

CITY COUNCIL AGENDA: MARCH 19, 2013

PUBLIC HEARING - CONTINUED

SUBJECT: CONSIDERATION OF MODIFICATION OR REVOCATION OF  
CONDITIONAL USE PERMIT 8-82 (RESOLUTION 13-2008)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENTS: On March 5, 2013, the City Council held a Public Hearing to consider modification or revocation of Conditional Use Permit 8-82 (Resolution 13-2008) as it related to a structure constructed in a manner inconsistent with approved plans. After conducting the Public Hearing, the Council requested that the developer submit plans representing proposed corrections to the approved plans showing changes in building elevations and site layout, so that some solution could be defined. As of the publication of this staff report, the developer had not yet submitted revised plans or elevations to represent possible resolution of the City Council's concerns. However, staff expects the developer's agent to present plans and elevations prior to the March 19, 2013 Council meeting. Any plans, elevations, and supplemental information will be presented to the City Council upon submittal to staff.

RECOMMENDATION: Consider the proposed corrections (if submitted) and provide direction to staff accordingly.

ATTACHMENTS: Staff Report from March 5, 2013 City Council meeting

DD JB APPROPRIATED/FUNDED N/A CM 1

Acting

ITEM NO. 17

CITY COUNCIL AGENDA: MARCH 5, 2013

PUBLIC HEARING

SUBJECT: CONSIDERATION OF MODIFICATION OR REVOCATION OF  
CONDITIONAL USE PERMIT 8-82 (RESOLUTION 13-2008)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENTS: On February 19, 2008, the City Council adopted Resolution 13-2008, approving Modification No. 1 to Conditional Use Permit 8-82 General and Specific Plans Phase One to allow the construction of a drive-through restaurant and drive-through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street, currently addressed as 815 E. Putnam Avenue. The subject site zoning classification at the time of project approval was PD-R1 (Planned Development - One Family Residential) and approved by resolution to be a five (5) phased residential and commercial development. On March 6, 2008, the developer submitted a set of plans to the Public Works Department to obtain permits for the construction of the drive-through restaurant and drive-through coffee kiosk as per City Council approved exhibits. As soon as all required information was obtained from the developer, the plans were approved by all required departments on November 29, 2010, and the building permits were issued to the developer on July 16, 2012.

On February 14, 2013, during the final inspection of 815 E. Putnam Avenue, more specifically the constructed drive-through restaurant, City staff observed deviations in the constructed building from the conditions and plans approved by City Council under Conditional Use Permit 8-82 (Resolution 13-2008). In addition to the deviations, some components of the built development are out of compliance with the design standards of the Zoning Ordinance established upon project approval.

Many of the deviations from the approved plans, listed herein as Attachment 5, are not easily correctable, therefore, the matter has been set for City Council consideration on March 5, 2013. On February 22, 2013, a letter was mailed to the developer stating that a public hearing was scheduled for City Council to consider modification or revocation of CUP 8-82 General and Specific Plans Phase One, and due to the deviations (listed herein) the Community Development Department - Planning Division was unable to approve the developer's occupancy permit without City Council's review and determination. Staff has met with the developer and she is working on resolving the defined code deficiencies and inconsistencies with the conditions of approval. However, the full revision of the project to the original design would be difficult, time consuming, and in some instances cost prohibitive.

DD ~~PD~~ APPROPRIATED/FUNDED N/A CM J

**ATTACHMENT**  
**ITEM NO. 1**

It is the City's policy to schedule a public hearing pursuant to Section 3103 (reference is to prior Zoning Ordinance due to permits being issued under prior Code provisions) of the Zoning Ordinance where there is or has been a violation of or failure to observe the terms or conditions of the permit, or that the use has been conducted in violation of the provisions of the ordinance, law, or regulations.

Resolution No. 13-2008 (Attachment 2) contains the following preamble that is pertinent to the issue:

*"WHEREAS: The project consists of two drive-through buildings providing restaurant (1,389 square feet) and coffee (600 square feet) services for a total combined square footage of 1,989 square feet of building space. The colors and finish of the proposed buildings will be brown and cream tones compatible to the convenience market on the adjacent parcel to the west. Additionally, landscaping will be installed along the frontage of the property, in front of both buildings, and along the restaurant's menu board; and"*

The constructed development at this time has omitted the 600 square foot coffee kiosk. Additionally, the color and finish of the existing building does not incorporate cream tones to make it compatible to the convenience market (Sunnyside Handy Market) on the adjacent parcel to the west, nor is the architecture consistent with that approved by the City Council. The footprint of the building and the architectural treatment to the building including the building entrance enhancements, brick veneer, awning and landscaping are different from that approved by the City Council.

Resolution No. 13-2008 contains the following finding that is pertinent to the issue:

*"7. The project as proposed complies with all design standards of the Zoning Ordinance."*

Section 2206 (E) of the Zoning Ordinance states: "Lights: If the parking area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare."

Section 2206 (F)(2) of the Zoning Ordinance states; "A minimum of five foot (5') wide screen planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street."

The constructed development is not in compliance with the design standards of the Zoning Ordinance, due to the referenced sections above. The exterior lighting attached to the building is unshielded and faces residential sites to the north, east and south. The required five (5) foot wide screening planting strip is not installed at the northeast corner of the project site as per City Council findings of approval.

The developer is working on complying with the defined code issues and conditions of approval on lighting.

Resolution No. 13-2008 contains the following conditions that are pertinent issues:

*“4. For safety and security, adequate lighting will be required during hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director.”*

As referenced above, the lighting is not designed to limit glare or spillover onto adjacent parcels. In addition, the lighting did not receive required review by the Police Chief or Community Development Director. The developer is working on complying with the defined code issues and conditions of approval on lighting.

