CITY COUNCIL AGENDA - ADJOURNED MEETING
291 N. MAIN ST., PORTERVILLE, CALIFORNIA
CITY HALL COUNCIL CHAMBERS
AUGUST 17, 2006, 6:30 P.M.

Roll Call: Council

Pledge of Allegiance led by Council Member McCracken

Invocation

ORAL COMMUNICATIONS

PUBLIC HEARING

1. Riverwalk Marketplace Commercial Center Project; A Request for Approval of Conditional Use Permit 4-2006 Within the Viejo Robles Planned Development Generally Located at the Northwest Corner of Jaye Street and State Route 190
   Re: Considering approval of a C.U.P. to amend the Conceptual Development Plan for the 360,000 square foot commercial shopping center project; to allow for the indoor sales of building materials, and to permit the on-site sale of alcohol in a restaurant with separate bar.

ORAL COMMUNICATIONS

ADJOURNMENT to the Council Meeting of September 5, 2006 at 6:00 p.m.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Deputy City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.
CITY COUNCIL AGENDA: AUGUST 17, 2006

PUBLIC HEARING
STAFF REPORT

TITLE: RIVERWALK MARKETPLACE COMMERCIAL CENTER PROJECT. A REQUEST FOR APPROVAL OF CONDITIONAL USE PERMIT 4-2006 WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT GENERALLY LOCATED AT THE NORTHWEST CORNER OF JAYE STREET AND STATE ROUTE 190

APPLICANT: ENNIS COMMERCIAL PROPERTIES
643 NORTH WESTWOOD AVENUE
PORTERVILLE, CA 93257

AGENT: CEI ENGINEERING ASSOCIATES, INC.
1044 EAST HERNDON AVENUE, SUITE 108
FRESNO, CA 93720

LOCATIONS: The project is generally located at the northwest corner of Jaye Street and State Route 190.

SPECIFIC REQUEST: The applicant is requesting approval of Conditional Use Permit 4-2006 to adopt a Specific Plan for the commercial development within the Viejo Robles Planned Development, and to allow the development of an approximately 360,000± square foot commercial shopping center (Riverwalk Marketplace) on a 40± acre site within the Viejo Robles Planned Development, allow for the indoor sales of building materials, and to permit the on-site sale of alcohol in a restaurant with a separate bar area.

Specifically, the project includes development of approximately 40± acres to commercial land uses, and would consist of approximately 360,000± square feet of commercial buildings, primarily retail and restaurant uses anchored by a 139,410± square-foot Lowe's home improvement store. The site plan (Attachment 1) also includes 123,000± square feet of "majors" (A, B, and C), 25,200± square feet of retail (D and F), and 54,769± square feet of "pads" (pads 1-11), which would most likely include the restaurant uses.

PROJECT DETAILS: The project consists of a regional commercial center on approximately 40± acres in the southwestern portion of the City. The project area is bounded by State Route 190 on the south, Jaye Street on the east, Springville Avenue on the north and an undeveloped parcel east of Indiana Street on the west. The project site is bordered by residential uses on the north, to the south beyond State Route 190, and to the west beyond the vacant land adjacent to the project area; the project is bordered by industrial land and a building material retailer to the east. The site is located about a quarter of a mile east of State Route 65. Access will be provided to the site from several points. The main access point will be at a signalized entryway at the intersection of Vandalia Avenue and Jaye Street, with a secondary right-in/right-out entrance located to
the south of the main entrance on Jaye Street. Additionally, three access points will be provided along Springville Avenue. Vandalia would be constructed from Jaye Street, through the project site to Indiana Street. The proposed project will consist of approximately 360,000± square feet of commercial buildings, primarily retail and restaurant uses, anchored by a 139,410±-square-foot Lowe’s home improvement store. The project includes an application for a Conditional Use Permit (CUP 4-2006). The Permit would 1) amend the Viejo Robles Specific Plan, 2) permit indoor building materials sales, and 3) permit on-sale of alcoholic beverages at a restaurant with a separate bar area.

GENERAL PLAN LAND USE DESIGNATION: The General Plan designates the site as General Commercial. The subject site is zoned City P-D (Planned Development) and the Viejo Robles Conceptual Development Plan designates the site for commercial uses compatible with the C-2 zone.

