007-11
FOR LEMOORE 19TH AVENUE PARTNERS, L.P. DIALYSIS CENTER**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on _____ 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, Lemoore 19th Avenue Partners, has submitted an application for Boundary Line Adjustment between two vacant parcels described as Assessor Parcel #023-420-012 and #023-420-013; and Site Plan Review to construct a 6,300 square foot building for dialysis; and

WHEREAS, the proposed site for the building is located south of Bush Street approximately 330 feet west of the Bush Street / 19th Avenue intersection: and

WHEREAS, the zoning on the parcels is Central Commercial and the General Plan designation is Neighborhood Commercial; and

WHEREAS, an environmental assessment was conducted and it was determined that the proposed project meets the categorical exemption criteria under CEQA Article 19 Categorical Exemptions Section 15303(C).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore approves this Resolution making a finding that the project is categorically exempt under CEQA under Section 15303 and approves Boundary Line Adjustment #2009-01 and Site Plan Review #2009-08 to construct a 6,300 square foot building for dialysis to be valid so long as building permits are issued by October 26, 2010 with the following conditions of approval:

- 1. The project shall be developed as per attached approved plans and any substantial deviation from the approved plans will require a re-submittal, payment of appropriate fees, and a new approval by the Planning Department, unless otherwise covered in the conditions below.**
- 2. *Land title issues:*** The boundary line adjustment should be recorded prior to pulling building permits to avoid problems with Assessors office.

A right-of-way (ROW) dedication between 2-9' and 10' public utility easement behind ROW along Bush Street will need to be given to the City of Lemoore as determined by Planning/Public Works/City Engineer before occupancy.

A cross-access agreement from the applicant across their property will need to be provided to allow neighboring properties vehicular and utility access as requested by the City Engineer prior to occupancy so long as it does not inhibit applicant's ability to build. The applicant is encouraged but not required to negotiate with adjacent neighbor to construct drive access from Bush Street in its "ultimate" location initially; which if obtained would need to include a cross-access easement from adjacent owner for drive area. Should the applicant be able to gain an easement across adjacent parcel to extend City utilities rather than use existing City right-of-way, an easement will need to be provided for recordation for these areas as well.

All offers of dedication or easements will need to provide "Dedication of Right-of-Way" or "Offer of Easement" cover sheets, legal description of area page, and map page delineating location for each set of documents for recordation. All these documents shall be prepared by a registered civil engineer and will require the submission of Title report, identification of existing utility easement labeled, and legal descriptions provided with closure reports as needed by the City Engineer during initial submittal of documents. In order to reduce the amount of documents being provided, the applicant can choose to produce a Parcel Map to record all above discussed modifications to the land without submitting a Tentative Parcel Map (just a Final Parcel Map with appropriate fee), which could be done prior to occupancy.

