PUBLIC HEARING

TITLE: CONDITIONAL USE PERMIT 3-2005 (NEIL PATEL-HOLIDAY INN EXPRESS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 3-2005 to allow for the construction of a 38,907 square foot building to be utilized for a proposed three (3) story Holiday Inn consisting of 69 rooms for rental and miscellaneous rooms on the bottom floor. The 1.62 acre vacant site is generally located on the northeast corner of South Jaye Street and Montgomery Avenue.

The vacant site is rectangular in design with a sweeping curve extending west and northwest from Montgomery Avenue to South Jaye Street located on the south and west side of the subject site. Montgomery Avenue is a divided four (4) lane Collector Street (developed to 80 feet wide). Access to the site is from a mutual ingress and egress driveway located on the east side of South Jaye Street at the northwest corner of the subject site shared with Burger King. South Jaye Street is a designated Arterial Street (84 foot wide planned right-of-way). South Jaye Street extending south of the intersection of State Highway 190 allows for access to Montgomery Avenue to the east and extends south to a dead end at the Poplar Ditch. This portion of South Jaye Street allows access to the existing residential uses to the south of the subject site.

The main entrance to the building will have a porte-cochere which will face the parking area to the north. A covered area will also be attached to the entrance/exit at the east and west ends of the building. The top floor will consist of 27 guest rooms, the second floor will consist of 27 guest rooms and the main floor will consist of 15 guest rooms, fitness room, offices and meeting rooms. The roof will be covered with concrete roof tiles with metal dormer vents. The finish on the building will be constructed of cement plaster. The eves will have a decorative cap molding. The color of the trim will be white, tile roof gray, and the remaining portion of the building will consist of grays and greens.

Section 800 A- 20 of the Porterville Zoning Ordinance allows for hotels and apartment hotels up to two (2) stories. Third story and above is subject to obtaining approval of a Conditional Use Permit.

DD_____ APPROPRIATED/FUNDED_____ CM________________________ITEM NO. 21
ENVIRONMENTAL: On May 17, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from May 21, 2005 to June 11, 2005. At the end of the review period, the only agencies that responded were the San Joaquin Valley Air Pollution Control District (SJVAPCD) and the Department of Transportation. The SJVAPCD comments have been incorporated into the Mitigation Monitoring Program Attachment “A” of the draft environmental resolution. CalTrans comments appear to be excessive for the scale of development. They have been noted and where appropriated, added as conditions of approval.

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Conditional Use Permit 3-2005; and

(2) Adopt the draft resolution approving Conditional Use Permit 3-2005.

ATTACHMENT:

1. Complete Staff Report
PUBLIC HEARING - STAFF REPORT

TITLE: Conditional Use Permit 3-2005

APPLICANT: Neil Patel
805 S. Kaweah Avenue
Exeter, CA 93221

APPLICANT’S AGENT: Lee Gage & Associates, Inc.
7636 N. Ingram, Suite 107
Fresno, CA 93711

PROJECT LOCATION: Generally the northeast corner of South Jaye Street and Montgomery Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of Conditional Use Permit 3-2005 to allow for the construction of a 38,907 square foot building to be utilized for a proposed three (3) story Holiday Inn consisting of 69 rooms for rental and miscellaneous rooms on the bottom floor. The 1.62 acre vacant site is generally located on the northeast corner of South Jaye Street and Montgomery Avenue.

PROJECT DETAILS: The main entrance to the building will have a porte-cochere which will face the parking area to the north. A covered area will also be attached to the entrance/exist at the east and west ends of the building. The top floor will consist of 27 guest rooms, the second floor will consist of 27 guest rooms and the main floor will consist of 15 guest rooms, fitness room, offices and meeting rooms. The roof will be covered with concrete roof tiles with metal dormer vents. The finish on the building will be constructed of cement plaster. The eves will have a decorative cap molding. The color of the trim will be white, tile roof gray, and the remaining portion of the building will consist of grays and greens.

The vacant site is rectangular in design with a sweeping curve extending west and northwest from Montgomery Avenue to South Jaye Street located on the south and west side of the subject site. Montgomery Avenue is a divided four (4) lane Collector Street (developed to 80 feet wide). Access to the site is from a mutual ingress and egress located on the east side of South Jaye Street at the northeast corner of the subject site shared with Burger King. South Jaye Street is a designated Arterial Street (84 foot wide planned right-of-way). South Jaye Street extending south of the intersection of State Highway 190 allows for access to Montgomery Avenue to the east and extends south to a dead end at the Poplar Ditch. This portion of South Jaye Street allows access to the existing residential uses to the south of the subject site.
STAFF ANALYSIS:

That Section 800 A-20 of the Porterville Zoning Ordinance allows for hotels and apartment hotels up to two (2) stories. Third story and above is subject to obtaining approval of a Conditional Use Permit.

GENERAL PLAN LAND USE DESIGNATION: Heavy Commercial

EXISTING ZONING: C-3 (Heavy Commercial).

SURROUNDING AREA ZONING AND LAND USE:

North: City - Burger King and at the intersection of South Jaye Street and State Highway 190.
South: City - Montgomery Avenue, vacant land and the Wal Mart Distribution Center.
East: City - Vacant parcel and Best Western Motel.
West: City - South Jaye Street and a County developed single family residential subdivision.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. Denial of the proposed project would prohibit the use of the site as proposed to include the site remaining vacant.

2. Approval of the conditional use permit would allow for the existing vacant site to be developed as proposed.

ENVIRONMENTAL: On May 17, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project. The Initial Study and proposed Mitigation Measures have been transmitted to interested agencies, groups, and individuals for a twenty (20) day review period from May 21, 2005 to June 11, 2005. At the end of the review period, the only agencies that responded was from the San Joaquin Valley Air Pollution Control District and the Department of Transportation. Those comments have been incorporated into the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: January 5, 2005

DATE ACCEPTED AS COMPLETE: May 17, 2005

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Conditional Use Permit 3-2005; and

(2) Adopt the draft resolution approving Conditional Use Permit 3-2005.
ATTACHMENTS:

1. Site Plan, landscape plan, main floor plans and elevation plans
2. Conditional Use Permit Application
3. Letter dated June 7, 2005 from the San Joaquin Valley Air Pollution Control District
4. Letter dated June 8, 2005 from the Department of Transportation
5. Environmental Initial Study
6. Draft Environmental Resolution
7. Draft Resolution of approving Conditional Use Permit 3-2005 to include Exhibit “A”- Site plan, landscape plan, main floor plans and elevation plans
APPLICATION FOR CONDITIONAL USE PERMIT
(See Page 3 of this form for information on preparing and filing this application)

The Applicant(s) **NEIL PATEL OR AN ASSIGNEE** is/are the owner(s) or tenant(s) of property situated at **South of Burger King-Jaye St.** between **Jaye** Street/Avenue and **Montgomery** Street/Avenue. Exact legal description of said property being **(Use separate sheet if necessary)**

____________________________________________________________________________

____________________________________________________________________________

As applicable, a Plot Plan and 300' radius property owners map, and corresponding mailing list are hereto attached and made a part of this application (See detailed instructions on Page 3 of this form).

(A) Above described property is owned by **NEIL PATEL**

Date acquired **January 2004**

(B) If applicant is the lessee, give date property was leased:

____________________________________________________________________________

(C) List below the original deed restrictions, if any, that were placed on the property which pertain to the type of improvements permitted.

Give date said restrictions expire **(You may attach copy of original printed restrictions in answer to this question after property underlining those features controlling the type and class of uses permitted thereby)**

____________________________________________________________________________

(D) REQUEST: The applicant requests a Conditional Use Permit to **USE** the above described property for the following purposes:

(Use this space ONLY to state exactly what is intended to be done, on or with the property).

