CITY COUNCIL AGENDA: NOVEMBER 19, 2013

PUBLIC HEARING

SUBJECT: GENERAL PLAN AMENDMENT, ZONE CHANGE, PARCEL MAP AND APPROVAL OF A MITIGATED NEGATIVE DECLARATION TO ACCOMMODATE DEVELOPMENT OF A PUBLIC SAFETY BUILDING SOUTH OF THE INTERSECTION OF JAYE STREET AND MONTGOMERY AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

HISTORY: In 2005, the citizens of Porterville approved Measure H as a revenue stream to fund increased levels of public safety. One of the key goals of the fund was to develop a new public safety building to accommodate fire and police personnel in the southern areas of Porterville. Over the last eight years, the capital reserve fund for that public safety building has grown, and adequate funds are now available to develop it as intended.

In 2009, the City purchased a 13.15± acre parcel (APN 269-050-034) to accommodate the future development of a public safety building as well as future economic development opportunities.

COMMENT: In the City’s 2030 General Plan, fire, police, and emergency services were discussed as an important function for the continued success of the community. Chapter 7.5 of the Public Health & Safety Element proposed additional police satellite offices and four new fire stations to be developed within the life of the General Plan. The location of the project area would work well to enhance response times citywide, and provides emergency service resources a location south of the Tule River, which has long been a goal of both Departments. The proposed development of the site would result in a shared building, providing space for offices and equipment for both Police and Fire Departments. The building design proposes separate areas for each Department to accommodate their specific needs.

The proposed project includes several components, all of which serve the primary purpose of the development of a Public Safety Building and the secondary purpose of accommodating future industrial development in Porterville. A General Plan Amendment would be required to adjust the location of the Public/Institutional use to the proposed location. A Zone Change would be required, contingent upon an approval of the General Plan Amendment, to modify zoning consistent with the proposed project. A parcel map has been prepared, and the recordation of that map would be contingent upon approval of the General
Plan Amendment and subsequent Zone Change. The parcel map proposes four parcels and one remainder, ranging in size from 2.1 to 3.6 acres each. The proposed parcel at the southwestern-most corner, Parcel 4, would be the location of the proposed Public Safety Building. Development of a Public Safety Building would include construction of a 13,050± square foot building, including parking needed for the fleet vehicles and visiting public. In order to provide adequate access to the site, a portion of Brown Avenue would be developed with the project. Along the southerly border of the project site, a new forty foot road right of way would provide access into the Public Safety Building as well as provide access to the remainder parcel to be created to the east.

ENVIRONMENTAL DETERMINATION: An environmental initial study was prepared for the project. On October 22, 2013, the Environmental Coordinator made the determination that a mitigated negative declaration would be applicable and appropriate for the project under CEQA guidelines. A mitigation monitoring plan has been developed and shall be incorporated into the zone change as development obligations of the Public Safety Building and any subsequent development projects. To date, one letter of comment has been submitted. The San Joaquin Valley Air Pollution Control District commented that the mitigation measures as identified in the document are adequate, and that the construction of the Public Safety Building would require an Indirect Source Review and Air Impact Assessment. Applications for those reviews would be submitted to the Air District upon approval of the project by the City Council.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration;
2. Adopt the draft resolution approving General Plan Amendment 2012-020-G;
3. Approve the draft ordinance adopting Zone Change 2012-020-Z contingent upon approval of the General Plan Amendment;
4. Waive further reading of the draft ordinance, approving the Zone Change and order it to print; and
5. Adopt the draft resolution containing findings and conditions in support of approval of the Tentative Parcel Map 2013-012, contingent upon the approval of General Plan Amendment 2012-020-G.

ATTACHMENTS: Complete Staff Report
PUBLIC HEARING - STAFF REPORT

SUBJECT: GENERAL PLAN AMENDMENT, ZONE CHANGE, PARCEL MAP AND APPROVAL OF A MITIGATED NEGATIVE DECLARATION TO ACCOMMODATE DEVELOPMENT OF A PUBLIC SAFETY BUILDING SOUTH OF THE INTERSECTION OF JAYE STREET AND MONTGOMERY AVENUE

OWNER/APPLICANT:
City of Porterville
Department of Public Works
291 North Main Street
Porterville, CA 93257

PROJECT LOCATION: Generally southeast of the corner of Jaye Street and Montgomery Avenue (Attachment 1)

