

**Minutes of the Regular Meeting of the
Lemoore Planning Commission
February 8, 2010**

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

Attendance: Commissioners Ormonde, Marvin, Meade, Clement, Elgin, Kendall and Planning Director Smyth

Absent: Commissioner Norgaard

Public Comments and Inquiries: No Public Comments

Approval of Minutes of Meeting of October 26, 2009

It was moved by Commissioner Ormonde, seconded by Commissioner Marvin, to approve the minutes of October 26, 2009 as submitted.

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

Conditional Use Permit to Gate Valley Oaks Apartments located at 1165 E. Hanford-Armona Road, by installing a 24' sliding security gate on a metal track, a call box and card reader at the main entrance and a 20" sliding security gate and lock box at the secondary access

Assistant Planner Hobbs stated that Stephen Butler of Valley Oak Apartments LLC is requesting to gate the main and secondary entrances of Valley Oak Apartment Complex located at 1165 E. Hanford-Armona Road. She stated that the apartment complex is a 73 unit two story complex located south of the Hanford-Armona Road Frontage Road.

Hobbs stated that the applicant is requesting to install a single 24' sliding security gate on a metal track, a call box and card reader at the main entrance and a single 20' sliding security gate at the secondary entrance. Currently both entrances are ingress/egress. She stated that Mr. Butler is requesting through this conditional use permit to change the secondary entrance from two way to exit only.

Hobbs stated that the gating of residential uses is only allowed through an approved Conditional Use Permit and this project is the first to come before the Planning Commission since the effective date of the new policy change. Hobbs stated under Item C of the staff report the applicant had requested gated entrances with the initial approval, which were denied based on policy CD-1-47 of the 2030 General Plan which prohibited gated communities that restrict public access to multi-family and single family residential areas at the time. Since then the policy has changed and the applicant is requesting to gate this complex. She stated that based on Ordinance 2009-10 a gated community as defined may be considered through a Conditional Use Permit if it meets the basic conditions of approval, building and traffic related conditions and safety related conditions and is consistent with General Plan policy CD-1-47.

Hobbs stated that the site is zoned RM-2.0 multi-family residential and is located on the south side of Hanford-Armona frontage road between Cinnamon Drive and the Lemoore Canal. The site does not provide connectivity to other adjacent parcels which means that gating would have little or no affect on surrounding neighborhoods. Hobbs stated that the proposal to gate Valley Oak Apartment Complex is found to generally comply with the provisions of the new sections of the zoning code with the listed conditions of approval.

Hobbs stated that based on the Ordinance, the chart items a, e and f must be met or added to the conditions of approval and items b, c and d, do not comply if they apply to the secondary entrance. Hobbs stated that the Gated Communities Ordinance does not specify if the criteria used for the chart are intended for a main entry gate and/or other gates. Based on previous discussions, staff believes that items c and d were only meant to be for the main gate. She stated that if Planning Commission agrees

with this, they should direct staff to interpret future proposals this way and update the zoning code at a later date with the comprehensive zoning ordinance update.

Hobbs stated that based on the thresholds the secondary access must be maintained as ingress/egress and not an exit only. Hobbs stated that the ordinance requires specific items be met with a gated communities and she would review only those items that would be included as conditions of approval. Hobbs stated that f, g, h, and j, of the ordinance regarding gate operation, disrepair or safety hazards, requiring that the main complex and pedestrian access gates remain open and unlocked during daylight hours and school bus access for special needs children are operational issues after gate installation. She noted that each item is added to the conditions in the draft resolution as conditions 3, 4 and 6.

Under Safety related conditions, Hobbs stated that the ordinance requires specifications for gate plans, be approved by the City Fire Department and need to be added to the conditions of approval. She stated that those items were added to the conditions of approval and include (a) that all vehicular gates shall be crash gates, (b) that under clearances, currently both entries meet the criteria for 24' for two way travel. However, the project proposed to change the secondary gate to "exit only" with a 20' clear width which would not meet this requirement. A condition was added to change the clear width to 24' width and keep the two way travel. The Police Chief has requested that both entries stay as ingress/egress, (c) the gates must open at a rate of at least one-foot per second with a maximum time to fully open gate shall be no more that 15 seconds. The Fire Chief is requesting that the applicant puts double gates at both entries which could open separately for ingress traffic and egress traffic (this would reduce the wear and tear on the gate motors) so long as the Click2Enter would cause both gates across the entries to open at the same time which would provide full opening in 12 seconds, thereby meeting there requirement as shown on the redline drawing, (e) that all electrical devices shall be underwriters' laboratories 325 compliant. It is difficult to determine this. (f) that in regards to Emergency service access into the gated community: Both entrances will need to provide the Click2 Enter technology and is to be wired for future 3M Strobe Opticom type technology, not just the main gate. It appears that no Knox box or card reader are shown on the site plan for the secondary gate and need to be added per the Fire Chief as generally shown on the redlined site plan., and (g) that once the gate is activated via the detection system or Knox Box the gate shall remain open until turned off by appropriate responding emergency services.

