PUBLIC HEARING

SUBJECT: CONDITIONAL USE PERMIT 1-2002 - ADOPT A SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT TO ALLOW DEVELOPMENT OF AN 81-UNIT APARTMENT COMPLEX ON A 7± ACRE PARCEL LOCATED ON THE NORTH SIDE OF OLIVE AVENUE, 850± FEET WEST OF JAYE STREET (AL MARSHALL - PACIFIC NATIONAL DEVELOPMENT)

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a Conditional Use Permit to adopt a Specific Plan within the Viejo Robles Planned Development to include an 81-unit apartment complex on a 7± acre parcel on the north side of Springville Avenue, 850± feet west of Jaye Street. Conceptual plan for the Viejo Robles Planned Development identifies the area as “High Density Residential.”

The project consists of ten, two-story apartment buildings, each containing eight apartment units. There will also be a recreational/day care building with a manager’s residence. Each building will have a modest yard. The recreation building will be located adjacent to a swimming pool and additional yard areas. The developer/applicant intends to leave a substantial portion of the northerly 1/3 of the subject parcel undeveloped in a native or quasi-native state as additional unprogrammed open space. The development is contingent upon receiving tax credit financing for affordable housing and is anticipated to provide a mix of Low- and Very Low-Income housing units in accordance with the Housing Element of the General Plan.

The development is consistent with the parking, design and open space requirements of the Zoning Ordinance. Overall residential density is 11.4 units/acre, which is substantially less than the maximum of 43 units per acre permitted by the High Density Residential Designation of the General Plan.
RECOMMENDATION: That the City Council:

1) Adopt the Draft Resolution approving the Negative Declaration prepared for the project;

2) Adopt the Draft Resolution approving Conditional Use Permit 1-2002 to adopt a Specific Plan within the Viejo Robles Planned Development to allow development of an 81-unit apartment complex on a 7± acre parcel on the north side of Springville Avenue, 850± feet west of Jaye Street, subject to conditions of approval.

ATTACHMENTS:

1. Complete Staff Report
PUBLIC HEARING

STAFF REPORT

TITLE: CONDITIONAL USE PERMIT 1-2002 - ADOPT A SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT TO ALLOW DEVELOPMENT OF AN 81-UNIT APARTMENT COMPLEX ON A 7± ACRE PARCEL LOCATED ON THE NORTH SIDE OF OLIVE AVENUE, 850± FEET WEST OF JAYE STREET

APPLICANT: Al Marshall
Community Housing Partners
930 West 16th St., Suite E-2
Costa Mesa, CA 92627

AGENT: Steve Xotol
KTGY Group, Inc.
17992 Mitchell South
Irvine, CA 92614

LOCATION: North Side of Springville Avenue, 850± feet west of Jaye Street.

SPECIFIC REQUEST: The applicant is requesting approval of a Conditional Use Permit to amend the Specific Plan for the Viejo Robles Planned Development to include an 81-unit apartment complex on a 7± acre parcel on the north side of Springville Avenue, 850± feet west of Jaye Street.

PROJECT DETAILS: The project consists of ten, two-story apartment buildings, each containing eight apartment units. There will also be a recreational/day care building with a manager’s residence. Each building will have a modest yard. The recreation building will be located adjacent to a swimming pool and additional yard areas. The developer/applicant intends to leave a substantial portion of the northerly 1/3 of the subject parcel undeveloped in a native or quasi-native state as additional unprogrammed open space. The development is contingent upon receiving tax credit financing for affordable housing and is anticipated to provide a mix of Low- and Very Low-Income housing units in accordance with the Housing Element of the General Plan.

The development is consistent with the parking, design and open space requirements of the Zoning Ordinance. Overall residential density is 11.4 units/acre, which is substantially less than the maximum of 43 units per acre permitted by the High Density Residential Designation of the General Plan.

Staff and the developer are continuing to discuss potential treatments of the Open Space area north of the developed portion of the subject site within the context of the Developer’s intent to leave the
site in a primarily native state. Options include a walking trail, picnic areas, native landscaping, etc. Staff recommends Conditions of Approval to require certain minimum standards and amenities while permitting these discussions to continue.

GENERAL PLAN LAND USE DESIGNATION AND ZONING:

The site is designated for High Density Residential uses and is zoned PD (Planned Development). A specific development plan under the PD Zone has not yet been adopted for this site.

SURROUNDING AREA ZONING AND LAND USE:


SOUTH: PD (Planned Development) Commercial portion of the Viejo Robles Planned Development; Vacant land.

EAST: PD (Planned Development) High Density Residential portion of the Viejo Robles Planned Development; Apartments.

WEST: PD (Planned Development) Medium Density and Low Density Residential Portions of the Viejo Robles Planned Development; Developed single family residential subdivision.

ENVIRONMENTAL: The Environmental Review Committee on May 22, 2002, recommended to the City Council that a Negative Declaration be adopted for this project. Under the Permit Streamlining Act, (Section 65950 of the Government Code), the City has 180 days from the date the application was accepted as complete to prepare a Negative Declaration. If necessary, an additional 60 days may follow certification of the Negative Declaration in order to make a determination regarding the project.

The Environmental Documents have been distributed for review by interested agencies and members of the public. Comments were received from the following parties:

Pamela Krase
Robert Krase

Those comments and City Staff responses have been included with the environmental document.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: May 6, 2002

DATE ACCEPTED AS COMPLETE: May 22, 2002

STAFF ANALYSIS: The proposal to develop the 7± acre site with an 81-unit apartment complex (at 11.4 d.u./acre), is consistent with the General Plan’s High Density Residential land use
designation (maximum of 43 d.u./acre) and the PD (Planned Development) zoning classification for the site. The subject site is located between an apartment complex to the east and a single family residential neighborhood to the west. Thus, the proposal appears to be a logical extension of existing residential development and partially fills an undeveloped gap in the City’s urbanized area.