COMMENT: City staff is proposing General Plan Amendment 2012-020, Zone Change 2012-020, and Tentative Parcel Map 2012-012 to facilitate development of a vacant 13.15± acre site with a Public Safety Building on 2.1± acres and the remaining land would be made available as an economic development catalyst to industrial businesses looking to locate or expand in Porterville. The General Plan Amendment and Zone Change applications are required to accommodate the development of a planned Public Safety Building at the subject site. The 13.15± acre site is currently identified in the General Plan land use diagram as Industrial, and while the zoning classifications for the site are Industrial and Public/Semi-Public, the acreages are proposed to change to more accurately reflect the smaller amount of land needed for the Public Safety Building.

HISTORY: The proposed project site has been vacant and undeveloped for over 30 years. Prior to the development of surrounding residential uses and clearing of the site, the area was primarily row crops. Over the last several decades the surrounding residential neighborhoods and commercial and industrial uses have become established leaving the subject parcel vacant and underutilized.

ANALYSIS: The proposed project includes several components, all of which serve the primary purpose of the development of a Public Safety Building and the secondary purpose of accommodating future industrial development in Porterville.

A General Plan Amendment would be required to clarify the location of the Public/Institutional use. The General Plan would reflect an area of approximately
2.1± acres of Public/Institutional land use on the diagram, in the southwestern-most corner of the subject site. The remaining area of the parcel would remain as it is currently, Industrial. (Attachment 2- General Plan Land Use)

A Zone Change would be required, contingent upon an approval of the General Plan Amendment, to modify zoning consistent with the proposed project. The zoning map currently shows approximately five (5) acres of land along the westerly edge of the project site as Public and Semi-public (PS). The size of the Public and Semi-public site would be reduced to approximately 2.1± acres, and reconfigured to accommodate the area needed for the proposed Public Safety Building. The adjacent lands would be zoned consistent with the zoning on the remainder of the parcel: General Industrial (IG). (Attachment 3- Zoning Map)

A parcel map has been prepared, and the recordation of that map would be contingent upon approval of the General Plan Amendment and subsequent Zone Change. The parcel map proposes four parcels and one remainder, ranging in size from 2.1 to 3.6 acres each. The proposed parcel at the southwestern-most corner, Parcel 4, would be the location of the proposed Public Safety Building. (Attachment 4- Parcel Map)

Development of a Public Safety Building would include construction of a 13,050± square foot building, including parking needed for the fleet vehicles and visiting public. The building will be a single story structure. Some of the features of the Public Safety Building include Fire Department living quarters, including sleeping area, day room, kitchen, chief office, and related spaces; shared and separate office spaces for police and fire services; a Police Department evidence room; and support spaces. (Attachment 5- Proposed Site Plan) Security measures require that the Public Safety Building include fencing and adequate lighting; however, aesthetics and compatibility with adjacent land uses weighed into the project design. In order to provide adequate access to the site, a portion of Brown Avenue would be developed with the project. Along the southerly border of the project site, a new forty foot wide road right of way would provide access into the Public Safety Building as well as provide access to the remainder parcel to be created to the east. Brown Avenue would be a cul-de-sac and would not cross Poplar Ditch. The project area incorporates landscaping along the perimeter as well as within the parking area, creating an aesthetic feature as well as working to cool the “heat-island” effect often encountered in large paved areas.

The colors and finish of the proposed Public Safety Building have been planned through collaboration between the Fire and Police Departments, who will ultimately utilize the building, and Community Development and Public Works Departments, who have reviewed the project site design. In keeping with the
industrial nature of anticipated adjacent development, the aesthetic of the Public Safety Building will have a modern theme. Elements of the design including colors, materials, and lighting are identified in Attachment 6.