**3 STOREY LIMITED SERVICE HOTEL.**

**Holiday Inn Express**

ATTACHMENT
ITEM NO. 2
NOTE: The basic purpose of the Conditional Use Permit Article of The City Zoning Ordinance is to assure that the design and subsequent operation of a conditional use will be reviewed in order to carry out the purposes of the Ordinance and to protect the public health, safety and welfare, due to the unique and special characteristics of such uses.

1. State how the proposed use will not be materially detrimental to the public welfare or injurious to property or improvements in such vicinity and zone in which the use is proposed to be located.

   PARCEL IS ZONED C-3. PROPOSED HOTEL IS NOT DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO ANY ONE.

2. Principal requirements of intended use (Please answer the following statements, if applicable):

   (a) Total number of people that the building (or grounds if the use is not conducted in a building) can accommodate at one time (Seating Capacity).

   68-69 UNITS APPROXIMATELY. 1 - 2 PERSON PER UNIT.

   (b) Total number of employees that will work on the property.

   10-18. DEPENDING ON TIME OF DAY - NIGHT.

   (c) Total number of off-street parking spaces provided or planned.

   -

   (d) Maximum height of buildings or structures.

   41 - 42 FT

   If the application is not intended to be for a permanent conditional use, state the length of time for which it is requested.

   TILL CONSTRUCTION.

   C-3 ZONE ALLOWS HOTEL - MOTEL ON SITE.
We, the undersigned OWNERS of ADJACENT PROPERTY as shown upon the map attached to the application, hereby certify that we have read the foregoing petition and agree that the facts stated correctly and completely present the conditions surrounding the property involved in the application, and believe the application SHOULD BE GRANTED (Add additional sheets where necessary. These signatures are desirable but not required).

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<th>No. on Map</th>
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**APPLICANT'S DECLARATION**

STATE OF CALIFORNIA  
COUNTY OF TULARE  

I (we), **NEIL PATEL** being duly sworn, declare and say that I am (we are) the owner (lessee or agent) of property involved in this application and that I (we) have completed this application and all other documents and maps required hereby to the best of my (our) ability and that the statements and information above referred to are, in all respects, true and correct, except, as to the matters stated to be on my information and belief.

I declare under penalty of perjury that the foregoing is true and correct, executed at **EXETER, CALIFORNIA** this 24 day of **FEBRUARY 2005**

Telephone No. **559-799-0298**

Signature

**805 S. KAMEAI AVE, EXETER CA 93221**

Mailing Address

This is to certify that the foregoing application has been inspected by me and has been found to be thorough and complete in every particular and to conform to the rules and regulations of the City of Porterville governing the filing of such application.

By ________________________________

Date Received ________________________
REQUIREMENTS FOR FILING APPLICATION FOR CONDITIONAL USE PERMIT

1. Conditional Use Permit Application Form
2. 300-Foot Radius Map
3. Property Owners' List
4. Plot Plan, Drawings or Photographs
5. Filing fee $700.00  Env. Fee $500

1. The Conditional Use Application form must be filled out with full answers to every statement and question. The application must be signed by owner or authorized agent under penalty of perjury in the space provided on Page 3.

2. The 300-Foot Radius Map accompanying the application must be a clear tracing to a suitable scale and must be correctly prepared. It must show each parcel within 300 feet of the exterior boundaries of property involved with the uses of each parcel or present type of occupancy, such as single-family residence, duplex, apartment house, business building or type of industrial use, or if vacant. The various zones surrounding the subject property must also be shown. Each parcel must be consecutively numbered to correspond to owner's name on Property Owners' List (as explained below).

3. The Property Owners' List should be typewritten or legibly printed on a form to be obtained from the City (or directly on sheets of mailing labels), and must include the owner's name and mailing address. Each owner's name on this list must be numbered to correspond with the numbering placed on the aforesaid Map (Names of owners must be secured from County Assessor's Office at County Courthouse or from any title company). (One copy).

4. The Plot Plan, if applicable, must be a clear and accurate tracing of suitable size showing the parcel dimensions, its location with respect to adjacent streets, and the location of all existing and proposed buildings, structures or other improvements, with their distances from the parcel lines clearly shown. Drawings of proposed buildings on a scale large enough to illustrate the subjects under discussion are suggested as exhibits with this application. Photographs of structures are also helpful (8 copies initially with additional copies to be submitted prior to public hearing).

When above requirements are met, file Application, Plot Plan, if applicable, and Property Owners' List with the Planning Division, City Hall, Porterville, California. The application must be complete in every respect, with all questions and demands answered, before the City Planner can receive and certify the petition.

This application is not a permit. A public hearing will be held on your application.
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Tulare

On Feb 24, 2005, before me, Yvonne M. Putman, Notary Public

personally appeared Neil Patel

Name(s) of Signer(s)

☐ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

VIOLET M. PUTMAN
Commission # 1521832
Notary Public - California
Tulare County

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Application for Conditional Use Permit

Document Date: 2/24/05 Number of Pages: 5

Signer(s) Other Than Named Above: 

Capacity(ies) Claimed by Signer

☐ Individual
☐ Corporate Officer — Title(s): 
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: 

Signer Is Representing:
June 4, 2005

Bradley D. Dunlap
Community Development Director
City of Porterville
291 N. Main Street
Porterville, CA 93257

Subject: IS and MND for CUP 3-2005 (Holiday Inn hotel)

Dear Mr. Dunlap,

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley Air Basin is classified non-attainment for ozone and fine particulate matter (PM10). This project will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. This project may generate significant air emissions and it will reduce the air quality in the San Joaquin Valley. The project will make it more difficult to meet mandated emission reductions and air quality standards. A concerted effort should be made to reduce project-related emissions as outlined below:

Attachment A, Regulation VIII Control Measures for Construction Emissions of PM10, of the IS/MND contains a limited discussion of Regulation VIII requirements. In order to avoid District compliance action, it would behoove the applicant to thoroughly comprehend the full extent of Regulation VIII requirements. Also, any contractor involved in future construction in the project area should also have a thorough understanding of Regulation VIII. In many instances requirements of Regulation VIII have been paraphrased in Attachment A and do not fully convey the minimal requirements of the rules. For example, one mitigation states "Within urban areas, carryout shall be immediately removed when it extends 50 feet or more from the site and at the end of each workday" whereas Rule 8041, section 5.42 states "Within urban areas, an owner/operator shall prevent carryout and trackout, or immediately remove carryout and trackout when it extends 50 feet or more from the nearest unpaved surface exit point of the site." Sections 5.8 and 5.9 of Rule 8041 specify techniques that prevent or mitigate carryout and trackout. Another mitigation states "Any site with 150 or more vehicle trips shall prevent carryout and trackout." whereas Rule 8041, section 5.2 states "...any site with ... 20 or more vehicle trips per day by vehicles with three or more axles shall take the actions for carryout and trackout as specified in section 5.8 (of Rule 8041). Also, a glaring omission is the requirement for a Dust Control Plan. Rule 8021, section 6.3 Dust Control Plans, essential requires a non-residential project 5.0 or more acres in area to submit a Dust Control Plan as specified in Section 6.3.1 of Rule 8021. If a non-residential site is 1.0 to less than 5.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section 6.4.2). A template of the District's Dust Control Plan is available at:

Based on the information provided, the proposed project will be subject to the following District rules. The following items are rules that have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. Current District rules can be found at:
Regulation VIII (Fugitive PM10 Prohibitions) - Regulation VIII (Rules 8011-8081) is a series of rules designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction, road construction, bulk materials storage, landfill operations, etc. If a residential project is 10.0 or more acres in area, a Dust Control Plan must be submitted as specified in Section 6.3.1 of Rule 8021. If a residential site is 1.0 to less than 10.0 acres, an owner/operator must provide written notification to the District at least 48 hours prior to his/her intent to begin any earthmoving activities (see section 6.4.1). A template of the District’s Dust Control Plan is available at: http://www.valleyair.org/busind/comply/PM10/forms/DCP-Form%20-%2010-14-2004.pdf

Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

Rule 4901 (Wood Burning Fireplaces and Wood Burning Heaters) and Rule 4902 (Residential Water Heaters) limit the emissions of PM10 and NOx in residential developments. Construction plans for residential developments may be affected by section 5.3, specifically:

5.3.1 No person shall install a wood burning fireplace in a new residential development with a density greater than two (2) dwelling units per acre.

