

CITY COUNCIL AGENDA: AUGUST 6, 2013

PUBLIC HEARING

SUBJECT: MODIFICATION TO CONDITIONAL USE PERMIT 1-79 TO AMEND THE SPECIFIC PLAN FOR WENDY'S RESTAURANT AT 860 WEST HENDERSON AVENUE AND ALLOW COMPLETE DEMOLITION OF THE CURRENT BUILDING AND CONSTRUCTION OF A NEW WENDY'S RESTAURANT AND DRIVE THROUGH

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION


COMMENT: The applicant is requesting a Conditional Use Permit to modify an existing Specific Plan approved by the City of Porterville's former Planning Commission. The modifications to the Specific Plan would entail demolition and reconstruction of the existing Wendy's restaurant and drive through facility located at 860 West Henderson Avenue. This site is immediately adjacent but a separate property from the Porterville Town Center development. The proposed reconstruction plan would alter the existing site plan and include relocation of the building footprint, architectural and materials design modifications, revised landscaping, and new and replacement lighting and signage. The existing building is within the Planned Development (PD) Zone.

The City's former Planning Commission approved the existing Specific Plan with Conditional Use Permit 1-79 in 1979, prior to the development of the adjacent Town Center commercial development. Since the proposed project is considered a major amendment per Section 207.09 (b) (6) of the Development Ordinance, it must be considered in a public hearing before the City Council. Some aspects of the submitted plans need to be refined and will require additional staff review to ensure compliance with local, State and Federal Codes.

Staff supports the applicant's desire to update their business in conformance with the standards of the Porterville Development Ordinance.

RECOMMENDATION: That the City Council adopt draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval.

ATTACHMENTS: Complete Staff Report

DDY  Appropriated/Funded N/A

CM 

Item No. 28

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PUBLIC HEARING

SUBJECT: MODIFICATION TO CONDITIONAL USE PERMIT 1-79 TO AMEND THE SPECIFIC PLAN FOR WENDY'S RESTAURANT AT 860 WEST HENDERSON AVENUE AND ALLOW COMPLETE DEMOLITION OF THE CURRENT BUILDING AND CONSTRUCTION OF A WENDY'S RESTAURANT AND DRIVE THROUGH

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

APPLICANT/AGENT:

Craig Horn
JEM Corp
312 West Cromwell
Fresno, CA 93729

Robert Vermeltfoort
Vermeltfoort Architects Inc.
8525 North Cedar Avenue, Suite 106
Fresno, CA 93720

PROJECT DESCRIPTION: The applicant is requesting modification to Conditional Use Permit 1-79 (2013-029) for a comprehensive redevelopment of an existing restaurant and drive through facility (Wendy's). The proposed plan calls for relocation of the existing building footprint, architectural and materials design modifications, revised landscaping, increase in building square footage by 727 sq ft, and related site improvements on the existing \pm 0.77 acre site located at 860 West Henderson Avenue.

SIZE OF PROJECT SITE: The existing restaurant is 2,450 square feet; the proposed restaurant would be 3,177 square feet. The project property is 35,828 square feet (\pm 0.77 of an acre).

GENERAL PLAN CLASSIFICATION: Commercial, Mixed Use

ZONING CLASSIFICATION: PD (Planned Development)

SURROUNDING ZONING AND LAND USES:

North: PD (Porterville Town Center)

West: PD (Porterville Town Center)

South: PD (Henderson Avenue and Porterville Plaza)

East: RM-2 (North Indiana Street and church)

ENVIRONMENTAL REVIEW:

Date Environmental Document Distributed	Date Notice Published in Porterville Recorder	Date Notice Mailed to Property Owners within 300 feet of property.
Item deemed Categorically exempt. Notice of Exemption mailed upon Council decision.	July 26, 2013	July 26, 2013

ANALYSIS: Conditional Use Permit 1-79 was reviewed and approved by the City's former Planning Commission at their regularly scheduled meeting of February 26, 1979. At that time, the Commission held a public hearing to consider a planned development permit and signage review for the development of a new Wendy's restaurant on the subject property. It should be noted that, at that time, the Wendy's restaurant was developed prior to the adjacent Town Center commercial development.

The project proposes to modify CUP 1-79, a Specific Plan allowing the redevelopment of Wendy's in the PD (CMX) zone. The proposed action, demolition and reconstruction of a fast-food restaurant, is considered a major amendment per Section 207.09(b)(6) of the Development Ordinance, and must, therefore, be considered in a public hearing before the City Council.

The Project Review Committee (PRC) reviewed the proposed project at its meeting on June 19, 2013. The Committee recommended several modifications to the proposed site plan, architecture, and Planning Commission conditions of approval. Suggested conditions were aimed at bringing the proposed plan into conformance with required Municipal, Building, Development and Public Safety-related codes and are intended to protect the public health safety and welfare. These proposed conditions of approval would supersede and replace those associated with the original approval set forth in Resolution 1043. Suggested conditions are incorporated in the attached Draft Resolution.

A few design considerations brought forward by members of the PRC may be deferred to staff review to ensure timely construction of the proposed site improvements. These include lighting and signage approvals. For example, the street sign is proposed to stay exactly as is but with new sign faces that include the new corporate logo. Because the new sign faces have not yet been designed, the final approval would be made by the Zoning Administrator. Additional signage would be considered based on Specific Plan and Development Ordinance standard requirements. The original specific plan limited signage to 82.95 square feet in area. However, this was based on the Sign ordinance provisions in place in 1979. The current Development Code provisions would be applicable to the project.

