

**Minutes of the Regular Meeting of the  
Lemoore Planning Commission  
August 23, 2010**

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

**Attendance:** Garcia, Norgaard, Clement, Marvin, Elgin, Kendall, & Planning Director Smyth

**Absent:** Commissioner Meade

**Public Comments and Inquiries:** There was none

**Approval of Minutes:**

It was moved by Commissioner Garcia, seconded by Commissioner Norgaard to approve the minutes of July 26, 2010 as submitted.

**AYES:** Garcia, Norgaard, Clement, Marvin, Elgin

**NOES:** None

**ABSTAIN:** Kendall

**ABSENT:** Meade

**General Plan Conformity Determination for abandonment of 10' PUE along a portion of Bush Street west of 19<sup>th</sup> Avenue**

Smyth stated that City Council passed a Resolution of Intent to abandon the existing 10' public utility easement (PUE) related to the DeVita project approved a couple of months back on Bush Street just to the east of Acacia and west of 19<sup>th</sup> Avenue. As part of the project and in order to accommodate the full build out of Bush Street per the General Plan, it has been determined that 8' of additional ROW needed to be dedicated along the project's Bush Street frontage and a new 10' public utility easement located behind the new ROW. This means that the old PUE easement area needs to be abandoned concurrently with the recording of the new PUE and street dedications.

Smyth stated that in reviewing the General Plan policies, only landscape, avigation, noise, odor, and conservation easements are discussed, and therefore the abandonment of a PUE does not conflict with General Plan policy and is in conformity with the General Plan. She recommended Commission pass Resolution #2010-11 and forward a copy to the City Council prior to their September 21, 2010 public hearing.

Commissioner Marvin asked if they are waiting for this to get done before they start. Smyth stated that they are ready to pull permits, possibly sometime next week and recording this does not slow down there project. She stated that the only thing that could have held them up was the boundary line adjustment but that has been already recorded.

It was moved by Commissioner Marvin, seconded by Commissioner Clement, to approve Resolution #2010-11 and forward a copy to City Council.

**AYES:** Marvin, Clement, Norgaard, Garcia, Elgin, Kendall

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Meade

### **Workshop III: Comprehensive Zoning Update – Draft Downtown Regulations**

Commissioner Garcia excused himself from voting as a member of the Commission as his business is within 500 feet of the item being discussed and participated as a member of the general public.

Christopher Jordan from PMC, zoning consultant for the project, stated that we are here tonight to talk about the downtown. As you recall we got together at the end of June and had a discussion and we're following up on the General Plan direction on where the downtown ought to go and what should be included as we prepare zoning regulations for it and how all that works. He stated that in the agenda packet are draft regulations for downtown. We are going to walk through what those are, how they work, what is in them and not in them, and give the Planning Commission and the public at large an opportunity to comment on those and make sure we are going the right direction. He stated that as part of the conversation we are going to talk a little bit about the downtown zoning map. You got some information in your staff report for this evening and staff has a recommendation on how all of that ought to work in conjunction with the text and hopefully get some direction out of that.

Jordan stated that the previous general plan direction talks about policy levels of the framework for the downtown, having pedestrian oriented area, so folks can get out of their cars and walk down the sidewalk encompassing that existing downtown character. Providing uses that help create a 24 hour environment downtown, promoting rehabilitation of historic structures, as there are a lot of great buildings in downtown that you want to keep and utilize to their fullest extent, enhancing architectural character and following the traditional design pattern as new development occurs.

Jordan stated that at the June Planning Commission meeting they heard a lot of great ideas. We talked about the uses in the downtown, nonconforming regulations and issues regarding parking requirements. He stated that we have some follow-up questions to discuss. Identify preferred sign types, provide specific regulations like outdoor dining and outdoor sales because we want to make sure we got those regulations as per our discussion and we talked about promoting shops and restaurants that open onto alleys. Bringing alley environment for folks to bring in pedestrian environment. These are some of the ideas we tried to pull together.