SURROUNDING AREA ZONING AND LAND USE:

The project area is bounded by State Route 190 on the south, Jaye Street on the east, Springville Avenue on the north and an undeveloped parcel east of Indiana Street on the west. The project site is bordered by residential uses on the north, to the south beyond State Route 190, and to the west beyond the vacant land adjacent to the project area; to the east, the project is bordered by industrial land and a building material retailer. The site is located about a quarter of a mile east of State Route 65.

STAFF ANALYSIS:

Section 1710 A of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit to adopt a Specific Plan in conformity with a Conceptual Development Plan. The proposed specific plan would allow for construction of a regional shopping center providing a variety of retailers and restaurants currently absent from the Porterville Market Area.

Sections 1717 and 1718 of the Porterville Zoning Ordinance note how a Planned Development Commercial Center must be sensitive to surrounding residential uses. As required by this section, the orientation of buildings is directed away from residential development and access and parking is located so as to be sensitive to the adjoining residential areas. As permitted by the PD zone, the project proposes a variety of improvements that are not standard by the regulations of the C-2 zone for which the area is planned, but the applicant has demonstrated by their design proposal that the objectives of the Zoning Ordinance and the objectives of this section have been achieved.

The proposed commercial center provides approximately 332,555± total square feet of structures, 151,000± total square feet of landscaping, and 1,828± total parking spaces. Parking spaces were calculated based on an estimated 299,715± square feet of retail and 32,840± square feet of restaurant uses. Retail uses require one parking space for every two-hundred (200) square feet of gross floor area. Restaurants require one parking space
for every four seats, if known, or one parking space for every one hundred square feet of restaurant area if floor plans have not been developed.

Section 801.5 A-12 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for indoor building material sales in an area of General Commercial land use designation by the General Plan. Therefore no General Plan Amendments will be required as zoning of the area is consistent with the project as proposed. Further, the indoor building materials sales use is anticipated to have an area of outside display. This will occur in certain areas at the front of the building.

Section 2100 B-2 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for new establishments with a separate bar area proposing to sell alcoholic beverages under an on-sale license.

The subject site is located in Census Tract 41.01. The California Department of Alcoholic Beverage Control (ABC) has indicated that Census Tract 41.01 can accommodate up to seven (7) on-sale licenses without being deemed “over concentrated.” At present, seven (7) on-sale licenses exist. As a result of this, a letter requesting approval of Finding of Public Convenience or Necessity for the on-sale license is required from the ABC. In such circumstances, the ABC may grant no additional licenses unless the City Council determines that there is a need of public convenience or necessity in the community for an additional alcoholic beverage license. It should be noted that City Staff anticipates additional applications for on-sale alcohol at other proposed restaurants.

Initially, the submitted plans included the submittal of a comprehensive sign program; however, updates to the plan to reflect changes in the major tenant were not available for the public hearing. Consideration of a comprehensive sign program in a shopping center of this scale and orientation to multiple street/highways is extremely important to the ultimate style, number, scale and architectural detailing of the signs in the regional shopping center. Staff is recommending that the Council consider adoption of a comprehensive sign program for the shopping center and that the approval would be through a modification to the approved conditional use permit for the Specific Plan as a tool for adapting the signage to the specific character and other aspects of the shopping center.

ENVIRONMENTAL:

On August 1, 2006, the City Council approved Resolution 101-2006 certifying the Final Environmental Impact Report for the project.

RECOMMENDATION: That the City Council:

1. Adopt draft resolution approving CUP 4-2006 to a) amend the Specific Plan for the Viejo Robles Planned Development as proposed, b) permit construction of an indoor building materials retailer, and c) to permit the
sale of alcoholic beverages under an on-sale license at a
restaurant with separate bar area.
2. Authorize the Mayor to sign a Letter of Public
Convenience or Necessity.