SURROUNDING LAND USES AND ZONING:

North: City- CG (General and Service Commercial) – Restaurant and hotel uses

South: City- IG (General Industrial) – Scattered houses, Industrial uses (Distribution center)

East: City- IG (General Industrial) – Industrial uses (manufacturing)

West: City- RS-2 (Low-Density Residential) - Single family residential subdivision

GENERAL PLAN DESIGNATION AND ZONING:

IG (General Industrial)- easterly 8± acres

PS (Public Semi-public)- westernmost 5± acres

ENVIRONMENTAL DETERMINATION: An environmental initial study was prepared for the project. On October 22, 2013, the Environmental Coordinator made the determination that a mitigated negative declaration would be applicable and appropriate for the project under CEQA guidelines. A mitigation monitoring plan has been developed and shall be incorporated into the Zone Change as development obligations of the Public Safety Building and any subsequent development projects. To date, one letter of comment has been submitted. The San Joaquin Valley Air Pollution Control District commented that the mitigation measures as identified in the document are adequate, and that the construction of the Public Safety Building would require an Indirect Source Review and Air Impact Assessment. Applications for those reviews would be submitted to the Air District upon approval of the project by the City Council.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: November 28, 2012

DATE ACCEPTED AS COMPLETE: October 22, 2013

LEGAL NOTICES: The California Environmental Quality Act (CEQA) identifies noticing requirements for various levels of environmental documentation. The required noticing period for the Mitigated Negative Declaration is 20 days. In addition, the proposed General Plan Amendment and Zone Change are actions subject to public noticing for at least ten days pursuant to the California Government Code.
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration;
2. Adopt the draft resolution approving General Plan Amendment 2012-020-G;
3. Approve the draft ordinance adopting Zone Change 2012-020-Z, contingent upon the approval of General Plan Amendment 2012-020-G;
4. Waive further reading of the draft ordinance, approving the Zone Change and order it to print; and
5. Adopt the draft resolution containing findings and conditions in support of approval of the Tentative Parcel Map 2013-012, contingent upon the approval of General Plan Amendment 2012-020-G.

ATTACHMENTS:

1. Locator Map
2. General Plan Land Use Diagram
3. Zoning Map
4. Proposed Parcel Map
5. Proposed Site Plan
6. Public Safety Building elevations
7. Initial Study and Mitigated Negative Declaration
8. Comment letter from San Joaquin Valley Air Pollution Control District
9. Draft Resolution to adopt the Mitigated Negative Declaration
10. Draft Resolution to adopt General Plan Amendment
11. Draft Ordinance to approve Zone Change
12. Draft Resolution to adopt Tentative Parcel Map
PRC 2013-012 Public Safety Building - TPM
Locator Map
PRC 2013-012 Public Safety Building - TPM Zoning Map
Due to the volume of the Initial Study and Mitigated Negative Declaration, this document is made available at the Community Development Department at City Hall, 291 North Main Street, Porterville. The environmental document is also available online at www.ci.porterville.ca.us, on the Community Development, Planning page.
NOV 08 2013

City of Porterville
291 N Main Street
Porterville, CA 93257

Project: PRC 2013-012, MND, GPA, ZC, PM, Porterville Public Safety Building

APN #: N/A

Subject: District Rule 9510: Indirect Source Review (ISR) applicability

District CEQA Reference No: 20130930

To Whom it May Concern:

Based on information provided to the District, the District concludes that the proposed project would be subject to District Rule 9510 (Indirect Source Review). Pursuant to District Rule 9510 (ISR) section 5.0, an applicant subject to the rule shall submit an Air Impact Assessment Application (AIA) to the District no later than applying for final discretionary approval. Based on a review of District records, we have not received an AIA application for this project. Therefore, if this approval constitutes the final discretionary approval, the project proponent may be in violation of District Rule 9510 requirements. In addition, please note that starting construction before receiving an approved AIA and paying the required Off-site Mitigation Fees, if any, is a violation of District regulations and is subject to enforcement action.

For your convenience, a document is enclosed which addresses frequently asked questions regarding Indirect Source Review (ISR). This may be used as a reference to better understand ISR, and how the District processes applications. For additional information, please visit the District’s ISR website: http://www.valleyair.org/ISR/ISRHome.htm

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. You can contact Georgia Stewart at (559) 230-5937. Thank you for your cooperation in the matter.