The attached conditions of approval also include requirements for shielding of relocated lighting (as articulated in both the original Resolution 1043 and reiterated/expanded to add maintenance requirements) and as compliant with lighting requirements set forth in Development Ordinance Section 300.07.

It should be noted that proposed architectural features, such as the brick building face and metal roofing differ in character with surrounding commercial development, but adds architectural interest to a somewhat basic building design. The proposed plan benefits the community in that the proposed site improvements address the need for a comprehensive update to the building, which is in need of upgrade. Staff contacted the property management company for Porterville Town Center in order to invite their comments on the project in general and on the

proposed replacement of street-side turf. Mike Stone of Porterville Investments was unavailable for comment each time staff called and no other staff person was able to answer the City's request for comment. Staff left messages with Mr. Stone on both dates of June 26, 2013, and June 29, 2013, and no response has been received as of the writing of this report.

The replacement of the street-facing landscape turf buffer with a combination of trees, shrubs and ground cover is unlike the adjacent commercial development and could break up the continuity of landscaping for this block of commercial development. The Development Ordinance requires installation of drought tolerant landscape and irrigation materials in new developments with a landscaping area greater than 2,500 square feet. Staff will review the submitted landscape and irrigation plans for compliance with the standards and staff is recommending that the Zoning Administrator approve the landscape and irrigation design. Additionally, the conditions of approval require maintenance of the ground cover, whether live material or mulch. Council may also elect to revise this condition to require retention of the turf.

General Plan Compliance

The current project site land use designation is Commercial, Mixed Use. This designation provides for a transition from high density commercial to residential use designated areas. The following General Plan Policies relate to the proposed project:

LU-G-4 Promote transitions between types and intensities of land use using high-quality urban design and greenway buffers.

ED-G-2 Retain, improve, and promote existing businesses in Porterville and foster local start-up businesses.

Summary: The intent of these policies is to encourage quality design while improving and retaining existing businesses in Porterville.

Development Code Compliance

The project site land use designation is zoned PD (Planned Development). The following Development Code regulations apply to the proposed project:

- Section 203 CMX (Commercial Mixed Use) zoning standards apply with respect to typical building envelope and general zoning requirements. Conditions of approval to ensure compliance were suggested by the PRC and are incorporated in the attached draft resolution.
- Section (§) 207 (all) and specifically:

§ 207.06 Required findings:

(d) The proposed development will ...be compatible with the existing and planned land use character of the surrounding area;

(f) The proposed development provides a more efficient use of the land and superior architecture and site design...

§ 207.07 Conditions. In approving a PD Plan...the City Council may impose reasonable conditions deemed necessary to:

(a) Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted.

(c) Achieve the findings listed in Section 207.06.

- Section 300 General Site Regulations:

§300.07 (e)(4) The unshielded outdoor illumination of any building or landscaping is prohibited...

SUMMARY: Modifications to the Specific Plan associated with the Planned Development shall ensure that the plan continues to be compatible with the character of the surrounding area.

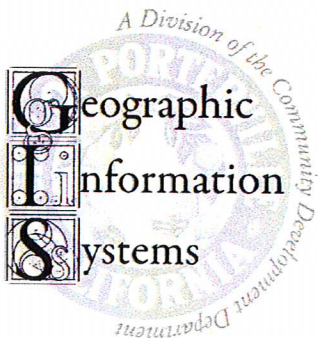
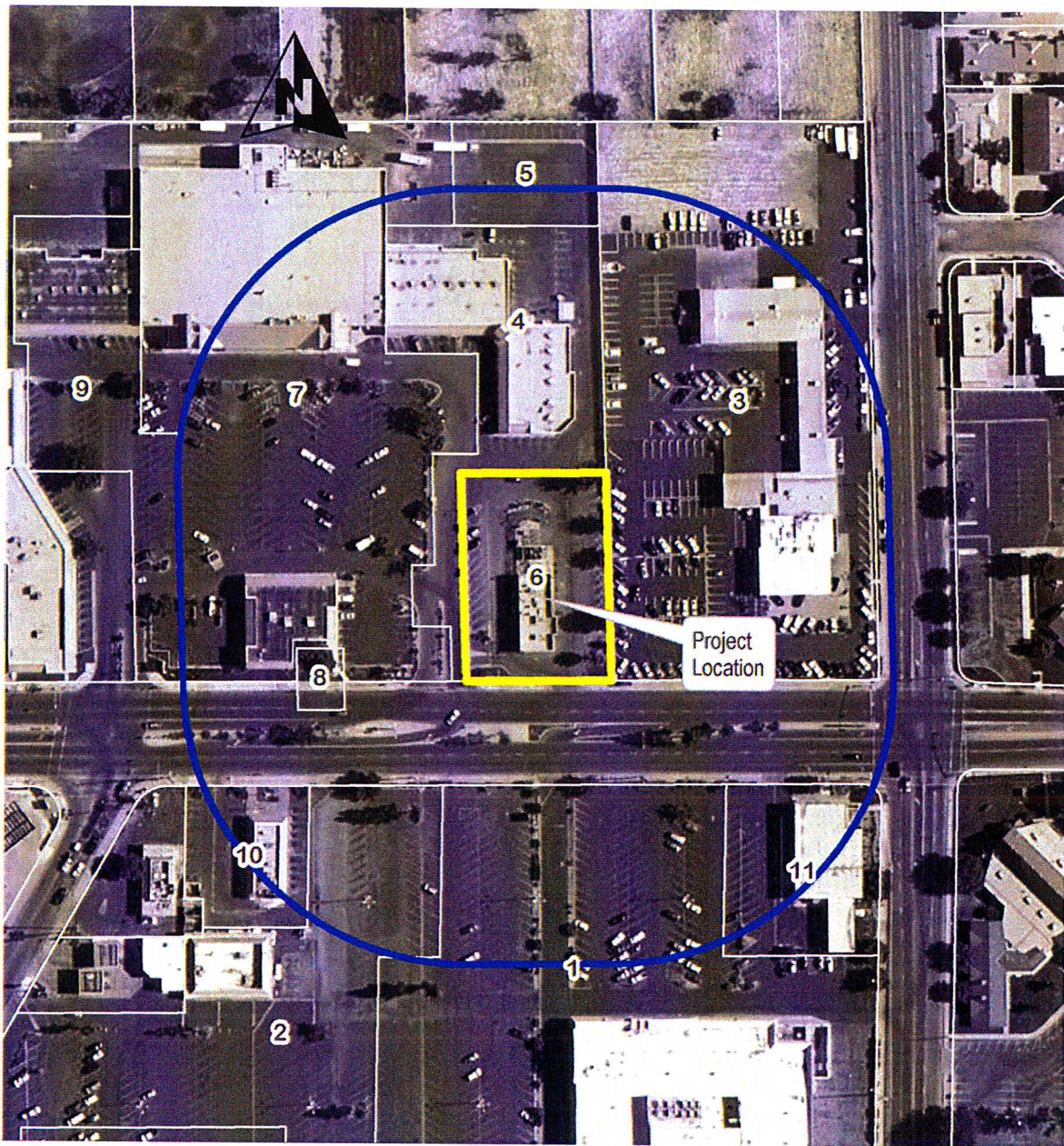
ENVIRONMENTAL REVIEW: This project is exempt from the review requirements of the California Environmental Quality Act Categorical Exemption provisions in Article 19, Section 15301, *Existing Facilities*. Upon approval of the project, Staff will prepare and submit the required Notice of Exemption.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval.