There is sufficient water, sewer and streets capacity in the vicinity to support the proposed development. The developer will be required to install curb, gutter, sidewalk and 18 feet of paveout along the property frontage. This will complete the last missing segment of street construction on the north side of Springville Avenue from Jaye Street to Indiana Street. The south side of Springville Avenue will be installed when the property develops. At that time, Springville Avenue will be striped for two travel lanes and a parking lane in each direction.

The proposed project would further several of the goals and policies of the Land Use Element and Housing Element of the General Plan. The California Department of Housing and Community Development and the City of Porterville have set ambitious goals for the production of multi-family and affordable housing. Those goals are expected to be set even higher when the next mandatory update to the Housing Element is prepared for adoption in 2003. This project has the potential to offer attractive, affordable housing without compromising City development standards or the density restrictions of the General Plan.

Staff has received two identical letters of opposition to the project. Those letters and Staff’s responses are included as attachments.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No Project. Denial of the proposed project would prohibit the construction of an apartment complex on the subject site as proposed. The Viejo Robles Conceptual Plan would continue to identify the site for High Density Residential Uses, however, an approved Specific Plan would be necessary for future development of the subject site.

2. Approve the Project. Approval of the request would result in the applicant being conditionally allowed to construct an 81-unit apartment complex as proposed.

RECOMMENDATION: That the City Council:

1) Adopt the Draft Resolution approving the Negative Declaration prepared for the project;

2) Adopt the Draft Resolution approving Conditional Use Permit 1-2002 to adopt a Specific Plan within the Viejo Robles Planned Development to allow development of an 81-unit apartment complex on a 7± acre parcel on the north side of Springville Avenue, 850± feet west of Jaye Street, subject to conditions of approval.
ATTACHMENTS:

1. General Plan/Zoning/Land Use Map
2. CUP Application
3. Negative Declaration
4. Initial Study
5. Comment Letters: Pamela Krase, Robert Krase
6. Staff Response to Comments
7. Draft Environmental Resolution
8. Draft Resolution of Approval (including Site Plan and Elevations as Exhibit “A”)
NEGATIVE DECLARATION

LEAD AGENCY: City of Porterville
291 North Main Street
Porterville, California  93257

PROJECT TITLE: Conditional Use Permit 1-2002

ADDRESS/LOCATION: North side of Springville Avenue, 850± feet west of Jaye Street, City of Porterville

PROJECT APPLICANT: Al Marshall, Pacific National Development, 930 West 16th St., Suite E-2, Costa Mesa, CA 92627

PROJECT DESCRIPTION: Adopt a Specific Plan within the Viejo Robles Planned Development to allow development of an 81-unit apartment complex.

CONTACT PERSON: Bradley D. Dunlap, AICP
(559) 782-7460

Per Resolution No. 6956, the Environmental Review Committee of the City of Porterville has reviewed the proposed project described herein and has found that this project will have no significant impact on the environment for the following reasons:

1. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

2. The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

3. The project does not have possible environmental effects which are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

4. The environmental effects of a project will not cause substantial adverse effects on human beings, either directly or indirectly.

5. Mitigation measures X were, ___ were not made a condition of the approval of the project.

On May 22, 2002, the Environmental Review Committee determined that the above project will have no significant effect on the environment.

Copies of plans and other documents relating to the subject project may be examined by interested parties at the City Planning Division, 291 North Main Street, Porterville, California.

Dated: May 22, 2002

Approved: Bradley D. Dunlap, AICP, Environmental Review Committee
CITY OF PORTERVILLE

ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Conditional Use Permit 1-2002

2. Lead Agency Name and Address: City of Porterville
   P.O. Box 432
   Porterville, CA 93258

3. Contact Person and Phone Number: Bradley D. Dunlap (559) 782-7460

4. Project Location: North side of Springville Avenue, 850± feet west of Jaye Street.

5. Project Sponsor's Name and Address: Pacific National Development
   Al Marshall
   930 West 16th Street, Suite E-2
   Costa Mesa, CA 92627

6. General Plan Designation: High Density Residential

7. Zoning: PD (Planned Development Zone) - The Subject Site is in an area designated for High Density Residential Development in the Viejo Robles Conceptual Development Plan

8. Description of the Project: (SEE ATTACHED MAP ON PAGE 4a)

   Conditional Use Permit 1-2002, consists of the adoption of a Specific Development Plan within the Viejo Robles Planned Development for the construction of an 81 unit apartment complex on a 7± acre parcel located on the north side of Springville Avenue, 850± feet west of Jaye Street. The proposal includes a total of ten, two-story, eight-unit buildings, a recreation building (with a managers residential unit), and a swimming pool. An open space area will be landscaped to provide both programmed and unprogrammed activity in a quasi-native environment.

   The site is vacant and has not been recently utilized for any type of agricultural uses. The site is frequently plowed to reduce the danger of fire in the dry season. This historical practice has eliminated and destroyed indigenous vegetation which might otherwise provide protective cover for wildlife. There are no known cultural, historical, archeological, or scenic aspects peculiar to the area of the project site.

9. Surrounding Land Uses and Setting:

   South: PD (Planned Development) Commercial portion of the Viejo Robles Planned Development; Vacant land.
East: PD (Planned Development) High Density Residential portion of the Viejo Robles Planned Development; Apartments.

West: PD (Planned Development) Medium Density and Low Density Residential Portions of the Viejo Robles Planned Development; Developed single family residential subdivision.

The subject site is located immediately south of the Designated Floodway of the Tule River and is located in Flood Zone B (the 500 year flood).