Hobbs stated that tied to all conditional use permits, the project must review applicable site plan provisions of the zoning ordinance and the Planning Commission must make all the findings listed.

Hobbs stated that notices were sent to property owners within a 300 foot radius and a public hearing was noticed for the proposed project and no comments have been received. She stated that referrals were made to various City Departments and comments were received from the Police Department, Public Works Department, the Lemoore Fire Chief and the City Manager and all their comments have been incorporated in the report and recommendations.

Hobbs stated that the project was determined to be categorically exempt under CEQA Section 15303(e) of the state guidelines for fencing. The Commission should make such a finding for the record which is included in the draft resolution.

Assistant Planner Hobbs stated that the Planning Director had a brief discussion with Mr. Butler and he suggested to add to condition number 10 to read " Both entrances will need to provide the Click2Enter technology and be wired for future 3M Strobe Opticom-type technology. Additionally, Knox boxes and card readers or 2 button transmitters are needed for both the main and secondary gates as generally shown on the redlined site plan."

Hobbs stated that the Planning Commission should pass the attached Resolution 2010-01 with the correction to Condition #10 which 1) Determines the project is Categorical Exempt fro CEQA under Section 15303(e), 2) makes the appropriate findings and approves Conditional Use Permit #2010-01, and 3) approves the gating of Valley Oak Apartments located at 1165 E. Hanford-Armona Road with the conditions stated therein requiring construction permits to be pulled within six months expiring on August 8, 2010. This expiration date is tied to pulling building permits not when the building or conditions of approval are complete.

Chairperson Kendall opened the Public Hearing at 7:15p.m., and asked if anyone would like to speak in favor of the project.

Stephen Butler of 1165 Hanford Armona Road stated that he knew that he was the first submittal and that it was a little more complicated than what he had expected. He stated that he had spoken to the Planning Director and the Fire Chief and it is his belief that with the items that he sees in the resolution he can make it work. He stated that one note to be made is that the secondary gate will be changed to an in and out gate and instead of being a 20' gate it would be a 24' gate like the primary gate. He stated that at that location there would be a proximity card reader that reads a card within 5 feet of where the card is, it doesn't have to be on the board. He stated that he would also supply a Knox Box at that location as requested by the Fire Chief.

Butler stated that he did not have a problem implementing those items including the ones that were mentioned by Hobbs, and that he realized that he was the first application and that he was willing to work with the City and agrees with the conditions.

Chairperson Kendall asked if anyone would like to speak in opposition of the project. There was none. Chairperson Kendall closed the Public Hearing at 7:20

Planning Director Smyth stated that the redline drawings will show 1½ feet verses the 2' on the secondary gate which would leave a 24' clearance. If an emergency services pulls up to the gate, both gates would slide to the side which means they would open in 12 seconds verses 24 seconds with one gate. She stated that was the concern that the Fire Department had.

Smyth stated that once staff starts to implement the General Plan Policy, sometimes it is not clearly defined. She stated that in reference to the chart that states "does not comply", that was mainly due to the fact that it was not clearly defined when the throat distance applied. She stated that at the time almost everyone was concerned with visitors pulling up and needing more time than a resident to move out of the way and needing the space.

Commissioner Meade asked that in reference to the condition that mentioned the gates be opened during the daylight hours. During the winter months the buses pick up Special Needs Children in the dark and drop off after dark. He stated that it was his understanding that gates it would be opened during those times. Director Smyth stated that item #6 of the Resolution should cover that because it does state that "special needs children will be accommodated throughout the gated community" and her understanding is that if somebody moves in, the technology can easily change the opening times from a remove lap-top.

Commissioner Ormonde asked if the pedestrian gates would also be a security gate. Smyth pointed out the locations of two pedestrian gates and mentioned that they would be a keyed entry.

Director Smyth stated that because it is a CUP the project would go to Council, to ratify the Planning Commissions' Resolution.

It was moved by Commissioner Clement, seconded by Commissioner Elgin, to approve Resolution #2010-01 with the change to Condition #10 as discussed.

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

One Year Extension request for Site Plan Review #2006-20 for Oleander Terrace Apartment located on the east side of Smith Avenue north of Oleander Avenue, on a 4.9 acre site

Assistant Planner Mendiola gave a brief history of the project which was brought before Planning Commission a few years ago. He stated that the project is located on the East side of Smith Avenue, North of Oleander Avenue, on a 4.9 acre site. He stated that a Zone Change and Site Plan Review were originally approved by Planning Commission through Resolution #2007-22 and City Council modified the

Planning Commission's recommendation for Site Plan Review through Resolution #2007-43 and the Zone Change was finalized thru Ordinance #2007-08 on January 15, 2008.

Mendiola stated that Tara Celkis of Lemoore Housing Investors, L.P. submitted the application requesting a one (1) year extension as their Site Plan would have expired December 18, 2009 and is pending review and action by the Planning Commission. Mendiola stated that the applicant's request is reviewed based on City's criteria for granting extension approvals and reviews the criteria. He stated that the applicant has attempted to secure approval for a 9% tax credit but has not been successful yet and that the City Redevelopment Agency (RDA) has purchased the land.