ATTACHMENTS:

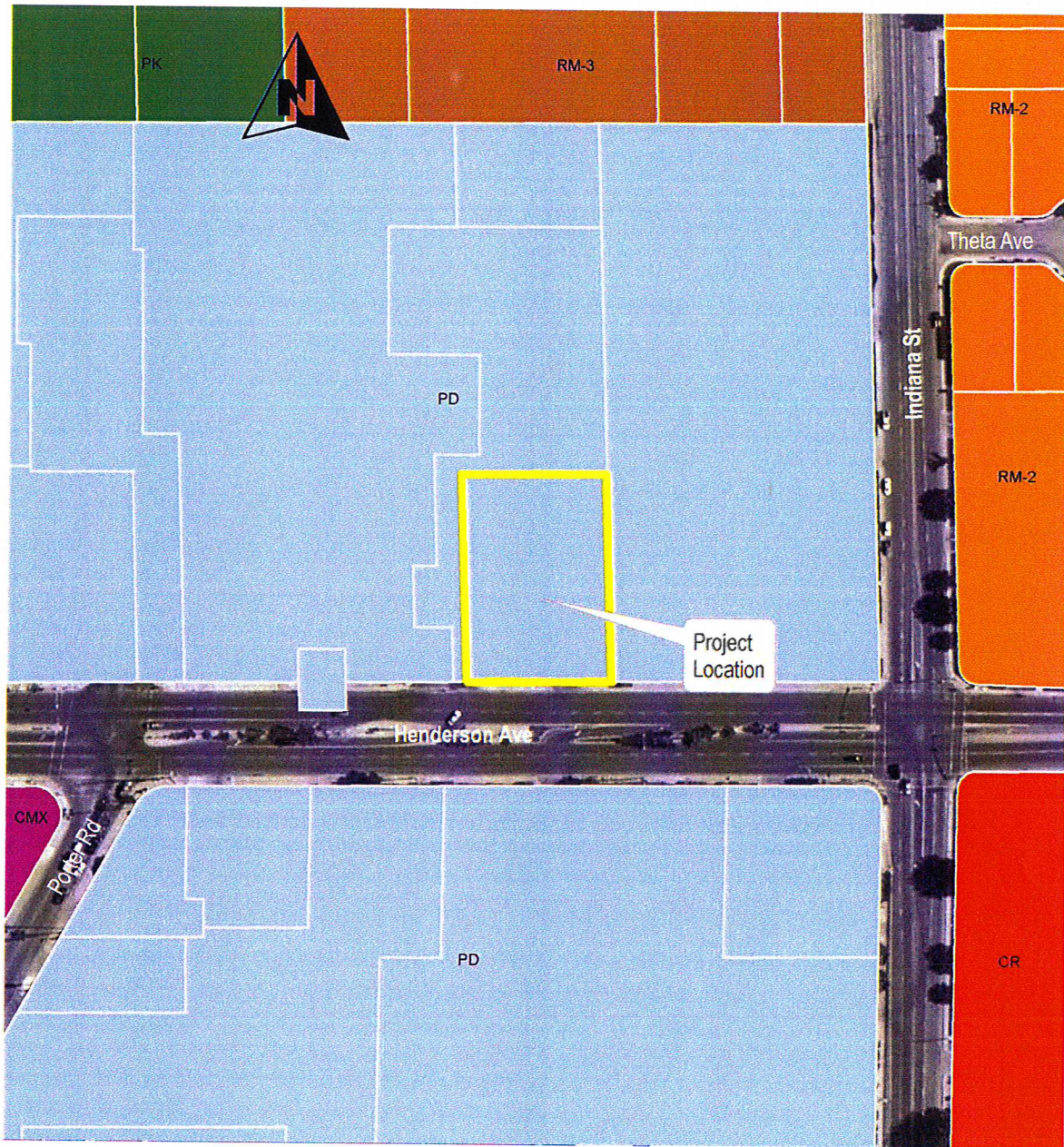
1. 300' Radius/Locator Map
2. Zoning Map
3. Site Plan (Existing, Demolition, and Proposed)
4. Floor Plan (Proposed)
5. Proposed Elevations
6. Resolution 1043 (applicable to existing Planned Development/Conditional Use Permit)
7. Draft Resolution (applicable to modified P.D./CUP)