Sincerely,

David Warner
Director of Permit Services

Arnaud Marjollet
Permit Services Manager

Enclosure: ISR FAQ

Seyed Sadreddin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95358-8718
Tel: (209) 857-8400 FAX: (209) 857-8475

Central Region (Main Office)
1980 E. Gettysburg Avenue
Fresno, CA 93728-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34940 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5600 FAX: 661-392-5595

www.valleyair.org www.healthyairliving.com

ATTACHMENT NO. 8
RESOLUTION NO. __________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF
A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
FOR THE PUBLIC SAFETY BUILDING PROJECT

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of November 19, 2013, conducted a public hearing to consider entitlements needed to
permit the proposed Public Safety Building Project including a General Plan Amendment, Zone
Change, and Tentative Parcel Map; and

WHEREAS: General Plan Amendment 2012-020-G proposes to change the land use
designation on the General Plan Land Use Diagram for the subject site from solely Industrial to
Industrial and Public/Semi-public; and

WHEREAS: Zone Change 2012-020-Z proposes to change the configuration of the
present zoning classifications of the subject parcel, already Industrial and Public/Semi-Public to
more accurately reflect the area needed for Public/Semi-public for the proposed Public Safety
Building; and

WHEREAS: Tentative Parcel Map 2013-012-P proposes to divide a 13.15± acre site into
four parcels and one remainder: Parcel 1- 3.6± acres; Parcel 2- 2.3± acres; Parcel 3- 2.15± acres;
Parcel 4- 2.1± acres; and Remainder- 3.0± acres; and

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

1. That a Mitigated Negative Declaration was prepared in accordance with the
California Environmental Quality Act. On October 22, 2013, the environmental
coordinator made a preliminary determination that a Mitigated Negative
Declaration would be appropriate for the proposed project. The Initial Study has
been transmitted to interested agencies and groups for a twenty (20) day review
period from October 24, 2013, to November 13, 2013. One comment was
received from the San Joaquin Valley Air Pollution Control District related to
future permit requirements.

2. That the subject project will not create adverse environmental impacts; review of
the environmental circumstances regarding this project indicates that no adverse
impacts would result from implementation of this project. The project was
evaluated in light of the prepared environmental initial study; one comment was
received during the review period. The San Joaquin Valley Air Pollution Control
District wrote to confirm effectiveness of the implementation of standard
management practices to result in less than significant impacts from the project
and to remind the City of future permitting requirements. In light of the record
and information received, it was determined that potential impacts identified
during the Initial Study will be reduced to less than significant through
implementation of mitigation measures defined in the report and summarized in the Mitigation Monitoring Program attached hereto as Exhibit A.

3. That the project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The project area is currently fallow land and at best, ruderal habitats. After development of the Public Safety Building, the project area will continue to be used by many of the same wildlife species present in the project area today. Most of the terrestrial vertebrates are species common to the region and impacts related to the project will have no significant effect on them. Because the proposed project would have a less than significant effect on habitat for common native wildlife, mitigation measures are not considered warranted. No fish or wildlife populations are likely to drop below self-sustaining levels because of project related activities. The Project does not threaten to eliminate any animal community, so mitigation measures for animal communities are not warranted. Further, the small construction footprint and the previously disturbed nature of the project area means that the Project is unlikely to eliminate important examples of a major period of California history or prehistory.

4. That the project does not have impacts that are individually limited, but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The Project includes improvements specific to the development of a Public Safety Building, and also creates four parcels and a remainder, all of which could be developed in a manner consistent with the Development Ordinance. While development of adjacent parcels could be considered a cumulatively considerable impact, any impacts would be less than significant through implementation of the Development Ordinance.

5. That the project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. No significant environmental impacts would result from the project, and while the construction and operation of the proposed uses will change the land use for the subject site, no hazards or dangers would be a part of the proposed project.

6. That the City Council is the decision making body for the project. The environmental assessment and analysis prepared for this project supporting the Mitigated Negative Declaration reflects the independent judgment of the City of Porterville.

7. The contractor and the City shall comply with all mitigation measures adopted as a component of the approval of the Mitigated Negative Declaration for this
project. The contractor and the City will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration prepared for General Plan Amendment 2012-020-G, Zone Change 2012-020-Z, Tentative Parcel Map 2013-012 and related development of the Public Safety Building Project, and that the mitigation measures defined in Exhibit A shall be implemented by the contractor/City with project implementation.