The floodway north of the subject site was identified as a Riparian Woodland and a Wildlife Dispersal Corridor in the 1988 Biotic Survey of the Porterville Urban Area Boundary (Hansen 1988). No portion of the project will encroach into the floodway. Indeed, the portion of the site closest to the floodway is a substantial open space area which will help to buffer the riparian ecosystem from the proposed development.

10. Related Projects:

The City of Porterville has recently awarded a contract for construction the Tule River Parkway along the Tule River, north of the subject site from Indiana to Jaye Street which will also serve to separate/buffer the riparian area from the project. Future phases will extend the Tule River Parkway from Jaye Street to Main Street and from Main Street to Plano Street.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

Tax Credit Allocation Committee
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project.

<table>
<thead>
<tr>
<th>Land use and Planning</th>
<th>Biological Resources</th>
<th>X</th>
<th>Aesthetics</th>
</tr>
</thead>
<tbody>
<tr>
<td>X Population and Housing</td>
<td>Energy and Mineral Resources</td>
<td>X</td>
<td>Cultural Resources</td>
</tr>
<tr>
<td>X Geological Problems</td>
<td>Hazards</td>
<td>X</td>
<td>Recreation</td>
</tr>
<tr>
<td>X Water</td>
<td>X</td>
<td>Noise</td>
<td></td>
</tr>
<tr>
<td>X Air Quality</td>
<td>X</td>
<td>Public Services</td>
<td></td>
</tr>
<tr>
<td>X Transportation and Circulation</td>
<td>X</td>
<td>Utilities and Service Systems</td>
<td></td>
</tr>
</tbody>
</table>

DETERMINATION: (To be completed by the Lead Agency).

On the basis of this initial evaluation:

| I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. | |
| I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared. | X |
| I find that the proposed project MAY have a significant effect(s) on the environment, but the effect(s) (1) has/have been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. If the effect is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated" and will not be mitigated. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. | |
| I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (1) have been analyzed in an earlier EIR or Negative Declaration pursuant to applicable standards and (2) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project. | |
| I find the proposed project could have a significant effect on the environment. Action to be determined by the Environmental Review Committee. | |

________________________________________  5/22/2002
Signature                                      Date

Bradley D. Dunlap                             City of Porterville
Printed Name                                  For
EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited for each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries that will not be mitigated by incorporation of mitigation in the project when the determination is made, an EIR is required.

4) "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).

5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). Earlier analyses are discussed in Section 17 at the end of the checklist.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
## Issues and Supporting Information Sources

<table>
<thead>
<tr>
<th>Source</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

### 1. LAND USE AND PLANNING. Would the proposal:

- **a)** Conflict with general plan designation or zoning?
  - Sources: 1, 12
  - No Impact

- **b)** Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?
  - Sources: 1, 4, 5, 15
  - No Impact

- **c)** Be incompatible with existing land use in the vicinity?
  - Sources: 1, 12, 25, 30
  - No Impact

- **d)** Affect agricultural resources or operations (e.g. impact to soils or farmlands, or impacts from incompatible land uses)?
  - Sources: 1, 5, 30
  - No Impact

- **e)** Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?
  - Sources: 1, 2, 3
  - No Impact

### 2. POPULATION AND HOUSING. Would the proposal:

- **a)** Cumulatively exceed official regional or local population projections?
  - Sources: 1, 3
  - No Impact

- **b)** Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or major infrastructure)?
  - No Impact

- **c)** Displace existing housing, especially affordable housing?
  - Sources: 1, 3
  - No Impact

### 3. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

- **a)** Fault rupture?
  - Sources: 7
  - No Impact

- **b)** Seismic ground shaking?
  - Sources: 7
  - No Impact

- **c)** Seismic ground failure, including liquefaction?
  - Sources: 7
  - No Impact

- **d)** Seiche, tsunami, or volcanic hazard?
  - Sources: 7
  - No Impact

- **e)** Landslides or mudflows?
  - Sources: 7
  - No Impact

- **f)** Erosion, changes in topography or unstable soil conditions from excavation, grading or fill?
  - Sources: 7
  - No Impact

- **g)** Subsidence of the land?
  - Sources: 4, 7
  - No Impact

- **h)** Expansive soils?
  - Sources: 4, 29
  - No Impact

- **i)** Unique geologic or physical features?
  - Sources: 4, 7, 29
  - No Impact

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### Issues and Supporting Information Sources

<table>
<thead>
<tr>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
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<th>No Impact</th>
</tr>
</thead>
</table>

#### 4. WATER. Would the proposal result in:

<table>
<thead>
<tr>
<th>a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?</th>
<th></th>
<th></th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Exposure of people or property to water related hazards such as flooding?</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)? X</td>
<td>1, 30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Changes in the amount of surface water in any water body? X</td>
<td>1,4,30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Changes in currents, or the course or direction of water movements? X</td>
<td>4,7, 26</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>g) Altered direction or rate of flow of groundwater? X</td>
<td>1,4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Impacts to groundwater quality? X</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>i) Substantial reduction in the amount of groundwater otherwise available for public water supplies? X</td>
<td></td>
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</tbody>
</table>

#### 5. AIR QUALITY. Would the proposal:

| a) Violate any air quality standard or contribute to an existing or projected air quality violation? X | | | |
| b) Expose sensitive receptors to pollutants X | 1,30 | | |
| c) Alter air movement, moisture, or temperature, or cause any change in climate? X | 23, 24 | | |
| d) Create objectionable odors? X | 12 | | |

#### 6. TRANSPORTATION/CIRCULATION. Would the proposal result in:

| a) Increased vehicle trips or traffic congestion? X | | | |
| b) Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment))? X | 1, 2, 30 | | |
| c) Inadequate emergency access or access to nearby uses? X | 1, 2, 11 | | |
| d) Insufficient parking capacity on-site or off-site? X | | | |
### Issues and Supporting Information Sources