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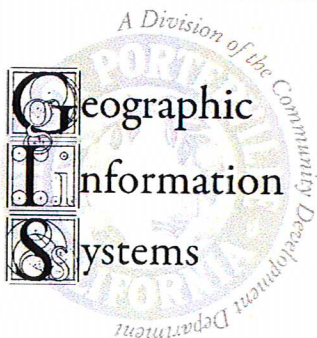


PRC 2013-029 - Wendy's
300' Buffer Map
1" = 150 ft.

ATTACHMENT 1



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PRC 2013-029 - Wendy's
Zoning Map
1" = 150 ft.

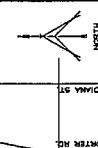


SCALE: 1"=20'-0" 12

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(E-2)	EXIST. AIRWAY, CONC. & GUTTER TO REPAIR, EXIST. VALLEY GUTTER TO REPAIR, PROTECT FROM TRUCK DAMAGE.	
(E-3)	EXIST. PROPERTY LINE TO REPAIR.	
(E-4)	EXIST. AS PAVING TO REPAIR, PROTECT FROM DAMAGE.	
(E-5)	EXIST. STEERING TO REPAIR.	
(E-6)	EXIST. DRIVE APPROACH TO REPAIR.	
(E-7)	EXIST. STREET APPROACH TO REPAIR.	
(E-8)	EXIST. LIGHT POLE TO REPAIR.	
(E-9)	EXIST. TRANSFORMER, CONC. PAD & BOLLARDS TO REPAIR.	
(E-10)	EXIST. LANDSCAPING TO REPAIR, PROVIDE HIGH LANDSCAPING AS RAIL.	
(E-11)	EXIST. FIRE HYDRANT & BOLLARDS TO REPAIR.	
(E-12)	ON PARKING LOT STRIPS FOR CITY STANDARDS.	
(E-13)	60 DIAGONAL ARROW STRIPS FOR CITY	
(E-14)	ON TRASH ENCLOSURE, PER CITY STANDARDS, SEE	
(E-15)	507.	
(E-16)	ON S LOOP SIDE BACK.	
(E-17)	ON SIDE OF TRANSMISSION DOPES.	
(E-18)	ON SIDE OF STREET STOP.	
(E-19)	PAVING SIDEWALK STOP.	
(E-20)	PAVING SIDEWALK STOP, PROVIDE "NO PARKING FIRE LANE" LETTERS 8' MAX. 30' AWAY. (SOME DISABED)	
(E-21)	"UNAUTHORIZED VEHICLE" SIGNAGE.	
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MILBERRY AVE.

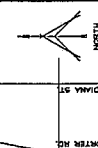


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ADDRESS _____

SITE INFORMATION	264-97-008 CITY OF PORTERVILLE PORTERVILLE, CALIFORNIA 95297
LOT AREA	377 ACRES (38,440 S.F.)
ZONING	
PROPOSED BUILDING AREA	3,177 S.F.
SEWER SYSTEM	CITY OF PORTERVILLE WASTEWATER TREATMENT PLANT STREET WATER SYSTEM
RUBBISH	27 MARINE STALLS 1 STANDARD HANDICAP STALL & VAN PICK UP TRUCK PROVIDED PER CODE TABLE 10-4.1
REQUIRED	
PROVIDED	

MILBERRY AVE.