ATTACHMENTS:

1. Locator Map and Conceptual Site Plan
3. Letter of Public Convenience or Necessity
RESOLUTION NO.________

A RESOLUTION OF THE PORTERVILLE CITY COUNCIL CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 4-2006 TO ADOPT A SPECIFIC PLAN FOR A 40± ACRE COMMERCIAL CENTER WITHIN THE VIEJO ROBLES PLANNED DEVELOPMENT AS PROPOSED, PERMIT CONSTRUCTION OF AN INDOOR BUILDING MATERIALS RETAILER, AND PERMIT THE SALE OF ALCOHOL UNDER AN ON-SALE LICENSE AT A RESTAURANT WITH A SEPARATE BAR AREA FOR THE RIVERWALK MARKETPLACE COMMERCIAL CENTER GENERALLY LOCATED AT THE NORTHWEST CORNER OF JAYE STREET AND STATE ROUTE 190

WHEREAS: The Porterville City Council, at its regularly scheduled meeting of August 1, 2006, conducted a public hearing to consider the environmental findings and consideration of circumstances relative to the certification of an FEIR, Conditional Use Permit 4-2006, being a request to adopt a specific plan within the Viejo Robles Planned Development as proposed; permit construction of an indoor building materials retailer and permit the sale of alcohol under an on-sale license at a restaurant with a separate bar area for the Riverwalk Marketplace Commercial Center generally located at the northwest corner of Jaye Street and State Route 190; and

WHEREAS: On August 1, 2006 the City Council adopted Resolution 101-2006 which incorporated findings of fact and a statement of overriding certifying the Final EIR for the Riverwalk Marketplace Shopping Center; and

WHEREAS: On August 1, 2006 the City Council continued Conditional Use Permit 4-2006 to August 15, 2006 to allow for the submittal of additional information by the applicant; and

WHEREAS: On August 15, 2006 the City Council continued Conditional Use Permit 4-2006 to August 17, 2006 to allow for the submittal of additional information by the applicant; and

WHEREAS: Section 1710 A of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit to adopt a Specific Plan in conformity with a Conceptual Development Plan; and

WHEREAS: Section 801.5 A-12 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for Indoor Building Material sales in an area designated General Commercial by the General Plan Land Use Designation; and

WHEREAS: Section 2100 B-1 of the Porterville Zoning Ordinance requires approval of a Conditional Use Permit for new establishments proposing to sell alcoholic beverages under an on-sale license in conjunction with serving meals at a restaurant with a separate bar area; and
WHEREAS: Census Tract 41.01, in which the subject site is located, has an over concentration of on-sale alcohol licenses as determined by a formula comparing the population of the census tract with the number of on-sale alcohol establishments. Over concentration is reached in this census tract when the number of off-sale licenses exceeds seven (7). There are currently 7 on-sale licenses in Census Tract 41.01. In such circumstances, the California Alcoholic Beverage Control Board (ABC) may grant no additional licenses unless the City Council determines that there is a need of public convenience or necessity in the community for an additional alcoholic beverage license; and

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

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use for the site. The General Plan designates the site as General Commercial as supported by the P-D (Planned Development) Zoning. The proposed adoption of a specific plan within the Viejo Robles Planned Development, the proposed indoor sale of building materials in a C-2 Zone, and the proposed on-sale of alcohol in a restaurant with a separate bar area is allowed subject to the approval of a Conditional Use Permit.

2. As the Conditional Use Permit includes a component for an on-sale alcohol use at a restaurant with separate bar area; and additional license requests are anticipated in this regional shopping center there are circumstances that support an additional on-sale license in Census Tract 41.01 in the proposed center.

3. The proposed shopping center is proposed on a site that has been planned for a regional serving shopping center for approximately 30 years. The proposed shopping center complies with the planned development designation of the code. With the exception of limited outdoor display at the building materials retailer and adjustments in the sign program to account for the unique features of the center, including regional orientation, orientation to State Route 190, divided site (Vandalia Avenue bisects site) the development complies with pertinent codes and regulations. The planned development designation allows for the City to address uniqueness of the particular development.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2006 subject to the following conditions:

1. The architectural design of the pads in the Riverwalk Marketplace Commercial Center may be approved without public hearing by the City Council if the design is architecturally compatible with the established theme and in compliance with all applicable codes. A unified architectural theme shall be established and
maintained for all buildings, signage and accessory amenities to be constructed within the shopping center.

2. As defined in Section 1702 of the Zoning Ordinance, the Planned Development must be (and remain) under unified control, to be planned, developed and operated as a whole.