By: __________________________
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: __________________________
Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF GENERAL PLAN
AMENDMENT 2012-020-G FOR THE PUBLIC SAFETY BUILDING PROJECT
GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JAYE STREET AND
MONTGOMERY AVENUE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled
meeting of November 19, 2013, conducted a public hearing to consider approval of a General
Plan amendment from Industrial to Public/Semi-public for a 2.1± acre portion of a 13.15± acre
parcel located on the south east corner of Jaye Street and Montgomery Avenue; and

WHEREAS: The project site is currently undeveloped; and

WHEREAS: On October 22, 2013, the Environmental Coordinator made a preliminary
determination that a Mitigated Negative Declaration would be appropriate for the proposed
project; and

WHEREAS: Approval of the General Plan Amendment would clarify the location of
the Public/Institutional use designation for the proposed Public Safety Building. The General
Plan would reflect an area of approximately 2.1± acres of Public/Institutional land use on the
diagram, in the southwestern-most corner of the subject site. The remaining area of the parcel
would remain as it is currently, Industrial; and

WHEREAS: Approval of the Public Safety Building Project implements the goals and
objectives of the General Plan by accommodating an intended use on property acquired by the
City; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville
does hereby make the following findings:

1. The proposed General Plan Amendment serves to clarify the original intent of the
   General Plan, where specific details such as size of land needed and availability of
   property for purchase could not have been known at the time of General Plan
   adoption.

2. Based on review of informational materials and submitted plans, the proposed
   project serves to fulfill the goals of the General Plan as adopted, and the
   amendment of the land use designation on the subject parcel does not infringe on
   the goals of the General Plan to maintain transitions between types and intensities
   of land use. In the City’s 2030 General Plan, fire, police, and emergency services
   were discussed as an important function for the continued success of the
   community. Chapter 7.5 of the Public Health & Safety Element proposed
   additional police satellite offices and four new fire stations to be developed within
the life of the General Plan. The location of the project area would work well to
enhance response times citywide, and provides emergency service resources a
location south of the Tule River, which has long been a goal of both Departments.
The proposed development of the site would result in a shared building, providing
space for offices and equipment for both Police and Fire Departments. The
building design proposes separate areas for each Department to accommodate
their specific needs in support of the General Plan.

3. That a Mitigated Negative Declaration was prepared for the project in accordance
with the California Environmental Quality Act and was transmitted to interested
agencies and made available for public review and comment. The review period
ran for twenty (20) days, from October 24, 2013, to November 13, 2013. One
comment was received; the San Joaquin Valley Air Pollution Control District
wrote to confirm effectiveness of the implementation of standard management
practices to result in less than significant impacts from the project and to remind
the City of future permitting requirements.

4. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the General
Plan Amendment from Industrial to Public/Semi-public for a 2.1± acre portion of a 13.15± acre
parcel located on the southeast corner of Jaye Street and Montgomery Avenue as represented and
incorporated herein as Exhibit A.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2013.

By: __________________________
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: __________________________
Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
APPROVING ZONE CHANGE 2012-020-Z
REDUCING THE ACREAGE OF PUBLIC/SEMI-PUBLIC (PS) ZONING AND
INCREASING THE ACREAGE OF GENERAL INDUSTRIAL (IG) ZONING FOR THAT
13.15± ACRE SITE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JAYE
STREET AND MONTGOMERY AVENUE

WHEREAS: That the City Council of the City of Porterville at its regularly scheduled
meeting of November 19, 2013, conducted a public hearing to approve findings and consider
Zone Change 2012-020-Z, being a change to the configuration of the present zoning
classifications of the subject parcel, already Industrial and Public/Semi-Public, to more
accurately reflect the area needed of Public/Semi-public for the proposed Public Safety Building
for the site located on the southeast corner of Jaye Street and Montgomery Avenue; and

WHEREAS: That the City Council of the City of Porterville determined that the
proposed Zone Change (2012-020-Z) is consistent with the guiding and implementation policies
of the adopted 2030 General Plan; and

WHEREAS: That a Mitigated Negative Declaration was prepared for the project in
accordance with the California Environmental Quality Act and was transmitted to interested
agencies and made available for public review and comment. The review period ran for twenty
(20) days from October 24, 2013 to November 13, 2013. One comment was received; the San
Joaquin Valley Air Pollution Control District wrote to confirm effectiveness of the
implementation of standard management practices to result in less than significant impacts from
the project and to remind the City of future permitting requirements; and

WHEREAS: The City Council made the following findings that the proposed project
will advance the goals and objectives of and is consistent with the policies of the General Plan
and any other applicable plan that the City has adopted.

a. The project supports and complies with General Plan guiding policies:
   LU-G-1: Promote a sustainable, balanced land use pattern that responds to
   existing needs and future needs of the City. In the City’s 2030 General Plan,
   fire, police, and emergency services were discussed as an important function
   for the continued success of the community. Chapter 7.5 of the Public Health
   & Safety Element proposed additional police satellite offices and four new
   fire stations to be developed within the life of the General Plan. The location
   of the project area would work well to enhance response times citywide, and
   provides emergency service resources at a location south of the Tule River,
   which has long been a goal of both Departments.