<table>
<thead>
<tr>
<th>Sources</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

e) Hazards or barriers for pedestrians or bicyclists? | | | | X |

f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)? | 1, 2, 31 | | X |
g) Rail, waterborne or air traffic impacts? | 1, 2, 9, 31 | | X |

7. BIOLOGICAL RESOURCES. Would the proposal result in an impact on:

<table>
<thead>
<tr>
<th>a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals or birds)?</th>
<th>4, 5, 15, 30</th>
<th></th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Locally designated species (e.g. heritage trees)?</td>
<td>4, 5, 15, 30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)?</td>
<td>4, 5, 15, 30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Wetland habitat (e.g. marsh, riparian and vernal pool)?</td>
<td>4, 5, 15, 30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Wildlife dispersal or migration corridors?</td>
<td>4, 5, 15, 30</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. ENERGY AND MINERAL RESOURCES. Would the proposal:

<table>
<thead>
<tr>
<th>a) Conflict with adopted energy conservation plans?</th>
<th>4</th>
<th></th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Use non-renewable resources in a wasteful and inefficient manner?</td>
<td>4</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?</td>
<td>4</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

9. HAZARDS. Would the proposal involve:

<table>
<thead>
<tr>
<th>a) A risk of accidental explosion or release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation)?</th>
<th>1, 7, 12</th>
<th></th>
<th>X</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Possible interference with an emergency response plan or emergency evacuation plan?</td>
<td>1, 2, 7, 32</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) The creation of any health hazard or potential health hazard?</td>
<td>7, 12</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Exposure of people to existing sources of potential health hazards?</td>
<td>7, 12</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Issues and Supporting Information Sources</td>
<td>Sources</td>
<td>Potentially Significant Issues</td>
<td>Potentially Significant Unless Mitigation Incorporated</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>---------</td>
<td>--------------------------------</td>
<td>----------------------------------------------------</td>
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<tr>
<td>e) Increased fire hazard in areas with flammable brush, grass or trees?</td>
<td>7</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. NOISE. Would the proposal result in:

| a) Increase in existing noise levels? |                                | X                          |                                                   |                             |           |
| b) Exposure of people to severe noise levels? | 6       |                                |                                                   |                             | X         |

11. PUBLIC SERVICES. Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:

| a) Fire protection? |                                | X                          |                                                   |                             |           |
| b) Police protection? |                                | X                          |                                                   |                             |           |
| c) Schools? |                                | X                          |                                                   |                             |           |
| d) Maintenance of public facilities, including roads? |                                | X                          |                                                   |                             |           |
| e) Other governmental services? |                                | X                          |                                                   |                             |           |

12. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

| a) Power or natural gas? |                                | X                          |                                                   |                             |           |
| b) Communications systems? |                                | X                          |                                                   |                             |           |
| c) Local or regional water treatment or distribution facilities? | 21, 28 |                                |                                                   |                             | X         |
| d) Sewer or septic tanks? |                                | X                          |                                                   |                             |           |
| e) Storm water drainage? |                                | X                          |                                                   |                             |           |
| f) Solid waste disposal? |                                | X                          |                                                   |                             |           |
| g) Local or regional water supplies? | 1, 4, 21 |                                |                                                   |                             | X         |

13. AESTHETICS. Would the proposal:

| a) Affect a scenic vista or scenic highway? | 1, 2, 5 |                                |                                                   |                             | X         |
| b) Have a demonstrable negative aesthetic effect? | 1, 5 |                                |                                                   |                             | X         |
| c) Create light or glare? |                                | X                          |                                                   |                             |           |

14. CULTURAL RESOURCES. Would the proposal:

<p>| a) Disturb paleontological resources? | 4, 30 |                                |                                                   |                             | X         |
| b) Disturb archaeological resources? |                                | X                          |                                                   |                             |           |
| c) Affect historical resources? | 4, 30 |                                |                                                   |                             | X         |</p>
<table>
<thead>
<tr>
<th>Issues and Supporting Information Sources</th>
<th>Sources</th>
<th>Potentially Significant Issues</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>d) Have the potential to cause a physical change which would affect unique ethnic cultural values?</td>
<td>4, 30</td>
<td></td>
<td></td>
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<td>X</td>
</tr>
<tr>
<td>e) Restrict existing religious or sacred uses within the potential impact area?</td>
<td>4, 30</td>
<td></td>
<td></td>
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<td>X</td>
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<td>15. RECREATION. Would the proposal:</td>
<td></td>
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<tr>
<td>a) Increase the demand for neighborhood or regional parks or other recreational facilities?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Affect existing recreational opportunities?</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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<tr>
<td>16. MANDATORY FINDINGS OF SIGNIFICANCE.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</td>
<td>1-31</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?</td>
<td>1-31</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>c) Does the project have impacts that are individually limited, but cumulatively considerable? (&quot;Cumulatively considerable&quot; means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)</td>
<td>1-31</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</td>
<td>1-31</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
17. EARLIER ANALYSES (See Attached).

Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (c) (3) (D). In this case a discussion should identify the following items:

a) Earlier analysis used. Identify earlier analyses and state where they are available for review.

b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.

Authority: Public Resources Code Sections 21083 and 21087.