Mendiola reviewed all proposed additions and changes needed to conditions 8, 9, 11, and 16 per staff report based on new policies that have been adopted since the original approval. He stated that the additions or changes are underlined while deleted text is shown with strikethroughs in the attached draft Resolution #2010-02.

Smyth asked if the applicant is in agreement with the conditions or would like to speak on the conditions. Smyth stated that our new general plan calls out that any project that has 40,000 kilowatt usage in a year they would need to install a PV solar system. She stated that we have not had any project that has hit this threshold yet.

Tara Celkis stated that she does not feel comfortable to make the PV system requirement. She said that it would probably cost about \$500,000 to \$600,000 dollars after rebates which is not in their budget and they are not contemplating the requirement. Smyth stated that it is a requirement if they hit the 40,000 kilowatt usage. Celkis stated that if they are required to put the PV system it would change the economics of the project. She stated that they would if they could. Planning Commission did not feel that they could change the General Plan policy regarding solar and stated that the applicant would have to appeal to the City Council if they wanted that new condition changed as it is part of the new City policy.

It was moved by Commissioner Elgin, seconded by Commissioner Ormonde, to approve Resolution #2010-02 which would approve the requested one (1) year extension to December 18, 2010 for Site Plan Review 2006-20 and reiterates all conditions with amendments and additions.

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

Environmental Review #2009-20 for slow-fill and fast-fill Compressed Natural Gas Fueling to be added to the existing School District Maintenance facility at 877 Iona Avenue

Planning Director Smyth gave the staff report for a proposed joint project between the City of Lemoore and Lemoore area schools to construct a slow-fill and possibly a fast-fill compressed natural gas fueling facility at the existing school bus maintenance yard on Iona Avenue. The slow-fill would involve a compressor running in the evening hours, when electricity costs are low, and fill up City and school vehicles overnight and be funded from NOX offset fees of over \$400,000 from the Leprino Foods expansion project. The fast fill component would only be constructed if grants funds were awarded and it would be located adjacent to Iona Avenue and be made available to the City, schools, as well as the general public. Lauren Apone of the Public Works Department is the lead city staffer on the project and was available for questions.

The environmental report showed mitigation measures for dust control, noise, and blast radius so the impacts would not exceeds thresholds at the edge of the property. Because the project is still under review by the State Clearinghouse until February 23, 2010, staff has asked that the project be continued to a Special Meeting of the Planning Commission on February 23, 2010.

Clement stated that he couldn't see the school district wanting the public coming in and out of there. Smyth explained on the drawing where the tank would be located and that all you would see is the gas pump and the fencing would be modified to still provide separation from the bus yard maintenance areas. The fastfill would be accessible from Iona and all you would see is like a gas pump for the fast fill.

Meade stated that this is a two part process as he understands. He stated that one is the slow fill which is for the school district and City use only and the fast fill is for public use like a card lock system and that would be adjacent to Iona. He asked why ability wise the tanks are close to street as the blast radius may be better towards the back of the property and would there any issues there. Smyth stated that we may ask Lorán.

Mr. Mendiola asked if noise was a possible issue for the neighbor why were the tanks and compressors proposed to be located so close to Iona Avenue versus the southside of the project. Smyth stated that she believed it might be the cost. Meade stated that its for security.

Marvin asked if the gas is coming in by truck. Smyth stated its natural gas and it would be piped in.

Ms. Apone stated that in order for fast-fill to work the tanks and dispensers had to be close together so that compression was not lost and that is why the tanks are located close to the front of the site. Apone stated that in regards to the question regarding retrofitting the vehicles, none of the existing vehicles will be retrofitted and within 5 years it is anticipated that all of the vehicles would be CNG. She stated that there is about \$30,000 more costs to have CNG versus diesel vehicle. Clement asked how many refuse trucks do we have. Apone stated 6 frontline trucks and several backups. The base cost for new refuse trucks is around \$250,000 which can purchased using air quality grant funds if CNG is the fuel source.

It was moved by Commissioner Clement, seconded by Commissioner Ormonde, to continue this item to the special February 23, 2010 meeting before approval of Resolution #2010-03.

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

Planning Director's Report:

Smyth stated that over the Christmas break we sent you updates the Activity Update from November December including projects that were approved in-house. She noted that the January 2010 update is enclosed and reviewed the items listed. She gave a brief history on the Cross Valley Rail Corridor JPA board meeting to support high speed rail station that connects to the Cross Valley Rail near Highway 43 east of Hanford. She also mentioned that request for proposals were sent out to update the Zoning and Subdivision ordinances in conformity with the 2030 General Plan. Smyth reviewed the time table for the update.

Commission's Report and Request for Information:

Commissioner asked about what was going on with Opal Drive. Smyth stated that the City Council is considering a possible temporary street closure of Opal Drive behind Cinnamon Elementary School.

Adjournment: The meeting adjourned at 8:45 p.m.