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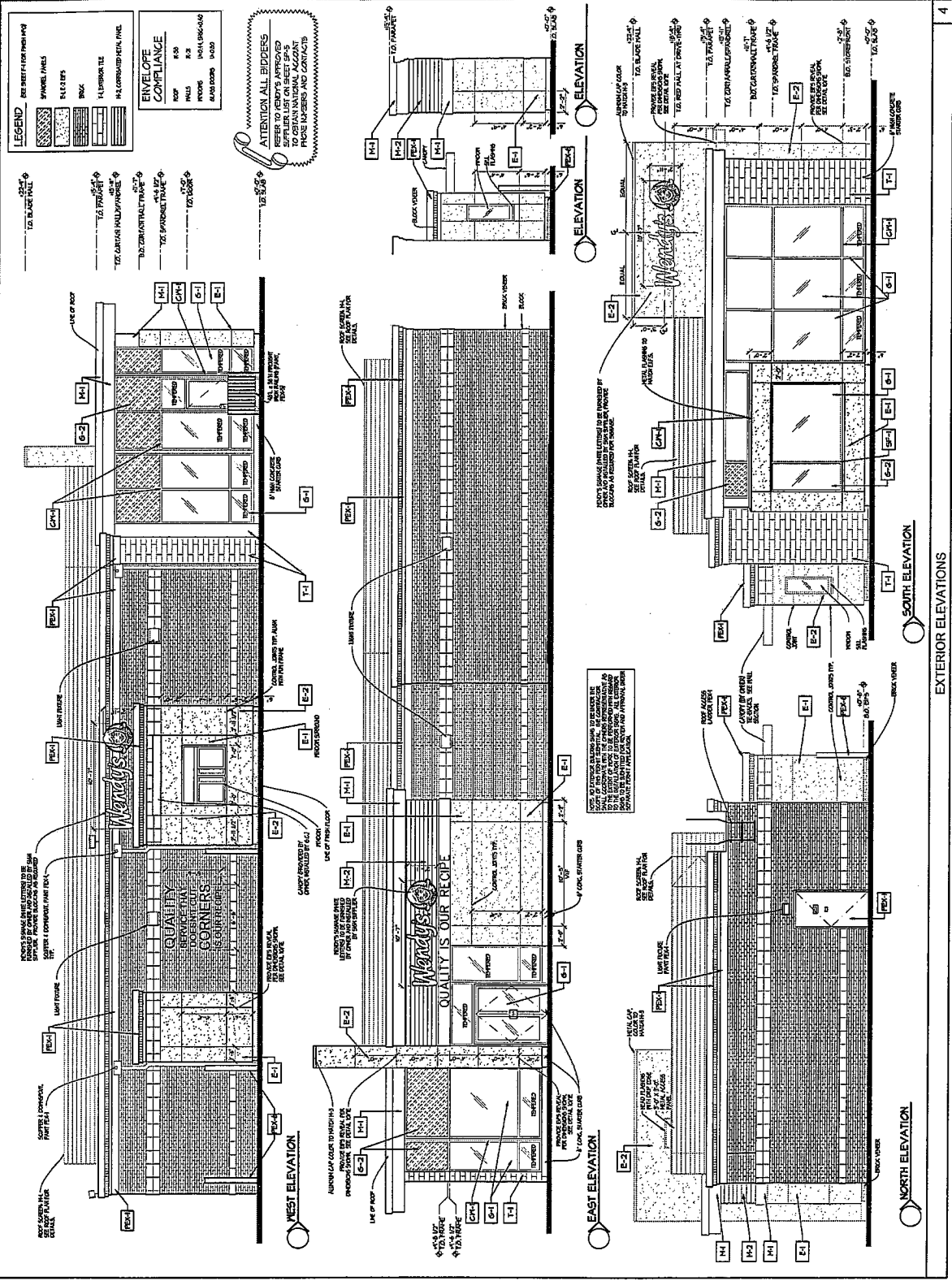
Wendys

**NEW DRIVE-THRU
RESTAURANT**

860 W. HENDERSON AVE.,
PORTERVILLE, CALIFORNIA 93257

BROOKS BROS. GIFT PLAN

ISSUE DATE:	6-17-13
REV. DATE:	
PROJECT NO.:	13026
DRAWN BY:	NL
SHEET:	13



RESOLUTION NO. 1043

CONDITIONAL USE PERMIT NO. 1-79 (P-D-C)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVING THE GENERAL AND SPECIFIC PLANS FOR CONSTRUCTION OF A FAST FOOD RESTAURANT (WENDY'S) AND SIGNING FOR THE PROPOSED USE IN A P-D(C) ZONE, LOCATED ON THE NORTH SIDE OF WEST HENDERSON AVENUE BETWEEN STATE HIGHWAY NO. 65 AND NORTH INDIANA STREET.

WHEREAS: The Porterville Planning Commission at their regularly scheduled meeting of February 26, 1979, held a Public Hearing to review the General and Specific Plans to construct a fast food restaurant in a P-D(C) Zone located on the north side of West Henderson Avenue between Highway No. 65 and North Indiana Street, and

WHEREAS: The Porterville Planning Commission received testimony from all interested parties relative to the proposed General and Specific Plans.

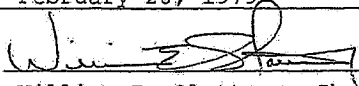
NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission hereby recommends approval to the City Council of the General and Specific Development Plans for a fast food restaurant in a P-D(C) Zone located on the north side of West Henderson Avenue between State Highway No. 65 and North Indiana Street subject to the following conditions:

1. That Building Permit approval be held in abeyance until the recordation of Tentative Parcel Map No. 19-78 is completed and filed with the Tulare County Recorder's office.
2. That a loading zone 10 x 40 feet in size be provided per Article 17 of the Porterville Zoning Ordinance, location to be approved by the City Planner.
3. That the developer install and maintain at least 23 parking stalls sized, positioned and accompanied by minimum drives and aisles as required by Section 1600-1607 of the Zoning Ordinance.
4. That "Right Turn Only" signs be provided at the most westerly exit to discourage the use of the west bound turning pocket.
5. That a trash container enclosure area be installed, as shown upon the plot plans, and as per Engineering Standard No. T-2a or T-2b.
6. That all on-site utilities be placed underground.

7. That sidewalk be installed to full parkway width along the West Henderson Avenue frontage, ten (10) feet wide or parkway width if the parkway is wider than ten (10) feet.
8. That any relocation of existing public utility equipment, poles, vaults, etc., shall be at the expense of the applicants.
9. That any landscaped areas that abut public sidewalk be enclosed by a six (6) inch high barrier curb.
10. That the freestanding sign oriented on Henderson Avenue traffic not exceed a maximum height of thirty (30) feet from finished grade, nor project more than eighteen (18) inches over the right-of-way.
11. That roof-top protrusions of a mechanical nature, i.e. refrigeration units, vents, hearing units, etc. be screened from public view to the satisfaction of the City Planner.
12. That all on-site illumination proposed be directed downward and inward and not cast an offensive glare upon single family residences north of subject parcel.
13. That no outside loudspeakers or other such sound amplification equipment be positioned upon the exterior of the subject premises other than that utilized for the remote ordering facilities approved by the Planning Commission.
14. That unless noted otherwise, all development shall conform substantially to the plans approved by the Planning Commission and all construction, street improvements, landscaping and parking facilities shall be completed prior to the occupancy of the proposed structure.
15. That all improvements required shall be constructed in accordance with the City of Porterville Standard Plans and Specifications and in accordance with the recommendations of the City Engineer.
16. That all signing (with the exception of additionally excepted on site directional signing not exceeding four (4) feet), shall not exceed 82.95 square feet in accordance with the dictates of the Porterville Signing Ordinance. Further, no additional signing square footage allowance shall be given for the west elevation of the structure unless the access drive adjacent to the westerly property line is a dedicated right-of-way.