18. SOURCE REFERENCES

1  Land Use Element of the Porterville General Plan (1998)
2  Circulation Element of the Porterville General Plan (1999)
3  Housing Element of the Porterville General Plan (1992)
4  Conservation Element of the Porterville General Plan (1998)
5  Open Space Element of the Porterville General Plan (1998)
6  Noise Element of the Porterville General Plan (1988)
7  Safety Element of the Tulare County General Plan (1998)
8  Parks and Recreation Element of the Porterville General Plan (1994)
9  Airport Master Plan (1990)
10  Porterville Strategic Plan (1992)
11  City of Porterville Subdivision Ordinance (1988)
12  City of Porterville Zoning Ordinance (2001)
13  City of Porterville Local Guidelines for Administering CEQA (1992)
14  Chapter 7, Article XIII of the Porterville City Code (1998)
15  Porterville Urban Area Boundary Biotic Survey (Hansen 1988)
16  Porterville Redevelopment Housing Strategic Plan (1994)
17  City of Porterville Storm Drainage Master Plan (2001)
18  Chapter 70 of the 1997 Uniform Building Code
19  Tulare County Congestion Management Program (1998)
2. POPULATION AND HOUSING

2. b

IMPACT:

The Conditional Use Permit will allow the development of an 81 unit apartment complex. This would accommodate approximately 260 people at the City average rate of 3.2 persons per household for renter occupied units. It is anticipated that subsequent population growth resulting from the proposed action, will be minimal, since the proposal is consistent with the City General Plan for the area.

MITIGATION:

Based on the historical growth pattern, it is expected that Porterville’s population will continue to grow at about 3% annually. Therefore, future development of the subject site as an apartment complex should not result in a noticeable alteration in the City’s growth rate or pattern.

3 GEOLOGIC PROBLEMS:

3. f
IMPACTS:

Development of the 7± acre site with an apartment complex and related open space will result in ground disturbances through leveling, grading, etc., and absent proper control measures, could contribute to minor soil erosion during construction. Development on previously undisturbed soil would create areas of impermeability which will contribute to increased storm water runoff.

MITIGATION:

Mitigation measures include the enforcement of site development plan or other development related conditions of approval requiring erosion control plans, and the conservation of vegetation, with soil disturbances to be limited to dry seasons. In addition, conformance with the City Storm Drain Master Plan (2001), and requirements relative to grading, the Uniform Building Code, etc., will be required.

4. WATER:

4. a, b, c, f, h, and i

IMPACT:

Development of the 7± acre site will change the absorption characteristics of the soils and generate additional runoff. Changes in drainage patterns and changes in the rates and amounts of surface runoff will occur as development evolves on the site.

Such patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these aforementioned features are constructed.

The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, storm water generated from future development of the site has been anticipated by the plan. Periodic future increases in the amount of water that will be generated into the drainage system will, therefore, occur as the site ultimately develops with a church, due to the creation of several acres of impervious surfaces. Water quality could be affected by chemicals (oil based residues) conveyed by storm water runoff from streets, paved parking areas, and other impervious surfaces.

The subject site is within FEMA Flood Zone B, the area expected to be affected by the 500 year flood. No flood protection measures are required in this Flood Zone.

Demands on the City’s water supply from the unconfined aquifer will be commensurate with other residential developments of a similar magnitude.
MITIGATION

Compliance with Federal, State and local regulations requiring that storm water runoff be monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).

The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required.

The City of Porterville Water Master Plan anticipates full residential development of the subject site and contains adequate measures to ensure the ongoing availability of water.

It is not anticipated that the ultimate development of the 7± acre apartment complex as described will significantly deplete groundwater supplies or reduce public water supply from the City’s unconfined groundwater aquifer.

All on site drainage will be collected and directed to existing storm drain facilities in Springville Avenue via an on site collection system and/or surface flows. No drainage will be directed off site toward the Tule River.

5. AIR QUALITY

5. a

IMPACT:

Increased vehicle trips resulting from future development of the subject site as proposed will have an impact on air quality. Development of the apartment complex will add approximately 534 Average Daily Trips (ADT) to the local street system.

Short term particulate pollution (dust) may occur at the site during subsequent construction activities.

MITIGATION:

Air quality mitigation will be achieved through two mitigation programs. The first program consists of federal, state and local efforts to reduce background air pollution. The second program consists of operational requirements to reduce the air quality impacts of construction activities. The third program consists of project related modifications and requirements to reduce the air quality impacts of the proposed project.

Mitigation Program No. 1 - Background Air Quality Improvement

1) Existing programs of proper vehicle smog inspections and related efforts to reduce petroleum fueled transit shall be continued.
2) As funding becomes available, facilities identified in the City of Porterville Circulation Element of the General Plan (1993) to enhance circulation of vehicles shall be completed, thereby reducing concentrations of carbon monoxide in the vicinity of congested intersections and roadways.

3) As funding is available, programs to promote carpooling and public transportation and the encouragement of non-motorized transportation modes (i.e. bicycles and walking) shall be continued.

Mitigation Program No. 2 - Mitigation of Construction Related Impacts

The following measures are required by Regulation VIII of the San Joaquin Valley Air Pollution Control District and will be adhered to in the course of construction of this project.

1) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. Watering or spraying will be required at a minimum, to be done in the late morning and again at the end of the work day, with increased frequency throughout the day whenever wind is sustained or gusting at speeds in excess of 10 mph.

2) All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

3) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

4) With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition (not applicable to this project).

5) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.

6) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent streets at least once every 24 hours when operations are occurring. Additional removal shall occur during the grading process to remove excess dirt and mud from streets. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly prohibited.)

7) Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
The following construction management measures will also be followed:

8) Traffic speeds on unpaved on-site roads shall not exceed 15 mph.

9) Excavation and grading activity shall be suspended when winds exceed 20 mph.

10) One or more of the following means of dust control shall be employed after the completion of earth grading operations:
    a) Seeding and watering of new vegetation.
    b) Hydromulching or spreading of soil binders.
    c) Maintenance of the site’s soil surface crust through repeated soakings.

6. TRANSPORTATION/CIRCULATION:

6. a, b, d, and e

IMPACT:

Development of the 7± acre site with an apartment complex is anticipated to result in 534 Average Daily Trips (ADT) (based on the ITE Manual estimate of 6.59 trips per unit for Low-Rise Apartments). The greatest impact on the street system would occur during the P.M. peak hour during which approximately 50 trips would be generated (based on 0.62 trips per unit).