Jordan stated that the regulations for the downtown are divided between two chapters of the new code. The first will be Chapter 9-3 which you don't have yet is still being worked on and will be available when we start getting into the hearing workshops early next year. He stated that there will be a workshop for property owners in the October time frame and they will roll out the draft zone maps and show off the draft allowed uses to get the property owners feed back on how we're implementing the General Plan and to see if we are going down the right direction. He stated that they want to hear from the property owners.

Jordan stated that Chapter 9-6 are the regulations for downtown, they are in the format of form base code. There are six or seven key items that set the tone and character of the physical form of the development. He stated that the design concept and intent describes how the design concepts for each of the three DMX zone districts are going to look and feel. It sets the tone and character of the physical form of the development. He stated that Commission will get more information on that in Chapter 9-3 later. Base development standards establish the basic development standards for building in the downtown which includes setbacks, building placement, height, parking, encroachment, and signs. Then you have the Architectural Design Standards which extend from where the existing design standards leave off. New concepts include Building and frontage types, Street and Pedestrian Ways, and Special Design and Operational Standards includes the outdoor seating and outdoor sales and storage issues.

*Base Development Standards:* Jordan stated that we are used to zoning codes, which provide some real basic parameters that the building has to be so far back from each of the property lines and certain height regulations. He stated that downtown development standards do it a bit different because they are form base code. What that means is that you use both the setback concept with minimum distances from property line and we also use a new concept called build-to line and this is basically a maximum distance from the property line. He stated that in a lot of cases particularly in the downtown core, that is “D” Street, we say that a front or street sides along the property lines have a build-to-line which is zero feet. That means that the building has to be right at the back of the sidewalk right at the property line. All the existing developments and historical development use the same character so we use a build-to line rather than a setback requirement to describe that.

*Recessed Entries:* A number of buildings in downtown have this concept where yes the building is right to the back of sidewalk but maybe the entrance is pushed back into the building a little bit and creates a shade area, creates an area of interest for pedestrians walking down the street and creates a what’s around the corner feeling. It’s also good for plaza areas, while new development occurs and maybe some regeneration of existing buildings to create plaza space for cafes, dining areas, outdoor sales venues. While they have this build-to line requirement, the buildings have to be zero feet from the front property line or the side property line. We allow for some of those as exceptions under certain requirements.

*Building Height Regulations:* This is more than just how tall the building is, we also talk about how tall individual floors are. You have a range of floor heights in the downtown and it is an important characteristic on how the downtown operates. You don’t have, with the exception of one or two building like the Wells Fargo building, vaulted ceiling, really high ceilings on the first floor spaces, we have more modest spaces. The proposed code tries to continue that theme. That is important in the architecture of the buildings because there are features like an expression line that really help to define where that first floor plate is.

*Sidewalk Encroachment :* Buildings have a relationship with the street, you have a number of buildings in town that have roof areas or projections out over the sidewalk, they encompass the sidewalk, they create shade space beyond the street trees and you have an awning on the building. We need to allow for ways continue to allow without compromising the public right of way and without creating a safety hazard. Rather than saying, okay there is a way to do it and you have to get an encroachment permit and now it’s up to staff’s discretion through public works or engineering review as to what that looks like, the code sets up standards that says that these projections over the sidewalks when there is an awning there is a minimum or a maximum standard and when there is an actual structural projection like an arcade or gallery you actually fully encompass the sidewalk. So at least 8 feet projection over the sidewalk so a pedestrian can not get around it rather they put down this path and they can stay close to the building and have that relationship as their walking down the street.

*ADA Regulations.* You have to recognize that there are minimum standards that people need in order to walk down the street safely and comfortably, which under the Americans with Disabilities Act is 44” but we like to reference 48” or 4’. So the code says there is a clear path of travel or clear space that always has to be provided in front of buildings a four foot minimum. He stated that it can jog and they do have graphics to illustrate how that works so you always have that 4’ requirement.