5.3.2 No person shall install more than two (2) EPA Phase II Certified wood burning heaters per acre in any new residential development with a density equal to or greater than three (3) dwelling units per acre.

5.3.3 No person shall install more than one (1) wood burning fireplace or wood burning heater per dwelling unit in any new residential development with a density equal to or less than two (2) dwelling units per acre.

More information about Rule 4901 can be found at our website- www.valleyair.org. For compliance assistance, please contact Mr. Wayne Clarke, Air Quality Compliance Manager, at 230-5968.

The District encourages innovation in measures to reduce air quality impacts. There are a number of features that could be incorporated into the design/operation of this project to provide additional reductions of the overall level of emissions. (Note: Some of the measures may already exist as City development standards. Any measure selected should be implemented to the fullest extent possible.) The suggestions listed below should not be considered all-inclusive and remain options that land-use authority should consider:

- Trees should be carefully selected and located to protect the building(s) from energy consuming environmental conditions, and to shade paved areas. Trees should be selected to shade paved areas that will shade 50% of the area within 15 years. Structural soil should be used under paved areas to improve tree growth. A brochure has been included for the applicant. For Structural Soil see http://www.hort.cornell.edu/uhl/outreach/csc/, for Tree Selection see http://www.ufei.org/, for Urban Forestry see http://www.coolcommunities.org, http://wcufre.ucdavis.edu, http://www.lgc.org/bookstore/energy/downloads/sjv_tree_guidelines.pdf
- If transit service is available to the project site, improvements should be made to encourage its use. If transit service is not currently available, but is planned for the area in the future, easements should be reserved to provide for future improvements such as bus turnouts, loading areas, route signs and shade structures.
- Sidewalks and bikeways should be installed throughout as much of the project as possible and should be connected to any nearby existing and planned open space areas, parks, schools, residential areas, commercial areas, etc., to encourage walking and bicycling.
- As many energy-conserving and emission reducing features as possible should be included in the project. Energy conservation measures include both energy conservation through design and operational energy conservation. Examples include (but are not limited to):
- Increased energy efficiency (above California Title 24 Requirements), See http://www.energy.ca.gov/title24/, energy efficient widows (double pane and/or Low-E),
- Use Low and No-VOC coatings and paints. See South Coast's site for No-VOC Coatings at http://www.aqmd.gov/business/brochures/zeroVoc.html,
- High-albedo (reflecting) roofing material. See http://eetd.lbl.gov/coolroof/
- Energy efficient lighting, appliances, heating and cooling systems. See http://www.energystar.gov/
- Install solar water-heating system(s), photovoltaic cells, programmable thermostat(s) for all heating and cooling systems, awnings or other shading mechanism for windows, porch, patio and walkway overhangs, ceiling fans, and/or whole house fans
- Utilize passive solar cooling and heating designs. (e.g. natural convection, thermal flywheels)
  See http://www.eere.energy.gov/RE/solar_passive.html
- Utilize daylighting (natural lighting) systems such as skylights, light shelves, interior transom windows etc. See http://www.advancedbuildings.org
- Electrical outlets around the exterior of the unit(s) to encourage use of electric landscape maintenance equipment, pre-wire the unit(s) with high speed modem connections/DSL and extra phone lines
- Natural gas for fireplaces (instead of wood-burning heaters) and (if available to this area) electrical outlets in backyard or patio areas to encourage the use of gas and/or electric barbecues
- Low or non-polluting incentives items should be provided with each residential unit (such items could include electric lawn mowers, reel mowers, leaf vacuums, gas or electric barbecues, etc.)

• Construction activity mitigation measures include:
  - Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent, limit area subject to excavation, grading, and other construction activity at any one time, use catalyst equipped diesel construction equipment, minimize idling time (e.g. 10 minute maximum), limit the hours of operation of heavy duty equipment and/or the amount of equipment in use, replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), off road trucks should be equipped with on-road engines when possible, and use Light Duty Cars and Trucks should be alternative fueled or hybrids.
  - Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare the Air Days" declared by the District.
  - During the smog season (May through October), lengthen the construction period to minimize the number of vehicles and equipment operating at the same time.
  - Construction equipment should have engines that are Tier I or Tier II (if available, as certified by the Air Resources Board). Engines built after 1998 are cleaner Tier II engines. Tier I and Tier II (2.5 gram) engines have a significantly less PM and NOx emissions compared to uncontrolled engines. To find engines certified by the Air Resources Board, see http://www.arb.ca.gov/msprog/offroad/cert/cert.php. This site lists engines by type, then manufacturer. For more information on heavy-duty engines, please contact Mr. Kevin McCaffrey, Air Quality Specialist, at (559) 230-5831.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5820 and provide the reference number at the top of this letter.

Sincerely,

Hector R. Guerra
Senior Air Quality Planner
Central Region
June 7, 2005

Mr. Brad Dunlap, Community Development Director
City of Porterville
291 N. Main Street
Porterville, California 93257

Dear Mr. Dunlap:

Thank you for the opportunity to review Conditional Use Permit Number 3-2005 application proposing to construct a 69-room Holiday Inn motel. The proposed building also includes a great room, lobby, meeting room, maintenance and storage rooms, bathrooms and three offices. The project site is located in the southeast quadrant of State Route (SR) 190 and Jaye Street. Caltrans has the following comments:

It is anticipated that this proposed development will have a minor impact to State facilities. However, queuing on the northbound through lane and left-turn movements are expected at the SR 190/Jaye Street intersection due to a large number of truck trips from the Wal-Mart distribution center south of the project. The intersection operates at a LOS D. The Department endeavors to maintain a target LOS at the transition between LOS C and LOS D (i.e. not worse than LOS C) on State highway facilities. In some cases, the Department acknowledges that the target LOS may not be feasible and recommends that the lead agency consult with the Department to determine the appropriate target LOS. Since the existing State highway facility is currently operating at less than the appropriate target LOS, then the existing LOS should be maintained.

The Riverwalk project will address the opening day requirements for the hotel project if the hotel occurs subsequent to that project. We have recommended dual left-turn lanes and an exclusive right-turn lane for the northbound approach of Jaye Street at SR 190. The north leg of Jaye Street will need to be widened to a minimum cross-section of ten lanes. The south leg will therefore need to be widened significantly to line up with the north leg, and the subject parcel may be affected.

It is recommended that the City of Porterville conduct a corridor study for SR 190, which will ultimately have a combination of full interchanges, partial interchanges, and at-grade intersections. The City will have the full financial responsibility for the future widening of SR 190 and making intersection improvements to the SR 190 at Jaye Street intersection to maintain existing LOS levels or to obtain a minimum LOS C for the intersection.

Alternative transportation policies should be applied to this development. An assessment of multi-modal facilities should be conducted. This assessment should be used to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused.

"Caltrans improves mobility across California"
by the project and related development in this area of the City. The assessment should include the following:

1. Pedestrian walkways should link this retail complex to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.

2. The project should develop a Transportation Management Plan (TMP). The TMP should go beyond offering transit options. Car pooling, Van pooling, and other options should be included. The goal of the TMP is to reduce overall trips and the impact of those trips on transportation/air quality.

3. A Transportation Management Agency (TMA) and a TMA coordinator should be designated for the entire development area. The responsible TMP coordinator for this project should be assigned and directed to work with the TMA coordinator.

4. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.

5. The consideration of bicycles as an alternative needs more attention. The project TMP should offer internal amenities to encourage bicycle use. These include parking, security, lockers and showers. However, internal bicycle paths should be coordinated with local and regional pathways to further encourage the use of bicycles for commuter and recreational purposes.