Development of the apartment complex will necessitate the provision of adequate off-street parking. Hazards to motorists, bicyclist, and pedestrians will increase proportionate to the increase in traffic generated by subsequent development of the site.

MITIGATION:

Careful design of the site’s development circulation patterns and conformance to the City’s Development Standards and Circulation Element of the General Plan will provide partial mitigation. Subsequent development will be required to design and install proper and necessary traffic circulation facilities for both vehicular and pedestrian traffic. Additional mitigation measures include the development of existing and future contiguous streets to their full right-of-way widths, installation of curb, gutter and sidewalks, the provision of traffic signals, if necessary, and the installation of median islands and turn lanes.

The proposed project will be required to pay transportation impact fees at a rate determined by resolution of the City Council. These fees are directed toward a variety of transportation infrastructure projects as described in the Circulation Element of the General Plan.

10. NOISE:

10. a
IMPACT

The development of the apartment complex will result in short-term construction noise as well as increased noise, from additional traffic in the area after construction is complete.

Further, vehicular traffic is anticipated to be the predominant source of ambient noise as the project area develops. The exposure of persons to high levels of vehicular generated noise depends upon the complex relationship of traffic volume, distance from origin, roadway elevation, percentage of truck traffic and average speeds of traffic generated by the future land use of the area.

MITIGATION:

The following City General Plan policy relative to noise in the environment will be adhered to as specific future developments are proposed:

Policy 3.3.2

New development of residential or other noise-sensitive land uses will not be permitted in noise-impacted areas unless effective mitigation measures are incorporated into the specific design of such projects to reduce noise levels to 60 dB $L_{dn}$ (or CNEL) or less within outdoor activity areas and 45 dB $L_{dn}$ (or CNEL) or less within interior living spaces. Where it is not possible to reduce exterior noise levels within outdoor activity areas to 60 dB $L_{dn}$ (or CNEL) or less after the practical application of the best available noise reduction technology, an exterior noise level of up to 65 dB $L_{dn}$ (or CNEL) will be allowed. Under no circumstances will an interior noise level exceeding 45 dB $L_{dn}$ (or CNEL) be allowed with the windows and doors closed. It should be noted that in instances where the windows and doors must remain closed to achieve the required acoustical isolation, mechanical ventilation or air conditioning must be provided.

11. PUBLIC SERVICES

11. a, b, c, d, and e

IMPACT:

Fire, police, maintenance of public facilities, general governmental services, and schools, should not experience increased demand resulting from development of the 7± acre site with an apartment complex. However, it is anticipated that there will be marginal, incremental initial impacts on the above referenced services. These initial increases are within the City’s present capacity to provide such services.

MITIGATION:

The installation of fire hydrants, street lighting, surface infrastructure, etc., will assist in mitigating potential impacts accruing from future development.
Maintenance of new and improved streets resulting from future development of the area would be absorbed by the City Field Services Division.

The City of Porterville provides general government services to residents in the incorporated area of the community. The City maintains staff for General Administration, Finance, Parks and Leisure Services and Community Development.

12. UTILITIES AND SERVICE SYSTEMS

12. a, b, d, e, and f

IMPACT:

Storm water drainage facilities will be needed to serve the property. Storm water facilities shall be designed with the ultimate build-out serving capacity in mind.

The development of the site will require water, sewer, power, natural gas, telephone, and solid waste services; all of which are readily available to the site. The installation of new utility services would require approval by the City of Porterville and affected utility companies. Solid waste pick-up would be absorbed by the City of Porterville Field Services Division.

MITIGATION:

Future storm drainage and sanitary sewer services, as well as the rest of the infrastructure and utility services needs accruing from the development of the site, will be installed incrementally, or in total, as part of any subsequent development(s). Public utility services will be provided commensurate with the needs of future development.

13. AESTHETICS

13. c

IMPACT:

New sources of light and glare will result from subsequent street lighting, parking lots associated with a church and commercial uses to be installed/developed.

MITIGATION:

The installation of low profile exterior lighting will be directed away from adjacent properties, as required by the City Zoning Ordinance, and will reduce the impact of outside lighting. Minimal glare is anticipated from street lights and on-site lighting facilities accruing from the site’s eventual development. This will serve to reduce potential hazards for autos, bicyclists, and pedestrians, as well as provide a secure environment for the occupants.
Section 2618 F (Glare) of the Porterville Zoning Ordinance will be enforced as follows:

“No direct or reflected glare, whether produced by flood light, high temperature processes such as combustion or welding, or other processes, so as to be visible from any boundary line of property on which the same is produced shall be permitted. Sky reflected glare from buildings or portions thereof shall be so controlled by such reasonable means as are practical to the end that the said sky reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.”

14. **CULTURAL RESOURCES**

14. b

**IMPACT:**

No archeological or historical sites, structures, objects or buildings are known to exist on the subject site and it is unlikely that such will be discovered at the time of future development; as previously conducted surveys indicate that Native American habitation sites were located in the eastern sector of the City’s urban area along the base of the Sierra Nevada foothills.

**MITIGATION:**

Should such resources be uncovered during subsequent construction, work will be halted and the requirements of Supplementary Document “J” of the California Environmental Quality Act Guidelines shall be implemented.
RESPONSE TO COMMENTS

CONDITIONAL USE PERMIT 1-2002

81-UNIT APARTMENT COMPLEX ON THE NORTH SIDE OF SPRINGVILLE AVENUE, 850± FEET WEST OF JAYE STREET

Comments Received from:

Pamela Krase
558 S. Creekside
Porterville, CA 93257
Comments Received June 10, 2002

Response to Comments:

Letter from Pamela Krase

Issue No. 1: Environmental Impact to the Tule River and the Tule River Parkway.