MOVED by Commissioner Sommerfeld, seconded by Commissioner Neufeld and passed unanimously by roll call vote.

DATED: February 26, 1979

ATTEST: 
William E. Slattery, Chairman
Porterville Planning Commission

FINDINGS

CONDITIONAL USE PERMIT NO. 1-79 (P-D-C)

1. That the proposed project is consistent with "Sphere of Influence" and the Urban Area and Urban Improvement Boundaries of the City of Porterville.
2. That the proposed zoning is consistent with the Porterville General Plan.
3. That the proposed project is consistent with applicable general and specific plans.
4. That the design or improvement of the proposed project is consistent with applicable general and specific plans.
5. That the site is physically suitable for the type of development.
6. That the site is physically suitable for the proposed density of development of the project.
7. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage.
8. That the design of the project or the type of improvements are not likely to cause serious public health problems.
9. That the design of the project or the type of improvements will not conflict with easements or public rights of way acquired by the public at large within the proposed project.
10. That the proposed signing does not conform with the intent of the Porterville Signing Ordinance.
11. The potential for traffic movements to be complicated in the vicinity of this development may be increased.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF
CONDITIONAL USE PERMIT (2013-029) ALLOWING MODIFICATION
TO CONDITIONAL USE PERMIT 1-79 AND AMENDING THE SPECIFIC
PLAN FOR WENDY'S RESTAURANT AT 860 WEST HENDERSON AVENUE

WHEREAS: The existing planned development area commonly known as Porterville Town Center is subject to a specific plan approved by the Porterville Planning Commission at their regularly scheduled meeting of February 26, 1979, with Conditional Use Permit 1-79; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of August 6, 2013, conducted a public hearing to consider a modification to Conditional Use Permit 1-79 (2013-029), to allow for demolition and reconstruction of Wendy's restaurant and drive through located at 860 W. Henderson Avenue; and

WHEREAS: The proposed modification to Conditional Use Permit 1-79 is considered a major amendment per Section 207.09 (b) (6) of the City of Porterville Development Ordinance (Amendments of Approved Plans; Major Amendments) and therefore required consideration in a public hearing before the City Council; and

WHEREAS: The City Council of the City of Porterville held a public hearing on August 6, 2013 and received testimony from all interested parties related to the requested modification to an approved plan; and

WHEREAS: The City Council made the following findings:

1. The project proposes to modify CUP 1-79, a Specific Plan allowing the development of Wendy's in the PD (C) zone. 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. The modified Plan is consistent with Development Code required findings 207.06 (a) through (f) as conditioned.
2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included herein to ensure adequate development standards are met. Further, all land owners within the City of Porterville are held to performance standards identified in Chapter 307 of the Development Ordinance. Specifically, Section 307.03 of the Ordinance states "Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive, or other hazard; noise, vibration, smoke, dust, odor, or form of air pollution; heat, cold, dampness, electrical or other disturbance; glare, refuse, or wastes; or other substances, conditions, or elements which would substantially adversely affect the surrounding area."

3. Pursuant to Categorical Exemption Class 15301 (Existing Facilities) of CEQA guidelines the project as proposed is categorically exempt. The activity meets the criteria of the Class 1 exemption as replacement of an existing facility.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (2013-029) as modification to CUP 1-79) subject to the following conditions:

1. At all times, the facility shall be operated and maintained to comply with applicable State and Federal laws, and the City of Porterville Development Ordinance.
2. Development shall conform substantially to the plans approved by the City Council (Exhibits A, B, and C) and all construction, street improvements, landscaping and parking facilities shall be completed prior to the occupancy of the proposed structure unless modified as required by the Zoning Administrator to meet Porterville Development Code requirements.
3. The proposed project is subject to the development standards of §203.03 for CMX with regard to building envelope (set backs) and general zoning requirements.
4. The building must provide articulated facades on all sides using measures as described in §203.03(d).
5. The project must provide pedestrian oriented design per §203.04 in all manners. Include ground floor windows for at least 50% of the Henderson Avenue (southern) frontage as shown. No wall may run for more than 20' without an opening.
6. Other required pedestrian oriented design elements are addressed in §203.04, including street furniture or seating must be implemented. This can be achieved on the large patio at the main entrance.
7. Pedestrian access must be provided, not just to the Henderson frontage, but also to the remainder of the Planned Development.
8. Design criteria listed in 203.04(c)(2) apply. (Integrated theme, four sided architecture, drive through facilities, pedestrian amenities, bike parking, lighting, etc).
9. The project lighting and signage plans reviewed by Council are conceptual. The applicant shall submit final plans with design specifications for all lighting and signage proposed for the site (new or replacement) for staff review. All on-site illumination proposed be directed downward and inward and not cast an offensive glare upon single family residences north of subject parcel.
10. The applicant shall maintain the security lighting on the exterior of the building and in the parking lot in a manner to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.