Local roads in the vicinity of the SR 190/Jaye Street intersection are experiencing severe queuing resulting in peak-period congestion that has the potential to exacerbate local (spot) as well as regional air quality concerns. This raises concerns pertaining to the cumulatively significant impact this project will have on air quality.

The citywide Traffic Impact Fee Program (TIFP) allows for the city to establish a pro-rata fair share fee structure that collects mitigation fees based on project development impacts and provides needed funds for improvements to the State and local road systems in an equitable and efficient manner. It is recommended that the City collect mitigation fees from this project for the necessary improvements at the SR 190/Jaye Street intersection. These are developer driven improvements and should be constructed with developer funds by the City.

Please send a response to our comments and a copy of the City Council resolution related to the proposed project. If you have any questions, please call me at (559) 488-7306.

Sincerely,

AL DIAS
Office of Transportation Planning
District 6

C: Mr. Ted Smalley, TCAG Staff
INITIAL STUDY
AND
MITIGATED NEGATIVE DECLARATION

for the

City of Porterville
Conditional Use Permit 3-2005

Submitted by

Quad Knopf
5110 West Cypress Avenue
P.O. Box 3699
Visalia, California 93278
(559) 733-0440

May 2005
INITIAL STUDY
and
MITIGATED NEGATIVE DECLARATION

CITY OF PORTERVILLE
CONDITIONAL USE PERMIT 3-2005

May 2005

Lead Agency: City of Porterville
c/o Bradley Dunlap, AICP
Community Development Director
291 N. Main Street
Porterville, CA 93257

Consultant: Quad Knopf, Inc.
P. O. Box 3699
Visalia, CA 93278

Contact Person: Stephen J. Peck, AICP
Phone: (559) 733-0440
Fax: (559) 733-7821
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

To: 

(Agency) 

(Address) 

Subject: Notice of Intent to Adopt a Mitigated Negative Declaration

Lead Agency: City of Porterville 

(Agency Name) 

City Hall, 291 N. Main Street 

(Street Address) 

Porterville, CA 93257 

(City/State/Zip) 

Bradley D. Dunlap, AICP 

Community Development Director 

(Contact) 

Consulting Firm (if applicable): Quad Knopf, Inc. 

(Firm Name) 

5110 W. Cypress Avenue 

(Street Address) 

Visalia, CA 93277 

(City/State/Zip) 

Stephen J. Peck, AICP 

Principal Planner 

(Contact) 

The City of Porterville will be the Lead Agency and will prepare a Mitigated Negative Declaration for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency’s statutory responsibilities in connection with the proposed project. Your agency may need to use the Negative Declaration prepared by our agency when considering permits or other approvals for the project.

The project description, location and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☒ is ☐ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 20 days after receipt of this notice.

Opportunity for Comments: This Notice of Intent and Initial Study will be circulated for a period of 20 days starting on May 21, 2005 and ending on June 11, 2005.

The Porterville City Council will consider this matter at a public meeting on Tuesday, June 21 in the council chambers at City Hall.

Please send your response to Bradley D. Dunlap, Community Development Director at the address shown above. We will need the name for a contact person in your agency.

Project Title: Conditional Use Permit 3-2005

Project Location: City of Porterville Tulare County 

(City-nearest) (County) 

Project Description: (brief)

The proposed Conditional Use Permit would allow construction and operation of a three (3) story Holiday Inn consisting of 69 rooms for rental and miscellaneous building area.

Date May 17, 2005 

Signature 

Title 

Telephone
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# LIST OF ATTACHMENTS

Attachment A  Regulation VIII Control Measures for Construction Emissions of PM$_{10}$
INITIAL STUDY
Introduction

This Initial Study has been prepared under the direction of the City of Porterville (City), the lead agency under the California Environmental Quality Act (CEQA), to analyze the potential effects of constructing and operating a three (3) story Holiday Inn hotel consisting of 69 rooms for rental and miscellaneous building area.

Project Description

The proposed project is located in the City of Porterville in Tulare County (Figure 1). The project would permit construction of a three (3) story Holiday Inn hotel. In addition to 69 rooms for rental, the building would include a great room, lobby, meeting room, maintenance and storage rooms, bathrooms and three offices.

The project area is currently a vacant lot, generally rectangular in shape at the northeast corner of South Jaye Street and Montgomery Avenue (Figure 2). Adjacent uses include a Burger King restaurant to the north, another vacant parcel and a Best Western motel to the east, the Wal-Mart Distribution Center to the south, and a County island, including a developed single family subdivision, to the west.

South Jaye Street, which borders the west of the project area, is designated an Arterial street (84 foot planned right-of-way). Montgomery Avenue, which borders the southern edge of the project, is a divided four (4) lane Collector Street (80 foot planned right-of-way). Access to the site is from an ingress/egress shared with Burger King.
Environmental Factors Potentially Affected

The attached environmental checklist and description indicates that there will be no impact, the following environmental impacts will have a less than significant impact or impacts will be mitigated to be less than significant for reasons provided in the checklist narrative:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems

Mitigation measures are required to reduce the following impacts to less than significant:

- Air Quality – Follow Regulation VIII Enhanced and Additional Control measures
- Cultural Resources – Monitoring in the event of a discovery
- Water Quality – Compliance with terms of the NPDES Permit
- Noise – limited hours of construction, use of equipment mufflers

These measures are defined in greater detail in the Environmental Checklist.

In compliance with the California Environmental Quality Act, appropriate environmental regulations will be met. The following list provides reference to some of these regulations.

**Air Quality:** 42 U.S.C. 7401 40 CFR, 6, 51, 93, CAA §176 c) d), 17 CCR § 90700; and San Joaquin Valley Air Pollution Control District regulations

**Cultural Resources:** 14 CCR § 4852, 36 CFR 800

**Water Quality:** Clean Water Act § 101a), § 303, § 401, § 510; Clean Water Counsel, Division 7, Chapter 4, Article 3, § 13247; Clean Water Counsel § 13000, The Porter-Cologne Act, 23 CCR § 640

**Biology:** 14 CCR 6 § 2050-2116, 50 CFR 402
Opportunity for Comments

This Notice of Intent to Adopt a Negative Declaration will be circulated for a period of 30 days starting on May 18, 2005 and ending on June 18, 2005. Comments on the Notice of Intent and Initial Study should be made in writing to the following:

Bradley Dunlap, AICP
Community Development Director
City of Porterville
291 N. Main Street
Porterville, CA 93257
Fax (559) 784-4569

Determination

I find that the proposed will not have a significant effect(s) on the environment, and a Mitigated Negative Declaration will be prepared.

Signature

Name: Stephen J. Peck, AICP
Date: May 18, 2005
For: Quad Knopf, Inc.
    Consultants to the City of Porterville
Evaluation of Environmental Impacts

An Environmental Evaluation and checklist is attached. A brief explanation is included for all answers except “No Impact” answers that are adequately supported by the information sources cited. 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 is 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).

All answers 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.

Earlier analyses have been used where, pursuant to tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or other environmental document prepared pursuant to CEQA.
ENVIRONMENTAL CHECKLIST

1. **Project title:**
   Conditional Use Permit 3-2005

2. **Lead agency name and address:**
   City of Porterville
   291 North Main Street
   Porterville, CA 93257

3. **Contact person and phone number:**
   Bradley Dunlap, AICP
   Community Development Director
   (559) 782-7460

4. **Project location:**
   The proposed project is located at the northeast corner of South Jaye Street and Montgomery Avenue in the City of Porterville in Tulare County as shown in Figure 2.

5. **Project sponsor's name and address:**
   Lee Gage & Associates, Inc.       Anil Patel
   7636 N. Ingram, Suite 107       805 S. Kaweah Avenue
   Fresno, California 93711        Exeter, California 93221

6. **General plan designation:**
   Current General Plan designation is Heavy Commercial.

7. **Zoning:**
   Existing zoning for the project area is C-3 (Heavy Commercial).