The environmental resources associated with the Tule River are contained within its floodway. The entirety of the subject site is located south of the floodway of the Tule River. Indeed, the Open Space area on the northerly portion of the subject site provides an additional buffer between the development and the floodway. Therefore, no impact to the Tule River or the Tule River Parkway is anticipated.

Issue No. 2: Hazards associated with development with only one point of access.

Although it is true that Springville Avenue is the only standard access to the subject site and other residential development in the vicinity, an alternate emergency access has been provided to the area as a condition of approval of prior residential projects. There is a fire access road along the north side of State Highway 190. If Springville Avenue became impassable during an emergency, this route could be used for access and for evacuation of the neighborhood. Upon future development of the commercially designated area south of Springville Avenue, a permanent alternate access will be provided.

Issue No. 3: Traffic Congestion (and Traffic Hazards) at the intersection of Springville Avenue and Jaye Street.

The intersection at Springville Avenue and Jaye Street is two-way stop controlled from Jaye Street onto Springville Avenue. The proposed project is substantially smaller than the threshold that would typically require a formal traffic study. Even so, City Staff acknowledges that a traffic signal at this intersection would be desirable and would provide greater convenience, particularly for traffic attempting to turn north (left) from Springville Avenue onto Jaye Street. However, this issue predates the proposed project and will not be substantially impacted by the addition of project related trips. The developer/applicant will be required to pay approximately $41,700 in Traffic Impact Fees which will fund future road improvement projects in the City. City Staff and the City Council have acknowledged the installation of a traffic signal at the intersection of Springville Avenue and Jaye Street as a priority project and continue to seek funding mechanisms for such a project.

Issue No. 4: Traffic congestion along Springville Avenue related to the width of Springville Avenue and traffic turning into the proposed apartment complex.

Springville Avenue is a designated Arterial Street in the Circulation Element of the General Plan. Future improvements to Springville Avenue will include development to a full 84 foot right-of-way with two travel lanes in each direction. As a Condition of Approval of the project, the developer/applicant must dedicate sufficient land to accommodate an Arterial width street. In addition, the developer/applicant must construct curb, gutter, sidewalk and approximately 18 feet of pavement to connect to the existing paved portion of
Springville Avenue. This will match the street sections to the east and west of the subject site. When any development is proposed along the south side of Springville Avenue, that project will be required to construct similar improvements. At that time, the street will be striped to accommodate two travel lanes and a parking lane in both directions. Until that time, the extra-width portion of Springville Avenue will serve as a deceleration lane for traffic turning into the apartment complex. Furthermore, Staff is recommending a Condition of Approval to require the entry-way to the apartment complex to be designed for stacking of cars awaiting entrance and to allow turnaround space for cars which fail to gain entry to the facility.

**Issue No. 5:** Issues associated with relatively high densities of residential development in the neighborhood south of the Tule River and west of Jaye Street. Desirability of a buffer of Medium Density Residential Development between the High Density Development to the east and the low density development to the west.

The entire area between SH 65 and Jaye Street and between SH 190 and the Tule River constitutes the Viejo Robles Planned Development. Such areas typically are developed to modestly higher densities in exchange for neighborhood amenities, common open space areas, and other beneficial considerations. The amenities in this neighborhood include the existing and planned portions of the Tule River Parkway, and the existing and planned open space and playground areas at the northeast corner of SH 65 and SH 190. The Planned Development as a whole, and the proposed project in specific, are required to comply with the development densities as described in the General Plan.

The General Plan contemplates a pattern of decreasing densities along Springville Avenue from east to west as Ms. Krase suggests. The subject site and the developed apartment complex to the east are designated for High Density Residential uses (15 to 43 units/acre). An area to the west of the subject site (to Cottage Street) is designated for Medium Density Residential uses (7 to 15 units/acre) and the remaining land extending west to Indiana Street is designated for Low Density Residential Uses (2 to 7 units/acre). The developer of the Medium Density Residential property to the west of the subject site chose not to utilize the maximum allowable density, thereby limiting that areas potential to serve as a buffer between apartments and single family residences. That said, the proposed project has a residential density of 11.4 units per acre. That density complies with Medium Density Residential standards and is well below that allowed by the General Plan and authorized by the Viejo Robles Conceptual Plan.
RESOLUTION NO. _______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION FOR CONDITIONAL USE PERMIT 1-2002 TO ADOPT A SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT TO ALLOW DEVELOPMENT OF AN 81-UNIT APARTMENT COMPLEX ON A 7± ACRE PARCEL LOCATED ON THE NORTH SIDE OF SPRINGVILLE AVENUE, 850± FEET WEST OF JAYE STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 18, 2002, conducted a public meeting to consider the Conditional Use Permit 1-2002, to adopt a Specific Plan within the Viejo Robles Planned Development to allow the development of an 81-unit apartment complex on a 7± acre parcel located on the north side of Springville Avenue, 850± feet west of Jaye Street; and

WHEREAS: The potential environmental effect of the proposed Conditional Use Permit was considered at a public meeting; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. That the subject project will not create adverse environmental impacts. The approved Negative Declaration was evaluated in light of the prepared environmental initial study with studies, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

3. That the City Council is the decision-making body for the project.

4. That the Negative Declaration prepared for Conditional Use Permit 1-2002 was made available for public review and comment during the review period which ran from May 28, 2002 to June 17, 2002.

5. That review of the environmental circumstances regarding the project indicates that no adverse impacts would accrue to wildlife resources from implementation of this project.

6. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.
7. That implementation of the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s consideration of a deminimis impact pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

8. That the environmental assessment and analysis prepared for the project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

NOW THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for Conditional Use Permit 1-2002 to adopt a Specific Plan within the Viejo Robles Planned Development to allow the development of an 81-unit Apartment Complex on the north side of Springville Avenue, 850± feet west of Jaye Street.

______________________________
Gordon T. Woods, Mayor

ATTEST:

______________________________
John Longley, City Clerk
RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 1-2002 TO ADOPT A SPECIFIC PLAN WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT TO ALLOW DEVELOPMENT OF AN 81-UNIT APARTMENT COMPLEX ON A 7± ACRE PARCEL LOCATED ON THE NORTH SIDE OF SPRINGVILLE AVENUE, 850± FEET WEST OF JAYE STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 18, 2002, conducted a public hearing to consider Conditional Use Permit 1-2002 being a request to adopt a Specific Plan within the Viejo Robles Planned Development to allow the development of an 81-unit apartment complex on a 7± acre parcel located on the north side of Springville Avenue, 850± feet west of Jaye Street; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

15. That the proposed project is consistent with the General Plan;

16. That the design and operation of the proposed project will be consistent with the General Plan;

17. That the site is physically suitable for the type and density of development proposed;

4. That the design of the project and the proposed improvements are not likely to cause substantial environmental damage;

5. That a Negative Declaration was approved for this project in compliance with the California Environmental Quality Act indicating that the project will not have a significant effect on the environment;
6. That the proposed location of the project and the conditions under which the project will be developed, operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

7. That the standards of population density, site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 1-2002 subject to the following conditions:

1. That construction of any facilities or buildings on the site shall conform substantially to the applicant’s plot plans and elevations as approved, and incorporated herein by this reference as Exhibit “A” except as modified herein.

2. The entry area from Springville Avenue shall be designed to permit off-street stacking at the access gate and a turn-around to permit cars to exit if they cannot gain entrance through the gate.

3. Off-site fire hydrants are required on Springville Avenue at a maximum spacing of 500 feet.

4. Approved key boxes (“Knox boxes”) shall be provided at all gates for emergency vehicle access. Access for refuse trucks shall be provided to the satisfaction of the Field Services Department.

5. On-site fire hydrants shall be installed to the satisfaction of the Fire Department.

6. A master water meter with a backflow prevention device will be required on the domestic water line. A separate fire flow water line will be required with a detector check per City standards. A separate landscape meter is strongly recommended.

7. The following will be required at the time of building permit submittal:

   a. Two complete sets of plans, including a grading and drainage plan for the parking lot, signed by an architect or engineer.
   b. Energy and structural calculations.
   c. Two sets of landscape plans with a $25 plan check fee per Ordinance 1483.
   d. The proposed construction shall comply with the latest adopted building codes. The proposal will be evaluated as an R-1.
   e. The developer/applicant shall demonstrate that the facility is in compliance with all federal and state access laws.
f. A compaction test will be required for all building pad sites.
g. Plan check fees shall be paid at the time of permit plan submittal. School development fees and City fees shall be paid at the time of permit issuance.
h. All proposed signage will require a separate permit.


9. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

10. The developer/applicant shall comply with appendix Chapter 33 (Excavation and Grading) of the Uniform Building Code, and provide a soils engineering report and a grading and drainage plan signed by a civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

11. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council and property necessary for disabled ramp(s) (Ord. 1306).

12. The developer/applicant shall construct street paving, curb, gutter, sidewalk, wheelchair ramp(s), water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer. Note: The developer/applicant should expect to be required to construct curb, gutter, sidewalk and approximately 18 feet of paving to connect to the existing developed portion of Springville Avenue.

13. The developer/applicant shall relocate existing utility structures (e.g., poles, splice boxes, vaults, etc.) to a position that provides four feet (4') of clear space between the face of curb and the structure, unless they are below grade (Ord. 1306, Title 24 OSA).

14. The developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.
15. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

16. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

17. The developer/applicant shall provide off-site improvements, easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the improvements or an adjacent development (e.g. water, sewer, drainage, etc.).

18. The developer/applicant shall design and improve the parking area/lot in conformance with Section 2206 of the Zoning Ordinance.

19. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, including the provision of an elevation certificate, if any building construction is proposed in Zone A9, and shall comply with the requirements of the State Reclamation Board, where applicable.

20. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of the fire hydrants.

21. The developer/applicant shall install all required refuse container enclosures according to City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container locations require refuse trucks to travel on the parking lot.

22. The developer/applicant shall process abandonment of the 20-foot wide dedication for street purposes along the westerly side of the property.

23. Prior to the issuance of Occupancy Permits, the terminus of Parkway Avenue shall be altered to the satisfaction of the City Engineer as follows:

   a. A City Standard turnaround may be constructed on the northerly portion of the subject site; or

   b. The portion of Parkway Avenue east of Oakview Street may be abandoned; or

   c. Other appropriate means to properly terminate Parkway Avenue may be undertaken with the approval of the City Engineer.
24. The Open Space area to the north of the developed portion of the site shall be developed to the following standards unless otherwise approved by the Community Development Director:

a. There shall be access to the area from the developed portion of the site.

b. The area shall be graded as necessary to remove trip and fall hazards such as steep drop-offs, holes, etc. and so that drainage of the area does not flow into the Tule River.

c. The site shall contain at least a minimum of useful amenities such as a walking trail, picnic tables, landscaped areas or similar features that shall be installed/constructed prior to the issuance of Certificates of Occupancy.

25. Unless an extension of time is granted by the City Council, the Conditional Use Permit shall expire two (2) years after the date of approval if no building permit has been secured, or one (1) year after the date of issuance of the building permit if the occupancy permit has not been secured.

____________________________________
Gordon T. Woods, Mayor

ATTEST:

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John Longley, City Clerk