11. Signage- Signs require a separate permit and must comply with the conditions presented in the Specific Plan and the Development Code. Pedestrian oriented signage is required on the south frontage. Submittal shall also include representation of the new sign face(s) for the street pole sign.
12. The developer/applicant shall comply with Chapter 305 of the Porterville Development Ordinance and shall assure that all signs and advertising structures, including temporary signs, are designed, erected and maintained in a manner to enhance, rather than detract from, the ultimate design and appearance of the affected locality. Signs must be maintained in good condition or replaced in kind. All signs must be permitted including but not limited to future modifications to proposed signage.
13. Materials installed shall comply with the samples presented to Council unless their substitution is pre-approved by the Community Development Director or his designee as a substantive replacement in kind.
14. A revised landscape plan shall be submitted.
 - Landscaping shall comply with staff review. All landscape areas which are located within or adjacent to parking or vehicular traffic areas shall be protected from vehicular traffic by the installation of concrete curbing.
 - Boundaries of landscaped areas, not adjacent to parking or vehicular traffic areas, shall be delineated either by concrete or redwood header board, as determined at the time of the review of the landscape plan.
 - Finger islands shall be installed in parking area at every eight (8) spaces at a minimum.
15. Utility boxes shall be painted to match building.
16. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2010 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
17. 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.
18. The developer/applicant shall comply with Appendix J, "Grading" of the 2007 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.

19. 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 (Ordinance No. 1306). Existing frontage improvements were evaluated and determined that they were noncompliant. An accessible path of travel across the driveway(s) serving the property must be provided by the removal and replacement of each driveway per the attached professional office/commercial standard driveway standard plan.
20. The developer/applicant shall comply with driveway vehicular sight distance requirements per Section 300.16 of the Development ordinance.
21. The developer/applicant shall construct and/or repair sidewalk so as to maintain the original width of 9.5 feet along the full frontage of the proposed project.
22. The developer/applicant shall construct drainage facilities as required to serve the property (Ordinance No. 1306), if the project includes reconstruction and/or rehabilitation of the exiting parking lot. Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.
23. The developer/applicant shall design the parking lot in conformance with Section 304 of the Development Ordinance, if the project includes reconstruction and/or rehabilitation of the exiting parking lot. Minimum cross slopes within the parking lot shall be 1.5% for asphalt concrete or 1% for concrete paving areas.
24. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:
 - Wastewater Discharge Permit Application, Part "A"; and

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.

25. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust by obtaining a Dust Control Permit, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. During grading operations, the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.
26. 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.

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

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

27. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City standards (Sec 13-15). Enclosure location to be approved by City prior to issuance of building permit. Enclosure should be oriented for direct pick up and ADA compliant. 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.
28. The developer/applicant is hereby notified that Henderson Avenue was recently rehabilitated and now has a five (5) year utility cut moratorium that is in effect until December 2015. All wet and dry utility connections and extensions to the site shall be by method or methods approved by the City Engineer (i.e., boring, jacking, etc.). All patches associated with these connections shall be sealed immediately upon completion with a micro-surfacing product or similar material approved by the City Engineer.
29. The developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615. Fires service line(s) shall be equipped with a double detector check installed below grade per the attached standard plan.
30. The developer/applicant shall submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, including two (2) sets of energy calculations and structural calculations.
31. Plan submittals shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
32. Plan submittals shall comply with all current applicable Codes.
33. The developer/applicant shall make payment of the required plan check fees at the time of building permit plan submittal.
34. Soil and compaction reports may be required as determined by Code.
35. The developer/applicant shall obtain a demolition release from the San Joaquin Valley Unified Air Pollution Control District and shall submit said release with a

plan for demolition prior to, or concurrently with, the submittal of the new construction plans.

36. The developer/applicant shall provide soil compaction test(s) as required by the applicable building code sections.
37. The developer/applicant shall pay School Development fees and all other City fees at the time table determined by current City Ordinance.
38. The developer/applicant shall pay all fees according to the Municipal Code and State Law.
39. The developer/applicant shall obtain plan approval from the Tulare County Health Department and provide proof of said approval to the City of Porterville Building Department prior to the issuance of the building permit.
40. Restrooms, main entrance/s, and paths of travel from designated parking stalls shall comply with current access laws (both State and Federal). The most stringent Code shall prevail.
41. Plan submittals shall include the installation of bike racks if the occupant load is ten (10) or more. (Per California Green Code.)
42. Plan submittals shall include the installation of Clean Air parking stall(s) if ten (10) or more parking stalls are required for the project. (Per California Green Code.)
43. Compliance forms and worksheets are required to be included on all plan submittals. (Per California Green Code.)
44. All construction offices, storage containers, etc. planned and/or intended for temporary use during construction must receive approval from the Chief Building Official through a separate permit process prior to their installation and/or placement on the property and must be removed from the jobsite prior to final occupancy being requested and/or approved.
45. The developer/applicant shall submit a racking plan with supporting engineering calculations, if applicable to the project.
46. Tulare County Health Department must conduct their inspection and provide approval of the building construction prior to final occupancy being requested/granted by the City of Porterville.
47. The Building Official has designated the proposed construction to be an "A-2" Occupancy Classification.
48. Allow two (2) weeks review time for the initial plan check submittal and an additional two (2) weeks review time for each subsequent re-submittal.