8. **Description of Project:**
   The proposed Conditional Use Permit would allow construction and operation of a three (3) story Holiday Inn consisting of 69 rooms for rental and miscellaneous building area.

9. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**
<table>
<thead>
<tr>
<th>Agency</th>
<th>Coordination Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Water Resources Control Board</td>
<td>NPDES Permit, SWPPP</td>
</tr>
<tr>
<td>San Joaquin Valley Air Pollution Control District</td>
<td>Authority to Construct</td>
</tr>
</tbody>
</table>

10. **Sources and previous Environmental Documents relied upon:**
    City of Porterville Land Use, Open Space, Conservation and Safety Elements of the General Plan, 1998
    Porterville General Plan Amendment 1-89 Environmental Impact Report, 1990
    City of Porterville Water System Master Plan, 2001
    Federal Emergency Management Agency, Flood Boundary and Floodway Map,

City of Porterville
Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration May 2005
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below could be potentially affected by this project. However, mitigation measures for each factor as indicated by the narrative within the checklist on the following pages will result in a less than significant impact.

☐ Aesthetics  ☐ Agriculture Resources  ☑ Air Quality
☐ Biological Resources  ☑ Cultural Resources  ☐ Geology /Soils
☐ Hazards & Hazardous Materials  ☐ Hydrology / Water Quality  ☐ Land Use / Planning
☐ Mineral Resources  ☐ Noise  ☐ Population / Housing
☐ Public Services  ☐ Recreation  ☐ Transportation / Traffic
☐ Utilities / Service Systems  ☐ Mandatory Findings of Significance
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 revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has 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. 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, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) 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, nothing further is required.

Signature

Date 5/17/05

Signature

Date
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>I. AESTHETICS – Would the project:</td>
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<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
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<td>☐</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
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</table>

Response:

a), b) There are no scenic vistas within the vicinity of the project site. The project is within one-quarter mile of State Route 190, which is eligible as a scenic highway from State Route 65 to the Nevada state line. However, no trees, historic buildings, or other scenic resources are on the project site, and the project would not have any impact on such resources.

c), d) The project would construct a 3-story hotel on a currently vacant lot. The project would include structural and parking lot lighting. Although the existing visual character of the site will be altered, in comparison to the adjacent land use, the project would create a less than significant visual impact. The project would create a new source of lighting, but the increase of ambient light in the project area will be less than significant.
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>II. AGRICULTURE RESOURCES -- Would the project:</td>
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<tr>
<td>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</td>
<td>☐</td>
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<tr>
<td>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use?</td>
<td>☐</td>
<td>☐</td>
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</table>

Response:

*a), b), c*) Development of the project will result in no direct or indirect conversion of farmland. The project site is small and has not been used for crop production for many years. The project is not within or adjacent to an area currently used for farmland, and would not induce growth, creating a change that would result in conversion of other farmland.
<table>
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<tr>
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<tr>
<td>III. AIR QUALITY -- Would the project:</td>
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<tr>
<td>a) Conflict with or obstruct implementation of the applicable air quality plan?</td>
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<tr>
<td>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</td>
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<tr>
<td>c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</td>
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<tr>
<td>d) Expose sensitive receptors to substantial pollutant concentrations?</td>
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<tr>
<td>e) Create objectionable odors affecting a substantial number of people?</td>
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Response:

a), b), c) The Project site is located in the San Joaquin Valley Air Pollution Control District. This portion of the Valley is designated as a non-attainment area for Particulate Matter smaller than 10 microns in diameter (PM$_{10}$) and Ozone. Ozone precursors include Oxides of Nitrogen (NOx) and Reactive Organic Compounds (ROC). The primary contributor to such emissions are indirect activities such as vehicle trips. The proposed project is less than significant because it does not exceed the small project analysis level established by the SJVAPCD.

Construction related activities have the potential to result in a significant impact due to PM$_{10}$ emissions. To mitigate the impacts to air quality to less than significant, the contractor must implement not only the San Joaquin Valley Air Pollution Control District’s Regulation VIII Control Measures, but also the Enhanced and Additional Control Measures and construction equipment mitigation measures (Tables 6-3 and 6-4, respectively, of the SJVAPCD’s Guide for Assessing and Mitigating Air Quality Impacts). These measures are listed in Attachment A.

Air quality impacts resulting from overall community growth will be addressed through compliance with State and Federal regulations governing the generation of pollutants. Air quality impacts resulting from City build out within the Urban Development Boundary...
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have been addressed through adoption of General Plan Amendment 1-89 and the Final EIR approved for said action, and the subsequent adoption of General Plan Amendment 1-95 and the final EIR approved for said action. The project is in compliance with the Final EIR.

d) The proposed project will not generate substantial pollutant concentrations. The mitigation measures listed in Attachment A will provide adequate mitigation for any additional pollutants during the construction phases.

e) The project, as proposed, will not create any objectionable odors.
IV. BIOLOGICAL RESOURCES -- Would the project:

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<tbody>
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- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
Response:

a), b), c), d) Surveys completed by City Staff identified no special status plant or animal species in the area surrounding any of the proposed improvements. No wetlands or riparian habitat are within the proposed project area, and none of the project sites serve as migratory wildlife corridors. No avoidance measures are necessary.

e) The City of Porterville does not have a policy regarding tree preservation.

f) Presently, there are no Habitat Conservation Plans (HCP) adopted in the City. The project does not conflict with any other habitat conservation plan.
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<tr>
<td>V. CULTURAL RESOURCES -- Would the project:</td>
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<tr>
<td>a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d) Disturb any human remains, including those interred outside of formal cemeteries?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

Response:

a), b), c), d) There are no known historic or archaeological resources on site and it is unlikely that such will be discovered at the time of construction. However, in the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time, work shall cease within a 50-foot area of the find, and a qualified archaeologist should be contacted to evaluate any such discoveries. The archaeologist and the City would determine the next appropriate step to mitigate any impact to less than significant.
VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

   i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

   ii) Strong seismic ground shaking?

   iii) Seismic-related ground failure, including liquefaction?

   iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?
Response:

a) i), ii), iii), iv) The proposed Project site is located in a relatively seismically quiet area of California. Neither the City of Porterville nor Tulare County are affected by Alquist-Priolo Earthquake Fault Zones. No faults are known to exist within the Project area, and the proposed project structures will be reinforced in accordance with State and local building codes and ordinances. The Project will not expose people or structures to the adverse effects of earthquakes, seismic ground shaking, seismic ground failure, or landslides.

b) The site is flat and there will be slow surface runoff and the hazard of erosion is slight (USDA NRCS Soil Survey, Tulare County, California, Central Part). The project area is currently flat and will require only minor grading.

c), d) The soils of the project area are not currently, now would they become as a result of the project, unstable or expansive.

e) The Project does not include the use of septic tanks or alternate wastewater disposal systems.
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<tr>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>VII. HAZARDS/HAZARDOUS MATERIALS - Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>☐</td>
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</tr>
</tbody>
</table>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Response:

a), b), c) No hazards are associated with the proposed hotel development. No hazardous materials would be used on site.

d) The proposed improvement sites are not listed on the hazardous materials sites list indicated above.

e), f) The proposed project sites are not located in the vicinity of an airport or a private airstrip. (Porterville Municipal Airport Master Plan Report, 1990.)

g) Movement of emergency vehicles and pedestrians will not be affected by construction of the project.

h) No significant risks of wildfire are anticipated in the Project area.

The 2 fully staffed fire stations in the City of Porterville have been strategically located to provide response times of 5 minutes, or less, to all areas of the City. Growth and population will be monitored to ensure that the number of stations in Porterville is sufficient to maintain acceptable standards of fire suppression and control. Reserve firefighters assist full time firefighters on routine grass and structural calls. Fire dispatch is handled by the City Police Department by 9-1-1 calls (Safety Element of the General Plan, 1998, P.6-6).
**VIII HYDROLOGY/WATER QUALITY**

- **Would the project:**

a) Violate any water quality standards or waste discharge requirements?  