3. The project must provide a pedestrian path of access from Springville Avenue south between Major C and Lowe’s to store front access. The project must also incorporate pedestrian access from sidewalks to store fronts throughout the project area and the project must provide landscaped/shaded pedestrian spines through major parking lots to provide pedestrian connectivity that is Americans with Disabilities Act compliant, aside from walking within the vehicle travel way. The walkways are to have a minimum of 50% shading from trees within seven (7) years or approved architectural features. The project must provide low-level illumination of the walkways.

4. The project must provide a bus pullout to accommodate a 40-foot long bus along the south side of Vandalia Avenue near the cluster of retail in the southern portion of the project area as shown on the approved plan. The site plans are attached hereto as Exhibit A.

5. All undesigned storage and warehousing is to occur within the permanent buildings. The temporary or permanent use of shipping containers, truck trailers, etc. for storage is prohibited.

6. All concrete block walls shall match one of the colors in the approved color palate approved by the City Council and maintained by the Community Development Department.

7. Development of the shopping center shall integrate bike access along a Class 2 bike path on Vandalia Avenue from the Tule River Parkway Pilot Project, and pedestrian access from the residential neighborhoods to the north and west and transit access from Vandalia Avenue. The developer/applicant shall incorporate bike racks or lockers into the site design to encourage employee and patron bicycle use. The bicycle path must connect the Tule River Parkway Pilot Project to the bus stop to be constructed on Vandalia Avenue within the commercial center.

8. The developer/applicant shall process a Lot Line Adjustment or Parcel Map, whichever may apply, and dedicate right of way within and adjacent to the Planned Development prior to issuance of any Building Permit. The lot containing Lowe’s must maintain a minimum sixty (60) foot separation from the lot line.
9. As the development is to consist of multiple parcels, provide for a common area maintenance agreement by and between all respective parcels to ensure common area is maintained comprehensively and in a consistent manner.

10. Roof mounted mechanical equipment shall be shielded from ground views (including those from State Route 190 and State Route 65) with architecturally compatible screening.

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

12. Provide a barrier curb or other physical barrier acceptable to the Community Development Director between the developed portion of the site and the undeveloped portion. No parking or vehicular circulation is allowed on unpaved portions of the site.

13. A public street (Vandalia Avenue) developed to Standards or as approved by the City Engineer shall be constructed concurrently with the development from Jaye Street to Indiana Street. The street shall include Class 2 bike lanes on both sides of the traveled way.

14. The developer shall be required to fund his Pro Rata share of all off site road improvements as defined in the traffic study prepared by Omni-Means dated May 2006, or as otherwise mutually agreed upon by all parties and returned to the City Council for approval.

15. A comprehensive sign program shall be submitted and approved by the City Council reflecting all proposed freestanding, monument, wall signage and temporary signage proposed/allowed for the shopping center. The sign program shall be reviewed and approved by the City Council in the form of a modification to the conditional use permit as required for a Specific Plan.

16. Signs require a separate permit.

17. No sign shall be permitted without first having obtained approval of a comprehensive sign program and that does not pertain directly to an approved business, service, or activity conducted on the premises, or within the development (if a detached sign) except as may be provided for in Section 2011 and Section 2012 of the City of Porterville Zoning Ordinance or unless exempted by Section 2006 of the City of Porterville Zoning Ordinance.

18. The Developer/Applicant shall submit evidence of coordination with the Caltrans Traffic Operations Office of Signs, Markings, and Permits to obtain appropriate permissions for signs greater than thirty (30) feet within five hundred (500) feet of the State right of way.
19. Signs, in compliance with the Vehicle Code, shall be posted within the parking areas prohibiting the display of vehicles for sale.

20. Any future change in operation, which substantially alters the condition or nature of the subject indoor building materials store or restaurant business, will require approval by the City Council (if such modification involves the sale of alcoholic beverages).

21. That consumption of alcoholic beverages shall be prohibited at all locations under Riverwalk Marketplace Commercial Center’s control, except where designated within the shopping center.

22. Upon approval of the Conditional Use Permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls to the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.

23. A Letter of Public Convenience or Necessity must be approved by the Porterville City Council and sent to the Alcoholic Beverage Control Board.