49. NO DEFERRED ITEMS. Plans submitted with deferred items will automatically be rejected and are not guaranteed a complete plan review prior to said rejection.
50. A grease trap or grease interceptor is required.
51. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.
52. 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 is more than 20.
53. For automatic sprinkler systems, underground plans must be submitted with above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.
54. When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
55. Depending on the location of the existing fire hydrant(s), additional fire hydrants or facility improvements may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
56. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code Section 22500.1.
57. A Knox box will be required. A "Grand Master" key that opens all locked areas will also be required and placed inside the Knox Box. An application may be obtained from the Fire Department.
58. "Right Turn Only" signs shall be provided or reinstalled at the most westerly exit to discourage the use of the west bound turning pocket.
59. That all on-site utilities be placed underground.
60. Sidewalk shall be reconstructed, as needed, to specifications required by Staff, per standard Development and Building Codes.
61. Any relocation of existing public utility equipment, poles, vaults, etc., shall be at the expense of the applicants.
62. Landscaped areas that abut public sidewalk be enclosed by a six (6) inch high barrier curb.
63. All roof, ground and wall-mounted equipment including electrical, mechanical, plumbing and utility services shall be screened from public view in a manner that

is architecturally compatible with the proposed development in compliance with Development Code Section 300.10.

64. No outside loudspeakers or other such sound amplification equipment be positioned upon the exterior of the subject premises other than that utilized for the remote ordering facilities and which meet Noise Ordinance limitations.
65. That all improvements required shall be constructed in accordance with the City of Porterville Standard Plans and Specifications and in accordance with the recommendations of the City Engineer.
66. The conditional use permit shall be become null and void if not undertaken actively and continuously pursued within two (2) years.

PASSED, APPROVED AND ADOPTED this ____ day of August 2013.

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

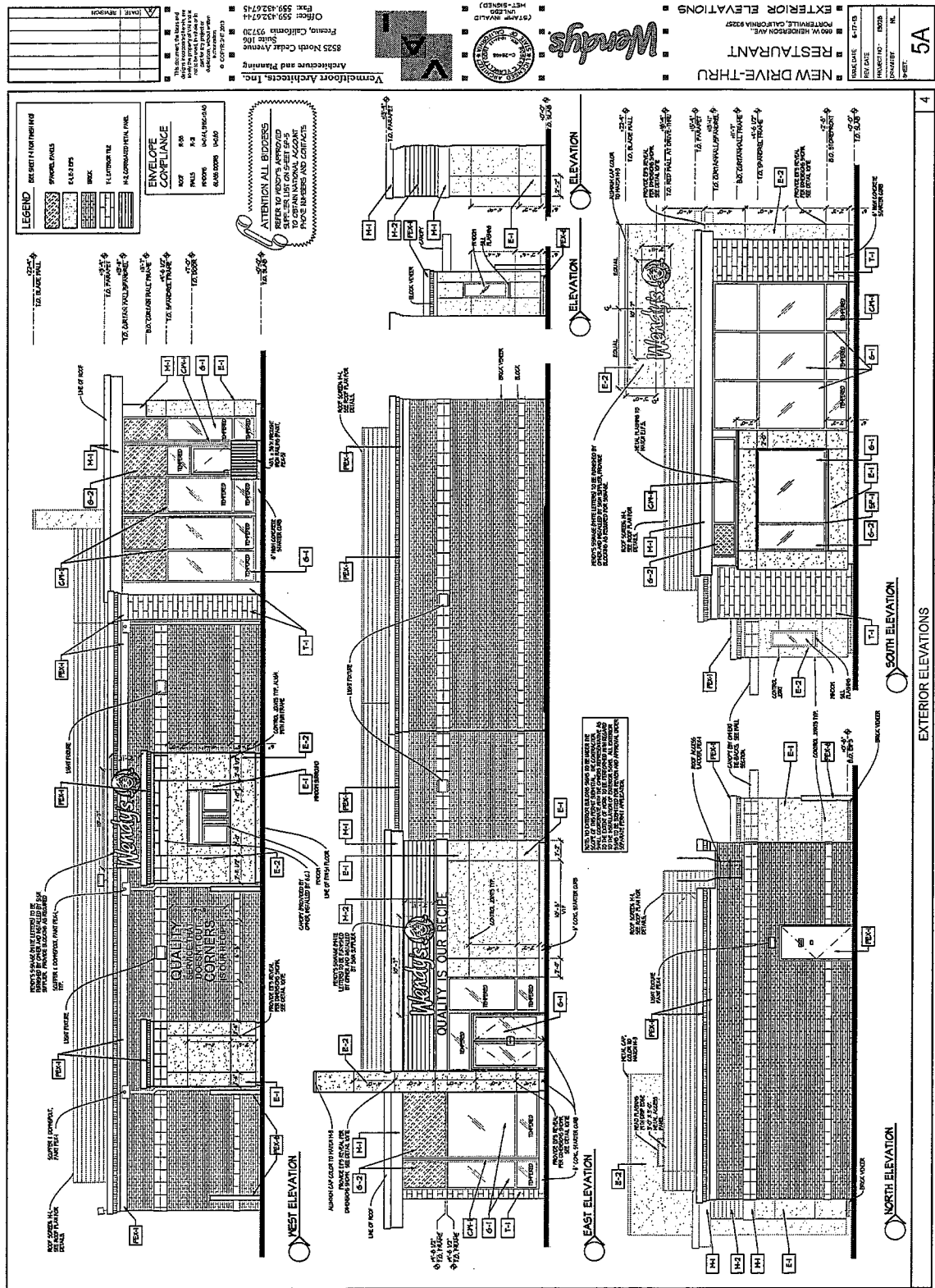


Exhibit C