   LU-G-3 Promote sustainability in the design and development of public and
   private development projects. The proposed development of the site would
   result in a shared building, providing space for offices and equipment for both
   Police and Fire Departments. The building design proposes separate areas for
each Department to accommodate their specific needs in support of the General Plan.

b. An amendment to the General Plan designation is being processed concurrently with this Zone Change request. Approval of the Zone Change is consistent with and contingent upon the approval of General Plan Amendment 2012-020-G, to ensure consistency between the General Plan and Zoning.

d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when mitigation measures are implemented and standards of the Development Ordinance and General Plan are applied to the subsequent development project.

NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does ordain as follows:

Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, is hereby rezoned configuring the present zoning classifications of the subject parcel, including Industrial and Public/Semi-Public, to more accurately reflect the area needed of Public/Semi-public for the proposed Public Safety Building for the site, pursuant to Section 3 below, for the parcel described herein as Assessor’s Parcel Number 269-050-034 located on the southeast corner of Jaye Street and Montgomery Avenue; and

Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above described real property is rezoned to reflect Public/Semi-public for the southwestern-most 2.1± acres and General Industrial for the remainder of the site described above, more particularly shown on the attached map as Exhibit “A”; and

Section 3: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance’s publication and passage.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2013.

By: ________________________________
    Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ________________________________
    Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. 12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF TENTATIVE PARCEL MAP 2013-012 TO DIVIDE A 13.15± ACRE SITE INTO FOUR (4) PARCELS AND A REMAINDER GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JAYE STREET AND MONTGOMERY AVENUE

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of November 19, 2013, conducted a public hearing to consider Tentative Parcel Map PRC-2012-012-P; and

WHEREAS: The City Council received testimony from all interested parties relative to said Tentative Parcel Map; and

WHEREAS: On November 13, 2013, the Porterville Parcel Map Committee voted unanimously to recommend approval of the Tentative Parcel Map upon consideration by the City Council; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 19, 2013, conducted a public hearing to consider approval of Tentative Parcel Map 2012-012-P to divide a 13.15± acre vacant site into four (4) parcels and one (1) remainder as follows:

- Parcel 1 – 3.6± acres
- Parcel 2 – 2.3± acres
- Parcel 3 – 2.15± acres
- Parcel 4 – 2.1± acres
- Remainder – 3.0± acres

; and

WHEREAS: On October 22, 2013, the Environmental Coordinator made a preliminary determination that in compliance with the California Environmental Quality Act, a Mitigated Negative Declaration would be appropriate for the proposed project; and

WHEREAS: The proposed use of the site shall be required to be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances; and

WHEREAS: The City Council provided the opportunity to the public and all interested parties to comment on the proposed tentative parcel map; and

WHEREAS: The City Council made the following findings:

1. That the proposed tentative parcel map is contingent upon approval of General Plan Amendment PRC 2012-020-G and Zone Change PRC 2012-020-Z.
2. That the proposed parcel map is consistent with applicable general and specific plans. The General Plan encourages the economic development that would be accommodated by the provision of industrially designated lots within the City, near a major transportation corridor, State Route 190.

3. The design and improvements of the parcel map and the proposed project are consistent with the proposed Public Safety Building and subsequent industrial developments. The parcels as proposed are dimensioned in such a way to accommodate Industrial development in a manner consistent with the Development Ordinance. A specific plan is not proposed for subsequent industrial development at this time.

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

The subject site is flat. Conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required. Additionally, compliance with federal, State and local regulation requiring that storm water runoff monitored and maintained free of heavy concentration of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).

6. That the design of the parcel map or proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The resolution approving the Mitigated Negative Declaration elaborates on the analysis completed to ensure that environmental impacts remain less than significant.

7. That the design of the parcel map or type of improvements will not cause serious public health problems.

The location of the project and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area, as required by the Development Ordinance.

8. That the Parcel Map Committee reviewed the proposed parcel map and recommended that the City Council review the project in its entirety, and approve the proposed parcel map.