*Signs:* Signs in the downtown shall comply with the development standards identified. He stated there is a table that lays out what types of signs are preferred or encouraged, and not allowed. He stated that we don’t have graphics or definitions for these which will be in Chapter 9-6 but this is going to appear in the global glossary chapter that will come back later. You will see those before you take any action on the document later on. While these standards are

specific to the downtown, the city's general policies, standards, permit requirements and development, maintenance, and removal standards, which are described and shall also apply. We do have provisions on size limitations, locational requirements and certain design parameters for signs that are detailed out and these are going to work in tandem with your global sign provisions that are going to occur elsewhere in your document and applied city wide.

**Architectural Design Standards:** These standards will incorporate and supersede the downtown Lemoore architectural design guidelines adopted in 1996 and pick up where they left off, supplementing the guidelines with additional information and direction for property owners, merchants, and their designers regarding architectural design parameters within the downtown. We took the information from the last meeting and beefed it up so landmark buildings are something that creates a larger scale or feeling at the corners primarily in the DMX-1 areas. He stated that there are still some sections that have not been fully addressed and they will be beef up further.

Buildings within the downtown shall include architectural detailing consistent with the design character of the DMX district within which it is located. Some features include but are not limited to detailed cornice such as relief banding, tile banding and accents tiles; trim around windows; windows ; expression lines between the first and second floors of multi-story buildings; transom windows on the first floor; recessed entries; and wainscot base treatments. Jordan gave examples of some of the features as in architectural lighting, street lighting, etc.

**Building Types and Frontages:** This is a totally new concept for Lemoore in the zoning code and it deals with style of building and the relationship to the street. It identifies the types of buildings what type of images it portrays and frontages allowed within downtown. The downtown frontage types are intended to enhance social interactions in the historic downtown while providing appropriate levels of privacy in residential areas. There are certain features for these buildings like the awnings or the windows that all detail how the building functions. All new development within the downtown shall be consistent with one or more of the building and frontage types allowed within the applicable DMX district to provide more certainty to the development community. Jordan gave some examples of types of buildings as in the arcade, gallery, etc. He stated that there are minimum heights and depths that occur for the types of buildings. Column has a minimum width requirement.

**Street and Pedestrian ways :** Identifies the development standards for the public areas of the downtown; more specifically the streets, alleys and other pedestrian ways. The intent is to identify how the public rights of way shall be developed and maintained in order to promote an active pedestrian environment that also provides for safe vehicle operations in appropriate locations. The streets and other pedestrian ways in downtown Lemoore include retail streets, minor street, alley, paseo that are found in the downtown. Jordan gave examples of each type of street.

**Special Design and Operational Standards:** This section addresses concerns for specific operations and activities that occur in the downtown and provide standards and guidelines for the successful integration of these operations and activities into the overall character of the area. Includes outdoor dining that is allowed along sidewalks and requires encroachment agreement when permanent structures are put into place. An encroachment agreement lasts longer with an indefinite time period and requires liable waivers between the city and property owner. Outdoor dining standards apply to all outdoor seating for food uses, including both fixed and movable seats. These standards intend to be consistent with the requirements of State Alcohol Beverage Control Agency.

Jordan gave examples of each of the Standards which include outdoors sales split between temporary and permanent, location and maximum area regulations, temporary sales, product display and length regulations, permanent sales screening and maintenance regulations, fence/wall types. This also includes trash collection, fully enclosed and screened, enclosed compatible with building architecture, utilities integrated into structure, placed underground, or otherwise integrated into development.

*Questions for Chris Jordan on the development standards downtown regulations.*

Jeff Garcia stated that he is a property owner trying to get a project through and currently working with the architectural review committee. He stated that he thinks the requirement in the Downtown Plan is unreasonable to require two story buildings at landmark building sites. He asked when was the last this time a landmark building was built in Lemoore? He stated that he is not seeing anyone building a landmark building with residential upstairs in the foreseeable future. He stated that it should be encouraged but not required.