3. Applicant shall enter into Deferment Agreement for the installation of a 14-18' landscaped median in Bush Street, paveout, curb, gutter, 7' permanent landscaped parkway, and 11' joint-use meandering sidewalk for pedestrians and bicyclists along the project's frontage as determined by Planning/Public Works/City Engineer and triggered once any adjacent parcel develops at City's discretion.
4. Various striping will be needed around the project in the street and on the site to assist with vehicular and pedestrian access as determined by the City Engineer and Public Works offices when civil plans are being drafted. 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 comply with the Americans with Disabilities Act and be approved by the Public Works Department.
5. Onsite building and parking area lighting will need to conform to General Plan policies CD-I-63 and CD-I-64, which are aimed at energy efficiencies and dark sky requirements, and Public Works standards. No on-site lighting can glare onto adjacent properties and lighting fixtures need to blend with building architecture as approved by the Planning Department.
6. One City street light will need to be install adjacent to drive approach in the ultimate build-out location in accordance with City standards as approved by the Department of Public Works.
7. Two Street trees shall be permanently planted in the build-out location of the future parkway within the initial landscape area, unless determined otherwise by Public Works, and one tree will need to be added to the parking area in a triangular cut out in the center of the northerly elevation in the parking lot adjacent to the curb. A more detailed interim landscape plan for the project site will need to be submitted to Planning for approval prior to issuing building permits to meet City standards in permanent areas and to provide adequate drought tolerant dust control in the interim areas.
8. The median is anticipated to generally include curb edges, street trees spaced 40' on-center, and drought tolerant low maintenance landscaping with adequate irrigation. Ongoing maintenance costs would be bore by those within the site and the entire shopping center contiguous with this development. The cost of long-term maintenance responsibilities shall be shared by those in the entire shopping center based on percentage of property square footage. Once the median is installed at a future date, based on engineer's layout, the project will not be able to have left turn access from or onto Bush Street.
9. The pedestrian path area going across the parking lot shall be made of a different type of paving surface, such as stamped/colored concrete or decorative pavers, rather than the asphalt of the parking lot as approved by the Planning Department.
10. Green design General Plan policies CD-I-58 through CD-I-62 should be incorporated where feasible to help address surface water runoff, energy efficiency standards, and best construction practices that help provide a more sustainable project with long-term energy savings.

11. *Utilities:* The development will need to appropriately tie into all City utilities and streets meeting City Public Works Standards. All utility locations and connection points as well as existing width of Bush Street need to be shown on civil plans.

Storm water and sewer services may need to be connected at the current stub lines in Acacia Drive as determined by Public Works either accessed through existing City ROWs or through adjacent property owner's land if easement is made available. Interim on-site storm drainage may or may not work for the site, as determined by Public Works. An overall drainage report needs to be prepared to show where the drainage for the entire contiguous commercial site is proposed to go and that existing city facilities can handle the new flow. The applicant will need to verify grades for sanitary sewer and storm water to ensure appropriate tie-in to the Bevalaqua Park system (on Cedar Lane south of the project), which may or may not require a lift station. The project design will need to ensure that drainage will not enter adjacent properties

Water lines for the project can connect to City lines within Bush Street in accordance with Public Works and Fire flow standards with proper backflow devices and may require stubs to provide future loop-out.

12. The building will be required to have internal sprinkler system with exterior fire department connection (FDC) located on the northside of building. The FDC pipes shall be hidden within an enclosed space attached to the building or incorporated behind heavy landscaping so that they are not too visible. If hidden by landscape, FDC location will need to be shown on landscape plan. Keys to the FDC will need to be provided to the Fire Department as they see fit.
13. All power to the site shall be provided under ground. Applicant should consider incorporating a generator for emergency backup should the power go out if not already required by another permitting agency. All utilities located on the project site shall be screened into building spaces or landscape areas shielded from the general view of the public and/or painted to blend in with adjacent objects or buildings.
14. Trash enclosure shall accommodate 2 dumpsters for commercial recycling program. The finish on the enclosure shall incorporate stucco and color elements of the main structure with solid painted metal gates painted to compliment the building as approved by Planning.
15. A separate sign application, processing fee, and approval by the Planning Department will be required for all signage before placed on the project in scale and harmony with the building architecture.
16. The developer will need to comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards, including Rule 9510, and the City of Lemoore dust control requirements.
17. The applicant will be required to coordinate with the Health Department to meet their responsibilities under California's Medical Waste Management Act.
18. *In accordance with the findings of City Council Resolution 2009-08 adopted on April 7, 2009 and the Colgan Consulting Corporation City of Lemoore, CA – 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 Resolution 2009-08 and the Colgan Report. As a result, the applicant shall be subject to and shall pay the impact fees as set forth in Resolution 2009-08.*

19. *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 October 26, 2009 by the following votes:

AYES:
NOES:
ABSTAINING:
ABSENT:

APPROVED:

Sharon Kendall, Chairperson

ATTEST:

Holly P. Smyth, Secretary