24. No off-sale of alcohol is permitted in conjunction with an on-sale license.

25. No outdoor advertising of alcoholic beverages is allowed.

26. Each individual use covered by the Conditional Use Permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.

27. At all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws and ordinances.

28. The project must provide a consistent landscape planter along State Route 190, Jaye Street and Springville Avenue. Landscaping along State Route 190 must be coordinated with the Caltrans District 6 Landscaping Division to provide a cohesive landscaping plan.

29. The Springville Avenue frontage landscape area shall be a minimum of six (6) feet wide from the back of sidewalk to any walls or fencing. Walls and fences along this frontage of more than three (3) feet in height are to be articulated in an acceptable manner.

30. All areas of public right of way between the back of sidewalk and property lines are to be incorporated into site landscaping.

30. Root barriers are required for all trees planted within ten (10) feet of public sidewalks or bike paths.
32. A minimum five (5) foot wide screen-planting strip shall be provided adjacent to any property line separating a parking area from a public street.

33. The developer/applicant is to install trees, approved as city street trees, along the Jaye Street, Springville Avenue, Indiana Street, Vandalia Avenue, and Route 190 frontages of the property. These trees are to be planted at spacing equivalent to a minimum of one tree per thirty-five (35) feet of roadway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks.

34. The project is subject to compliance with Ordinance No. 1483, the Water Efficient Landscape Ordinance. Landscape and irrigation criteria must be approved. Two (2) sets of landscape and irrigation plans are required with a $25.00 plan check fee.

35. Trash enclosures shall be located and designed to screen trash bins from view from neighboring residences and from public streets. The developer/applicant shall install all refuse container enclosures according to City standards. Enclosure locations to be approved by the Public Works Department prior to issuance of building permit. Enclosures should be oriented for direct trash pick-up. 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.

36. The developer/applicant shall install an automatic irrigation system for all landscape planting, including street trees. All landscaping and trees that are required to be planted as a part of this project, shall be installed prior to occupancy, and be permanently maintained by the developer/applicant in a neat and orderly manner, and a healthy and vigorous growing condition.

37. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one (1) tree per eight (8) parking spaces. A minimum of five (5) percent of the parking areas shall be landscaped with plant materials. Such landscaping is to be uniformly disbursed.

38. Although precise calculations have not yet been made, the developer/applicant should be aware that traffic impact fees will apply to this project. The current rate for commercial development is $4,530 per 1,000 sq. ft. Impact fees are adjusted annually pursuant to the Engineering News Record that generally take effect July 1 of each year.

39. Comply with Article 26 of the Zoning Ordinance pertaining to off-site improvements.

40. Unless otherwise noted, the developer/applicant shall obey the City Master Plans, Standard Specifications for Public Works Construction (latest edition), Standard
Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the Caltrans Traffic Manual, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

41. 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.

42. The developer/applicant shall dedicate right of way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element, the traffic study, and/or widths established by the City Council. Additional dedications shall include the necessary right of way for a transit bus turn out where appropriate, acceleration lane(s), deceleration lane(s), disabled ramps, etc. Dedications shall also include right-of-way for the street bisecting the proposed development. The bisecting street relatively aligns with Vandalia Avenue and shall be named as such.

43. The developer/applicant shall follow Appendix Chapter 33 of the Uniform Building Code including provision of a soils engineering report and 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.

44. The developer/applicant shall construct street, transit bus turn out, curb, gutter, sidewalk, storm drainage, sewer and looped water system that provides fire flow in accordance with Uniform Fire Code along the full frontage of all parcels created by the proposed development, except where they exist and are in good condition in the opinion of the City Engineer (Ordinance No. 1306).

45. The developer/applicant shall cause all roundabouts to be designed in accordance with FHWA Guidelines and “Roundabout Design Guidelines”, prepared by Ourston Roundabout Engineering Firm. The center of the roundabouts shall be treated with colored stamped concrete.

46. The developer/applicant shall relinquish access rights along Jaye Street, except for the mid block intersection. The driveway between Vandalia Avenue and Route 190 shall be no closer than 250 at the center and allow for right turn movements only.