Jordan stated that the section being referring to is on Page 19. He stated that they are working off the direction of the Planning Commission at their last meeting so if there are thoughts or concerns this would be the time for discussion.

David Silveria stated that he owns several downtown commercial properties some of which have upstairs spaces. He stated that in this economic climate and even before it is very hard to rent those spaces. He stated that the new construction would be at a disadvantage to the rent that he would be in competition with because he has vacancies on the upstairs. He stated that it's a cash flow issue for the prospective tenant. He stated that his point on the upstairs issue is that he does not think it should be a required it should be allowed and he would encourage it, but not require it.

Jeff Garcia stated that he doesn't think this would affect him as his project has already been approved by the architectural committee but would affect future landmark corners as it could potentially attack future construction.

Commissioner Kendall asked what is the aspect of this hardship is it the two story requirement, the external architectural design, is it the requirement that the second floor has to be living space? She stated that she would be concerned about putting in something that didn't fit in with downtown. She asked if there is some way we can come up with a compromise that would still look like it belongs in downtown but not be so burdensome.

Garcia stated that it comes down to dollars. Whether it is residential, office or retail, second floor construction is very costly and it's really a financial hardship. He stated that he thinks we should have guidelines and requirements to make buildings fit in and they should have minimum heights. He stated that a lot of single story buildings look two-story because we have the minimum height requirements.

Commissioner Marvin stated that he had problems with the landmark building section too. He noted that this section stated that it has to be in the entrance of downtown Lemoore on the corner of D and Lemoore Avenue and he can not think of any buildings that are on the four corners currently that meet that.

Jordan stated that they don't meet it today but the intent would be as those properties are renovated, are demolished due to building life span, or add new development that the codes define what you want those buildings to look like and how they should function. So if you have heartburn over it this is the time to discuss it but if you don't that's okay. If you don't want those concept that's okay because this is your community.

In regards to Silviera's comments regarding two-story retail and restaurants on the first floor being required under the current economic conditions, Smyth stated that at this time there are only two sites on corners that we are talking about. She described the two locations. Jordan stated that we haven't drafted any corners in the DMX-1 zone. Silviera stated that of all the tenants that he has in the Advance Building, none are retail. He stated that the location where Bacome Insurance is, there are five tenants upstairs and none are retail or restaurants. He said spaces where Chicago Title was are basically professional office.

After much discussion on the first and second floor issue, Jordan stated that based upon the direction provided by the Planning Commission and at this meeting/workshop what he heard was 1) under landmark buildings the outcome was to modify the language to encourage multi-story buildings on the corners through incentives, but do not require 2) under uses the outcome was to allow some offices on the first floor of the buildings in the DMX-1 district. He gave examples that include real estate office, personal services, and business support services. General office may be okay for a period of time, but need to look at the implications 3) the parking issue outcome was to extend the general plan exemption from parking requirements to apply to all retail, restaurant and 2-story building projects in the DMX-1 zone, except residential, 4) under lighting the outcome was to modify the standards/guidelines to provide more flexibility in the future but want to continue the use of warmer yellow lights, 5) the standards for signs are good as presented and 6) under boundaries of the DMX districts, draft boundaries were prepared and presented for the DMX zones to better incorporate existing uses on the ground. After public comment and some corrections presented by staff, the Commission directed that the boundaries be as discussed and outlined on the map.

#### **Commission's Report and Request for Information:**

Smyth reviewed the activity update. She asked Commissioners to mark their calendars to potentially attend a "Finance for Planners Training" as Council approved Training on October 19<sup>th</sup> and 4 p.m. She said do not anticipate to have a Planning Commission meeting on the 2<sup>nd</sup> Monday in September.

**Adjournment:** The meeting adjourned at 9:00 p.m.