NOW, THEREFORE, BE IT RESOLVED: That the City Council does hereby approve Tentative Parcel Map 2012-020 subject to the following conditions:

1. The project shall comply with all local, State, and federal laws.

2. The project shall comply with all mitigation measures identified in the approved CEQA document.

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

5. At the time of approval of the Final Map the developer/applicant shall dedicate right-of-way necessary for the construction of the Jaye Street/Montgomery Avenue Roundabout Project plans on file with the City Engineer, including an additional ten (10) feet of right of way along the Montgomery Avenue and "H" Street frontages for public roadway improvement (e.g. sidewalks) per Section 401.02(c).(7) of the Porterville Development Ordinance. Dedication of required utility easements shall be recorded prior to approval of the final map.

6. The dedication of easements or any other potential dedications shall be clearly identified on the Parcel Map. A Dedications Statement shall be placed on the map that reads:

"Pursuant to the authority conferred by the City of Porterville, Ordinance No. 1590, adopted February 20, 2001, the undersigned, on behalf of the Public and City Council of the City of Porterville consents to the acceptance and recordation of the dedication(s) as shown on this map.

Dated this ______ day of _______, 20__

By: Michael K. Reed, City Engineer PLS 7514"

7. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Chapter 18 and Appendix J of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997), satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:

a) Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);

b) Soils Report(s) in accordance with Chapter 18 and Appendix J of the California Building Code.

c) Soils Engineer shall execute a Soil Engineer Statement on the Parcel map confirming the filing of a Preliminary Soils Report with the Public Works
8. Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).

9. Prior to recording the final map, the developer/applicant shall provide improvements by the method indicated below:

   a. Construct or provide surety for construction of curbs, gutters, sidewalks, street improvements, water services, sewer laterals, storm drainage, electrical conduits, street lights, etc. per the Jaye Street/Montgomery Avenue Roundabout Project plans on file with the City Engineer. Stubbing of improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

   b. Simultaneous recording of a separate legal instrument or placement of a statement on the Final Map, if appropriate, that reads as follows:

   "In accordance with Section 66411.1 of the Government Code, the construction and/or installation of on-site and off-site improvements, such as but not limited to, sidewalks, driveways, paveouts, median island modifications, water, sewer, lot grading, storm drainage, etc. along the parcels fronting Montgomery Avenue and H Street has been deferred until such time as a permit or other grant of approval for development of the parcel is issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all improvements related to the specific parcels plus that required to make the installed improvements properly function."

10. 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).

11. Prior to recording the final map, 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.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, provide a surety for construction of said improvements. If not, construction of required improvements may be deferred in accordance with Section 66411.11 of the Government Code.

12. The developer/applicant shall construct drainage systems approved by the City Engineer. 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).

13. The developer/applicant shall provide street lights on Marbelite poles complying with
Southern California Edison Company specifications, as approved by the City Engineer. 16000 lumen street lights shall be installed along the Jaye Street frontage per the Jaye Street/Montgomery Avenue Roundabout Improvement plans on file with the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

14. The developer/applicant shall dedicate a one foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is undesirable to allow access. Montgomery Avenue access to Parcel 1, 2 and 3 shall be limited to a driveway that aligns with the existing sole median island break and Jaye Street access to Parcel 1 is prohibited. H Street access to Parcel 3 and the Remainder parcel shall be shared driveway that aligns with the existing median curb opening.

15. An easement for mutual ingress/egress, parking, refuse disposal, and vehicular passage rights over and across Parcels 1, 2, 3 and the Remainder Parcel shall be recorded by placement of a statement on the Parcel Map or other method acceptable to the City Engineer.

Prior to approval of the Parcel Map, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans. The developer/applicant shall petition, on a form provided by the City, to have said subdivided land placed in a Lighting and Landscape Maintenance District. Submit the $375 fee with the petition. The following shall be included and maintained in said district: (1) Lighting, (2) Recreational Open Space, (3) Public Landscaping, (stamped concrete, parkway strips, median island, roundabout splitter islands, roundabout center island (4) Public walls/fences, if any, and (5) Drainage reservoir, if any.

PASSED, APPROVED AND ADOPTED this 19th day of November, 2013.

By: ____________________________
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: ____________________________
Patrice Hildreth, Chief Deputy City Clerk