<table>
<thead>
<tr>
<th>Potential Significant Impact</th>
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</table>

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

| ☐                            | ☐                                                 | ☒                           | ☐         |

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

| ☐                            | ☐                                                 | ☐                           | ☒         |

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

| ☐                            | ☐                                                 | ☒                           | ☐         |

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

| ☐                            | ☐                                                 | ☒                           | ☐         |

f) Otherwise substantially degrade water quality?

| ☐                            | ☐                                                 | ☒                           | ☐         |

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

<p>| ☐                            | ☐                                                 | ☒                           | ☐         |</p>
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

**Response:**

a), f) The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. Water quality could be affected by chemicals (oil based residues) conveyed by storm water runoff from streets, driveways and other impervious surfaces. Demands on the City’s water supply from the unconfined aquifer will be commensurate with the magnitude and type of development as proposed.

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

b) The site is within the boundaries of the City of Porterville’s Water Master Plan. Development of the site was anticipated and adequate water supplies have been identified.

Development of the site is not anticipated to significantly deplete groundwater supplies or reduce public water supply from the City’s unconfined groundwater aquifer, therefore, the impact is less than significant.

c) The Project will not alter drainage patterns in such a way that substantial erosion or siltation occurs.

d), e) The Project will not result in a significant increase in the rate of surface runoff. The curbs, gutters, and sidewalks needed to accommodate the runoff from additional paved surfaces are already in place and have capacity for the project.

g), h), i) FIRM flood map 060407 0010D indicates the project site is in Zone C, an area of minimal flooding. No part of the project area is located within the 100-year floodplain, and no structures would impede or redirect flood flows.

j) The Project area is not within an area subject to these hazards.
### IX. LAND USE AND PLANNING - Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
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</tr>
</thead>
<tbody>
<tr>
<td>a) Physically divide an established community?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d) Would the project result in impacts to other commercial land uses within the meaning of Section 15131 of the CEQA guidelines; more specifically, will the project cause substantial physical impact on existing commercial districts including excessive vacancies, blight, relocation of existing anchor tenants to the project?</td>
<td>☐</td>
<td>☐</td>
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</table>

**Response:**

a) *The Project, as proposed, will not disrupt or divide the physical arrangement of the community in this area.*

b) *The proposed Project does not conflict with any applicable land use plan, including the City of Porterville General Plan. (Porterville General Plan, July 1998).*

c) *Currently there is no Habitat Conservation or Natural Community Conservation Plan in the City. (See Response IV-f). Further, the Project will not conflict with any applicable environmental plans or policies adopted by agencies with jurisdiction over the project.*

d) *Potential socio-economic impacts will not result from development of the project.*
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>X. MINERAL RESOURCES -- Would the project:</td>
<td>GetGo</td>
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<td>Go</td>
<td>Go</td>
</tr>
<tr>
<td>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>

Response:

a), b) No mineral resources are known to exist at the proposed project site.
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
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<tbody>
<tr>
<td><strong>XL NOISE -- Would the project result in:</strong></td>
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<tr>
<td>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
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</tr>
<tr>
<td>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>☐</td>
<td>☐</td>
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</table>

**Response:**

a), d) *With the exception of constructing the proposed hotel, there will be minimal noise created from operation. Construction noise will be mitigated by scheduling activities during daytime hours (between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 a.m. and 6:00 p.m. Saturday and Sunday), and use of equipment mufflers.*

b) *No groundborne vibrations or noise levels will result from the construction or operation of the proposed project.*

c) *The project will not contribute significant volumes of traffic to local roadways. No perceptable increase in noise will occur due to the additional traffic generated by the*
<table>
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<th>No Impact</th>
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</table>

e), f) The Project is not located within 2 miles of an airport or a private airstrip. (Porterville Municipal Airport Master Plan Report, 1990)
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<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
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</table>

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Response:

a) Population growth will not be induced by the proposed project. No infrastructure needs will result from approval of the project, as all necessary roads and utilities currently extend to the project area. The project does not include construction of new homes, and the project would not result in an increase in employment that could not be accommodated by the existing market of available unemployed residents.

b), c) No displacement of persons or housing will occur as the result of proposed project.
### XIII. PUBLIC SERVICES -- Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios for any of the public services:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
<td>☐</td>
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<tr>
<td>Police protection?</td>
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<tr>
<td>Schools?</td>
<td>☐</td>
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<tr>
<td>Parks?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Other public facilities?</td>
<td>☐</td>
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</table>

**Response:**

_a) The project will not result in an increased demand on public services beyond what is planned for in the City's General Plan. Current capacity of public services is sufficient to accommodate the project._
<table>
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<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
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<tbody>
<tr>
<td>XIV. RECREATION -- Would the project:</td>
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</tr>
<tr>
<td>a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</td>
<td>☐</td>
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</table>

Response:

a), b) *Development of the hotel will not have a direct impact on recreation opportunities or facilities.*
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<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
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<tbody>
<tr>
<td>XV. TRANSPORTATION/TRAFFIC – Would the project:</td>
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</tr>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>☐</td>
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</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>☐</td>
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<tr>
<td>e) Result in inadequate emergency access?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td>☐</td>
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</table>

Response:

a), b) Eventual development of the hotel with 69 guest rooms is anticipated to result in additional daily trips. The Institute of Transportation Engineers Trip Generate Manual indicates the following trips generated for each occupied guest room:

- Weekday – average trips per room at the peak hour between 7 a.m. and 9 a.m. generated 0.67 trips.
- Weekday – average trips per room at the peak hour between 4 p.m. and 6 p.m. generated 0.71 trips.
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<th>Issues</th>
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<th>Less Than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>Weekend (Saturday) – average trips per room at the peak hour generated 0.87 trips.</td>
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<tr>
<td>Weekend (Sunday) – average trips per room at the peak hour generated 0.75 trips.</td>
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</table>

Weekday/PM peak hour trips generated for the project is estimated to be 32 trips. The project is based on an average weekday occupancy rate of 75 percent. During full occupancy, the trip generated rate is estimated to be 42 trips in the pm peak hour. The project does not exceed the City’s or Caltran’s thresholds (more than 50 peak hour trips are LOS C or D roadways) and is therefore less than significant. The project will pay traffic impact fees.

Jay Street is a designated Arterial street with a planned 84 foot right-of-way width. Street design and environmental review have been completed for a project to widen Jay Street to four lanes and extend the roadway south to meet Gibbons Avenue.

c) The proposed project would have no impact on air traffic patterns.

d), e), f), g) The proposed project would not increase hazards due to design features, nor would it result in inadequate emergency access or parking capacity. The project will not conflict with any adopted policies or plans.
XVI. UTILITIES/SERVICE SYSTEMS - Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
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<td>☒</td>
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<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
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</tbody>
</table>

Response:

a), b), c), d), e), f), g)

The Project site is currently served by existing facilities and would not result in a need for new systems or substantial alterations to water or wastewater facilities (City Staff, Bubba frasher).
XXXVII. MANDATORY FINDINGS OF SIGNIFICANCE -- Would the project:

a) Does the project have the potential to: substantially 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 an endangered, rare, or threatened plant or animal species; or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

d) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?
Attachment A

Regulation VIII Control Measures for Construction Emissions of PM$_{10}$
Attachment A
Regulation VIII Control Measures for Construction Emissions of PM$_{10}$

Regulation VIII Control Measures – The following controls are required to be implemented at all construction sites:

- 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, covered with a tarp or other suitable cover or vegetative ground cover.

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

- 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.

- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

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

- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. *(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 forbidden.)*

- 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.

- With urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Enhanced Control Measures – The following controls should be implemented at a construction site when required to mitigate significant PM$_{10}$ impacts:

- Limit traffic speeds on unpaved roads to 15 mph.

- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
Additional Control Measures – The following controls are strongly encouraged at construction sites that warrant additional emissions reductions:

- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Install wind breaks at windward side(s) of construction areas.
- Suspend excavation and grading activity when winds exceed 20 mps.
- Limit area subject to excavation, grading, and other construction activity at any one time.

*Regardless of wind speed, an owner/operator must comply with Regulation VIII’s 20 percent opacity limitation.

Construction Equipment Mitigation Measures:

<table>
<thead>
<tr>
<th>Emission Source</th>
<th>Mitigation Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heavy duty equipment</td>
<td>Use of alternative fueled or catalyst equipped diesel construction equipment.</td>
</tr>
<tr>
<td>(scrapers, graders, trenchers, earth movers, etc.)</td>
<td>Minimize idling time (e.g., 10 minute maximum)</td>
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<tr>
<td></td>
<td>Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use.</td>
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<tr>
<td></td>
<td>Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set).</td>
</tr>
<tr>
<td></td>
<td>Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways.</td>
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<tr>
<td></td>
<td>Implement activity management (e.g. rescheduling activities to reduce short-term impacts).</td>
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</tbody>
</table>
RESOLUTION NO.____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR CONDITIONAL USE PERMIT 3-2005 TO ALLOW FOR THE CONSTRUCTION OF A THREE (3) STORY HOLIDAY INN IN A C-3 (HEAVY COMMERCIAL) ZONE TO BE LOCATED ON A 1.62 ACRE VACANT SITE GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH JAYE STREET AND MONTGOMERY AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider approval of Conditional Use Permit 3-2005 to allow for the construction of a three (3) story Holiday Inn in a C-3 (Heavy Commercial) Zone generally located on the northeast corner of South Jaye Street and Montgomery Avenue;

WHEREAS: Section 800 A-20 of the Porterville Zoning Ordinance allows for hotels and apartment hotels up to two (2) stories. Third story and above is subject to obtaining approval of a Conditional Use Permit.

WHEREAS: On May 17, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; 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 for the project in accordance with the California Environmental Quality Act.

2. That the Negative Declaration prepared for this project was made available for public review and comment. The 20 day review period was from May 21, 2005 to June 11, 2005. At the end of the review period, the only agencies that responded was from the San Joaquin Valley Air Pollution Control District and the Department of Transportation. Those comments have been incorporated into the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

3. That the proposed project will not create adverse environmental impacts.

The proposed Negative Declaration was evaluated in light of the prepared environmental initial study, 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.

ATTACHMENT
ITEM NO. 6
4. That the City Council is the decision-making body for the project.

5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A and included as Condition 39 in the proposed resolution of approval for Conditional Use Permit 3-2005.

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

   City staff conducted an on-site inspection. The site is vacant and has been regularly dissected for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.

7. That 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 “de minimis impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

8. That the environmental assessment and analysis prepared for this 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 for Conditional Use Permit 3-2005 as described herein.

____________________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
Georgia Hawley, Chief Deputy City Clerk
## Summary of Potential Impacts, Mitigation Measures, and Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact Number in Initial Study</th>
<th>Mitigation Number</th>
<th>Mitigation Measure</th>
<th>Level of Significance After Mitigation</th>
<th>Monitoring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>III. AIR QUALITY</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a, b, c</td>
<td>Violation of Air Quality Standards</td>
<td>12-13</td>
<td>a, b, c</td>
<td>PM$<em>{10}$ and PM$</em>{2.5}$ air quality impacts will be mitigated with implementation of the applicable Regulation VIII procedures of the SJVAPCD. These provisions are:</td>
<td>Less than Significant</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>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 stabilizers/ suppressants, covered with a tarp or other similar cover, or vegetative ground cover.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>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.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3. All land clearing, grubbing, scraping, excavating, land leveling, grading, demolition and cut and fill activities shall be effectively controlled to minimize fugitive dust emissions utilizing application of water or by pre-soaking.</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from top of the container shall be maintained.</td>
<td></td>
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<tr>
<td></td>
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<td></td>
<td>5. All operations shall limit the use of, or expeditiously remove the accumulation of mud or dirt from, adjacent public streets at the end of each workday when operations are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit visible dust emissions; use of blower devices is expressly forbidden).</td>
<td></td>
</tr>
</tbody>
</table>
6. 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 measures are appropriately enhanced and additional dust control strategies that are to be implemented beyond the requirements of SJVAPCD Regulation VIII:

7. Limit construction traffic speeds on unpaved roads to 15 mph.

8. Suspend excavation and grading activities when winds exceed 20 mph.

9. Limit area subject to excavation, grading or other construction activity at any one time.

10. Install wheel washers for all exiting trucks or wash off all trucks and equipment leaving the site.

V. CULTURAL RESOURCES

<table>
<thead>
<tr>
<th>Impact No.</th>
<th>Impact</th>
<th>Page Number in Initial Study</th>
<th>Mitigation Number</th>
<th>Mitigation Measure</th>
<th>Level of Significance After Mitigation</th>
<th>Monitoring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>a, b</td>
<td>Cultural and Historic Resources</td>
<td>16</td>
<td>a, b</td>
<td>In the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time, work shall cease within a 50-foot area of the find, and a qualified archaeologist should be contacted to evaluate any such discoveries. The archaeologist and the City would determine the next appropriate step to mitigate any impact to less than significant.</td>
<td>Less than Significant</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>

City of Porterville
City of Porterville Conditional Use Permit 3-2005

June 2005
<table>
<thead>
<tr>
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<th>Monitoring Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIII. HYDROLOGY AND WATER QUALITY</td>
<td>a</td>
<td>21-22</td>
<td>a</td>
<td>The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. Water quality could be affected by chemicals (oil based residues) conveyed by storm water runoff from streets, driveways and other impervious surfaces. Demands on the City’s water supply from the unconfined aquifer will be commensurate with the magnitude and type of development as proposed. Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).</td>
<td>Less than Significant</td>
<td>City of Porterville</td>
</tr>
</tbody>
</table>

| XI. NOISE | a, d | 25 | a, d | With the exception of constructing the proposed hotel, there will be minimal noise created from operation. Construction noise will be mitigated by scheduling activities during daytime hours (between 7:00 a.m. and 7:00 p.m. Monday through Friday, and between 9:00 a.m. and 6:00 p.m. Saturday and Sunday), and use of equipment mufflers. | Less than Significant | City of Porterville |
RESOLUTION NO.___________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR CONDITIONAL USE PERMIT 3-2005 TO ALLOW FOR THE CONSTRUCTION OF A THREE (3) STORY HOLIDAY INN IN A C-3 (HEAVY COMMERCIAL) ZONE TO BE LOCATED ON A 1.62 ACRE VACANT SITE GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH JAYE STREET AND MONTGOMERY AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 21, 2005, conducted a public hearing to consider approval of Conditional Use Permit 3-2005 to allow for the construction of a three (3) story Holiday Inn in a C-3 (Heavy Commercial) Zone generally located on the northeast corner of South Jaye Street and Montgomery Avenue;

WHEREAS: Section 800 A-20 of the Porterville Zoning Ordinance allows for hotels and apartment hotels up to two (2) stories. Third story and above is subject to obtaining approval of a Conditional Use Permit.

WHEREAS: On May 17, 2005, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate for the proposed project; 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 for the project in accordance with the California Environmental Quality Act.

2. That the Negative Declaration prepared for this project was made available for public review and comment. The 20 day review period was from May 21, 2005 to June 11, 2005. At the end of the review period, the only agencies that responded was from the San Joaquin Valley Air Pollution Control District and the Department of Transportation. Those comments have been incorporated into the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

3. That the proposed project will not create adverse environmental impacts.

The proposed Negative Declaration was evaluated in light of the prepared environmental initial study, 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.

4. That the City Council is the decision-making body for the project.
5. That the mitigation measures contained in the Negative Declaration were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A and included as Condition 39 in the proposed resolution of approval for Conditional Use Permit 3-2005.