47. The developer/applicant shall construct one additional southbound lane along the west side of Jaye Street between Vandalia Avenue and Route 190. The additional lane shall function as combined acceleration lane and a right turn lane onto State Route 190. For the same purpose, the developer must construct one additional southbound lane along the west side of Jaye Street between Springville Avenue and Vandalia Avenue. The additional lane shall function as deceleration lane into
the development at the proposed north driveway and at Vandalia Avenue. These lanes are in addition to the geometrics defined in the traffic study of the Environmental Impact Report.

48. The developer/applicant shall construct all street frontage improvements as outlined in the Traffic Study, including traffic signals at the Vandalia Avenue/Jaye Street intersection and modifications to the Jaye Street/State Route 190 intersection. Specific Jaye Street improvement shall include, at a minimum, the required southbound lanes, the herein described additional acceleration and deceleration lanes, median islands, and two northbound lanes. Design criteria for all streets adjacent to the project shall be based on full build out (Year 2030 plus project conditions). Jaye Street shall be improved to properly align with existing improvements north of Springville Avenue and south of Route 190.

49. If the total cost of improvements within the State Route 190 right of way exceeds one million dollars, the developer/applicant shall cause to be prepared, a Project Study Report (PSR) per Caltrans requirements to be approved by Department of Transportation Headquarters Design Offices.

50. The developer/applicant shall obtain approval and necessary permits to re-landscape the boundary of Caltrans right of way abutting the site with landscaping that is complementary to the development. Said approvals and/or permits shall be obtained and work implemented/completed with other off-site improvements within the Caltrans right of way.

51. The developer/applicant shall construct sidewalks along the full frontage of Jaye Street and Vandalia Avenue (the bisecting street) per City Standards (9.5 feet wide). A 4.5-foot sidewalk shall be constructed along Springville Avenue as shown in the cross section to allow space for a landscaped berm and block retaining wall. Construct curb returns to conform with the State of California 50-foot radius STAA Truck Turning Template (Ord. No. 1306), where applicable.

52. The developer/applicant is hereby notified that portions of the improvements along Springville Avenue and Jaye Street, except said Vandalia Avenue traffic signal are reimbursable improvements in accordance with City Ordinance 1558. A minimum of two (2) bids is required for the reimbursable street improvements.

53. Prior to issuance of any permits, the developer/applicant shall submit for City review and approval a precise grading and drainage plan.

54. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). A minimum of two (2) bids is required for reimbursable Master Plan improvements.
55. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than one acre of total land area and which are not a part of a larger common plan of development or sale). Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

56. 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). Aboveground utilities along the west side of Jaye Street are to be relocated behind the back of the sidewalk and incorporated into the landscape and/or hardscape, or placed underground in accordance with the applicable utility companies’ standards and specifications.

57. The developer/applicant shall provide streetlights on Marbelite poles following Southern California Edison Company specifications, as approved by the City Engineer. Do not use wood poles without prior written approval of the City Engineer. Along the south side of Springville Avenue and the west side of Jaye Street, the developer/applicant shall install 16,000 lumen H.P.S.V. streetlights at a maximum of 300-foot intervals. 9,500 lumen H.P.S.V. street lights shall be installed along Vandalia Avenue at 160 foot staggered intervals.

58. A soils report will be required prior to issuance of building permits.

59. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of on-site water mains and fire hydrants for systems not isolated by a detector check valves. Otherwise, the developer/applicant shall construct the pipe
60. 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.).

61. 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.

62. The developer/applicant shall comply with Ordinance No. 1288 regarding Waste Water Discharge requirements and shall complete and submit a Wastewater Discharge Permit Application, Part “A”. 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.

63. 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 Health. The developer/applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy. If underground storage tank(s) are to be used for storage of hazardous substances, the developer/applicant shall follow California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances prior to issuance of Certificate of Occupancy.

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

65. 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.

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

67. For food operations, the project requires review and approval by the Tulare County Health Department, and a grease interceptor is required.
68. School development fees and all other City fees are due at the time of building permit issuance.

69. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.

70. When a 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 one hundred or more in all occupancies except Group I, Divisions 1.1 and 1.2.

71. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground. A hydrant will be required within 50 feet of the Fire Department Connection.

72. 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.

73. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

74. 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.