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

City staff conducted an on-site inspection. The site is vacant and has been regularly disced for weed control. No natural habitat was observed. As such, no endangered, threatened or rare species or habits exist and no impact will occur.

7. That 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 “de minimis impact” pursuant to Section 711.2 et. seq. of the Fish and Game Code.

8. That the environmental assessment and analysis prepared for this 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 for Conditional Use Permit 3-2005 as described herein.

____________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By ___________________________
Georgia Hawley, Chief Deputy 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 3-2005 TO ALLOW FOR THE CONSTRUCTION OF A THREE (3) STORY HOLIDAY INN IN A C-3 (HEAVY COMMERCIAL) ZONE TO BE LOCATED ON A 1.62 ACRE VACANT SITE GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH JAYE STREET AND MONTGOMERY AVENUE

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WHEREAS: Section 800 A- 20 of the Porterville Zoning Ordinance allows for hotels and apartment hotels up to two (2) stories. Third story and above is subject to obtaining approval of a Conditional Use Permit; and

Whereas: That the Negative Declaration prepared for this project was made available for public review and comment. The 20 day review period was from May 21, 2005 to June 11, 2005. At the end of the review period, the only agencies that responded was from the San Joaquin Valley Air Pollution Control District and the Department of Transportation. Those comments have been incorporated into the Mitigation Monitoring Program Attachment A of the draft environmental resolution.

WHEREAS: The City Council made the following findings with respect to the subject project:

1. The General Plan designates the subject site as Heavy Commercial.

The subject site is zoned C-3 (Heavy Commercial) which is supported by the General Plan. The proposed use is allowed pursuant to approval of a Conditional Use Permit.

2. That the site is physically suitable for the type of development proposed.

The site is generally level. The soil is not highly expansive and therefore will not create any barriers to conversion of the existing single family dwelling to a church.

3. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.

The subject site is vacant and absent of any vegetation due to weed control. An on-site inspection was conducted by staff. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.
4. That the proposed location of the project and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included to ensure adequate development standards are met.

5. That the standard 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.

6. The project as proposed complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 3-2005, subject to the following conditions:

1. Although precise calculations have not yet been made, the developer/applicant should be aware that traffic impact fees will apply to this project. Preliminary fee estimates have been transmitted under a separate cover. All development impact fees may be financed for five years at 0% interest at the option of the developer/applicant.

2. A minimum of one (1) tree for every thirty-five (35) linear feet of street frontage along the Jaye Street and Montgomery Avenue property line(s), to include an automatic irrigation system for all landscaping.

3. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 of the Zoning Ordinance.

4. It is recommended that the fence around the pool and spa be designed to provide visual screening for the privacy of patrons.

5. Roof mounted equipment will be required to be screened from view from adjacent streets.

6. Free-standing signage shall be architecturally compatible with the proposed building, as determined by the Zoning Administrator.

7. Provide loading space(s) in accordance with Section 2400 and 2401 of the Zoning Ordinance.


9. The developer/applicant shall pay all applicable fees according to the Municipal Code and
State law. 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 follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed 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 construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).

12. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).

13. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4’) of clear space in the sidewalk area and a minimum of two feet (2’) of clear space from the curb face to the structure, unless they are below grade (Title 24 OSA).

14. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, before the issuance of a certificate of occupancy (For example, foundations, septic tanks, irrigation pipes, etc.).

15. The developer/applicant shall abandon existing wells, if any, after first getting an abandonment permit from the County Department of Environmental Health, and providing the City Engineer with proof of compliance with County regulations before performing any grading or issuance of the building permit, whichever comes first.

16. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

   a. Wastewater Discharge Permit Application, Part “A”; and

   b. If monitoring is required, based on the responses to questions in Part “A” of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee, and provide monitoring facilities to allow inspection, sampling, and flow measurement of the flows in the sewer and drainage system.

   c. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental
17. The developer/applicant shall install a refuse container enclosure 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 location requires refuse trucks to travel on the parking lot.

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

19. The developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615.

20. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.

21. The developer/applicant shall comply with complying with the site access and development requirements which were conditions of approval of Tentative Parcel Map 3-2003 (Parcel Map No. 4593). These conditions are summarized as follows:

   a. The developer/applicant shall provide an easement for mutual ingress and egress that provides traffic circulation from the existing access easement shown on Parcel Map No. 4494 to the existing common access easement created by Lot Line Adjustment 9-97, recorded as Document No. 97-068134, O.R. (75' square easement next to and east of the southeasterly portion of proposed Parcel 2). The easement shall be shown on the final map and be a minimum of 25 feet in width. These easements are shown on Parcel Map No. 4593.

   b. The developer/applicant shall construct an asphalt concrete (AC) access drive that is a minimum of 25 feet in width. Six (6) inch AC dikes, or equivalent barriers, shall be constructed along each side of the access drive, excluding drainage openings, if in the opinion of the City Engineer it is necessary to prevent traffic from existing the access drive. The structural section of the AC access drive shall be in conformance with Zoning Ordinance Section 2206 and completed with the development of proposed Parcel 1 or 2, whichever occurs first. This condition and order of construction is reiterated in the Improvement Certificate on Parcel Map No 4593.

   c. The developer/applicant shall maintain the formal agreement regarding maintenance of the various access easements serving the subject site and the easterly parcel, recorded in conjunction with the Parcel Map No 4593.

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

e. The developer applicant shall extend sewer and water mains along Montgomery Avenue from the Jaye Street/Montgomery Avenue intersection to the east line of proposed Parcel 2 (contingent upon the failure to acquire an easement across Parcel 2 of Parcel Map No. 4494 for sewer and water services). The sewer and water mains in Jaye Street may be utilized to serve proposed Parcel 1.

22. The following shall apply upon application for building permit.

a. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include three (3) sets of energy calculations and structural calculations.

b. Compliance with access laws (both State and Federal) is required.

c. Compliance with all applicable codes is required.

d. Plan check fees are required at the time of building permit submittal.

e. Soils compaction test will be required.

f. School Development fees and all other City fees are due at the time of building permit issuance.

g. Approval from the Tulare County Health Department prior to issuance of the swimming pool permit which is a separate permit.

h. Signs require a separate permit.

i. The developer/applicant shall pay all applicable fees according to the Municipal Code and State Law.

23. Based on the occupancy classification, a fire sprinkler and/or fire alarm will be required.

24. When a fire sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are:

a. Twenty or more in Group I, Divisions 1.1 and 1.2 Occupancies.

b. One hundred or more in all other occupancies.

25. Submit 2 complete sets of sprinkler and/or fire alarm plans to Fire Department for review prior to installation.

26. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the
required flow.

27. Depending on the location of the existing fire hydrant(s), additional fire hydrants will be required.

28. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

29. Fire hydrants spacing shall be as follows: In Residential development, one (1) hydrant shall be installed at every 500 feet intervals. In Commercial development, one (1) hydrant shall be installed at every 300 feet intervals.

30. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

31. All dead-end access roads in excess of 150 feet must be provided with a approved turn-around complying with City Standards.

32. Project must meet minimum fire flow requirements per table in appendix III-A & III-B of the California Fire Code. Fire flow for this project as submitted would be 3500 GPM a reduction of 50% may be granted if approved by the Fire Chief. A minimum of four (4) hydrants would be required.

33. Areas identified as “Fire Lanes” must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Sec. 22500.1.

34. A Knox box may be required. Application may be obtained from the Fire Department.

35. Additional requirements for compliance with the Uniform Fire Code may be added at the time of building permit review when more information regarding the building type and use are provided.

36. A grease trap or grease interceptor is required.

37. At all times, the facility shall be constructed, operated and maintained to comply with State Law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.

38. That the subject site will be developed in accordance with the site plan and elevation plans labeled EXHIBIT “A”.

39. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this project. Prior to recording the final map, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures.
40. The Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.

___________________________
Kelly E. West, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Chief Deputy City Clerk