75. Fire hydrant spacing shall be as follows: in commercial development, one hydrant shall be installed at 300 foot intervals and shall meet the requirements set forth in Appendix III-B of the California Fire Code.

76. 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.

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

78. The project must meet minimum fire flow requirements per the tables in Appendices III-A and III-B of the California Fire Code. Fire flow for this project with allowances for an approved automatic sprinkler system as proposed would be 4000 GPM requiring a minimum of 4 hydrants. If no current testing is available, hydrants must be tested for required fire flow at the developer's expense at a cost of $65 per hydrant tested.
79. 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 Section 22500.1.

80. An all weather access road must be installed prior to any combustibles being brought onto the site and the road must be maintained throughout the construction process.

81. Knox boxes will be required for all buildings. Applications may be obtained from the Porterville Fire Department.

82. As identified in the mitigation measures, the residential areas to the north must be buffered from the service areas through the use of block walls/retaining walls, berms and substantial vegetation and must be provided with an attractive view across Springville Avenue and Indiana Street. Direct views of blank concrete walls, service equipment, loading areas or commercial signage must be eliminated wherever practicable.

83. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Review (ISR) Rules

Effective March 1, 2006, the San Joaquin Valley Air Pollution Control District will enforce the Indirect Source Rule (ISR). ISR applies to projects that are at least:

- 50 residential units
- 2,000 square feet of commercial space
- 9,000 square feet of educational space
- 10,000 square feet of government space
- 20,000 square feet of medical or recreational space
- 25,000 square feet of light industrial space
- 39,000 square feet of general office space
- 100,000 square feet of heavy industrial space
- Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) will not be subject to the emission-reduction requirements of the rule.

a. It is the applicants’ responsibility to file an application (found at http://www.valleyair.org/ISR/ISR.htm) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application maybe filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule.
so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents.

b. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.

c. ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.

d. The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

e. The District will notify the local agency when a project’s application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs.

f. If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.

g. The District will provide a letter of rule compliance status to the local agency upon request.

h. The ISR Rules and Program does not place any requirements upon the agency.

For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.

84. The developer/applicant shall comply with all mitigation measures adopted as a component of the certification of the Final Environmental Impact Report for this project. Prior to the issuance of building permits, the developer/applicant shall submit a signed document committing to comply with the adopted mitigation measures. Where appropriate, consulting specialists must submit letters confirming the adequacy of the proposed plans to meet the mitigation measures as defined.

Cameron Hamilton, Mayor
ATTEST:

John Longley, City Clerk

By __________________________
  Georgia Hawley, Chief Deputy City Clerk
August 18, 2006

California Alcoholic Beverage Control Board
Fresno District Office
3640 East Ashlan Avenue
Fresno, CA 93726

ATTN: Joyce Knodel

RE: Porterville Riverwalk Marketplace Commercial Center Project

Dear Ms. Knodel,

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of an on-sale liquor license in conjunction with the Riverwalk Marketplace Commercial Center, generally located at the northwest corner of Jaye Street and State Route 190.

The subject site is located in Census Tract 41.01, which allows seven (7) on-sale licenses. At present there are seven (7) issued licenses, generating an undue concentration as defined in Section 23958.4 of the California Business and Professions Code. On August 17, 2006 the City Council conditionally approved Conditional Use Permit 4-2006 (see attached resolution) to allow the on-sale of alcohol in a separate bar area in a restaurant, in conjunction with the Riverwalk Marketplace Commercial Center project located at the northwest corner of Jaye Street and State Route 190. As a condition of approval, a letter of Public Convenience and Necessity was required to be approved by the City Council.

Issuance of an on-sale license allowing on-sale alcohol sales represents a viable economic asset to the community, which will contribute tax revenue to the local economy. The majority of the alcohol sales from the Riverwalk Marketplace Commercial Center project are to be small quantities in conjunction with the purchase of other merchandise, to include an added service to the customers.

For these reasons, the City Council of the City of Porterville supports and has determined that a public convenience or necessity would be served by issuance of an on-sale liquor license from the Riverwalk Marketplace Commercial Center project located at the northwest corner of Jaye Street and State Route 190.

Sincerely,

Cameron Hamilton, Mayor