*“5. All mechanical and electrical equipment is to be screened and maintained from public view.”*

The heating and air conditioning unit installed on the roof is not screened from public view. An architecturally compatible screen would need to be installed to obstruct views of the roof mounted equipment. The developer is working on complying with the defined code issues and conditions of approval on screening of mechanical equipment.

*“15. The developer/applicant shall provide street lights 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. A 9500 lumen street light shall be installed at the northeast property corner.”*

A street light is required to be installed along Putnam Avenue, which the developer has not indicated a willingness to install.

*“16. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.”*

The parking lot layout has been modified from that reviewed by staff and approved by the City Council. For example, a minimum five (5) foot wide landscape planter is required between the easterly row of parking spaces and the street.

*“38. At all times, the facilities shall be constructed, operated and maintained to comply with State law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.”*



Due to the identified changes in the project, the development does not currently comply with the provision of the Municipal Code and Conditions of approval. With the exception of the changes in site layout and the architectural changes, the developer is working on complying with the defined code issues and conditions of approval on lighting (except the required street light) and screening of mechanical equipment.

*"39. That the subject site will be developed in accordance with the site plan and elevation plan labeled Exhibit "A"."*

Current constructed development is not in compliance with the above City Council conditions of approval under Resolution 13-2008 as indicated in the above comments.

It is the City's policy to consider modification or revocation of a Conditional Use Permit on any one or more of the grounds described herein after a public hearing is held and conducted as per Section 3103 of the Zoning Ordinance.

Section 3101 of the Zoning Ordinance states that grounds for such revocation shall be any of the following:

1. That approval was obtained by means of fraud or misrepresentation of a material fact;
2. That the permittee or holder of the variance has failed to undertake the use in question for an unreasonable period of time;
3. That the use in question has ceased to exist or has been suspended for one (1) year or more;
4. That there is or has been a violation of or failure to observe the terms or conditions of the permit or variance, or the use has been conducted in violation of the provisions of the Ordinance, law or regulation;
5. That the use to which the permit or variance applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

Section 3102 of the Zoning Ordinance states that grounds for modification shall be any of the following:

1. That the grounds which would otherwise justify a revocation of the permit or variance can be corrected or cured by modification imposing new or additional conditions;

2. That improvement of methods or technological advances permit conducted of the use with adequate safeguards under the proposed modification;
3. That one or more of the original conditions of the permit or variance is unworkable, impractical or otherwise fails to accomplish the original aims.

- OPTIONS:
1. Consider Modification No. 2 to CUP 8-82 to allow occupancy of the drive-through restaurant subject to the original conditions of approval, provided the specific code requirements are met. This would result in an approved revision to the approved site plan, building elevations and floor plans. Due to the time sensitivity of the project, a draft resolution is included for consideration to impose the original and appropriately amended conditions.
  2. Consider Modification No. 2 to CUP 8-82 to allow occupancy of the drive-through restaurant and impose or remove new conditions of approval, under grounds that one or more of the original conditions of the permit is unworkable and impractical to accomplish the original aims.
  3. Consider revocation of Modification No. 1 to CUP 8-82 and not permit occupancy of the drive-through restaurant based on lack of compliance with the approved plans and conditions of approval.

RECOMMENDATION: That the City Council consider the circumstances of the project and consider one of the above alternatives or provide other direction to staff.

ATTACHMENTS:

1. Resolution No. 9746 (Approving CUP 8-82)
2. Resolution No. 13-2008 (Modification No.1 to CUP 8-82)
3. Letter to the developer
4. Approved complete set of plans
5. List of deviations
6. Pictures (815 E. Putnam Avenue)
7. Draft resolution for City Council consideration of Modification No. 2 to Cup 8-82

RESOLUTION NO. 9746

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF PORTERVILLE APPROVING CONDITIONAL  
USE PERMIT NO. 8-82/GENERAL AND SPECIFIC  
DEVELOPMENT PLANS

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that Conditional Use Permit No. 8-82/General Development Plans is approved as recommended in Planning Commission Resolution No. 1387, subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes.
2. That all future on-site development shall conform to the City's Zoning Ordinance.
3. That all future on-site uses shall conform to the City's Fire Department Standards.
4. That the requirements of the City Engineer shall be complied with, to-wit:

1. Sewer service Phases 2, 3, and 4 shall be in accordance with the City Sewer Master Plan.

2. That all improvements required shall be constructed in accordance with the City of Porterville standard plans and specifications, that all applicable codes and ordinances along with the recommendations of the City Engineer are to be adhered to, and that all applicable fees required for same shall be paid in accordance with the Municipal Code of the City of Porterville.

5. That the development shall be substantially as shown on the General Development Plans (Exhibit A). Where the zoning ordinance and conditions of a proval differ from the General Development Plans, the ordinance and conditions shall prevail.

6. That the residential development be limited to the General Plan density of 7 units per acre plus the ten percent density bonus allowed by Section 1708.B.1. of the zoning ordinance.

7. That the environmental impacts identified by the Environmental Review Committee be mitigated as follows:

- A. The City has insufficient sewer capacity presently available to serve the area covered by this plan.

This impact may be mitigated as follows:

1. All uses allowed in Phase I of the Project shall be low volume generators of sewer flow.
2. No development beyond Phase I shall be permitted until sewer capacity to serve the project area is assured.

**ATTACHMENT  
ITEM NO. 1**

3. The developer is negotiating to use a portion of the excess capacity controlled by the Porter Vista Public Utility District to serve this site.

4. The City is pursuing means of constructing a relief line to serve this area either through its pending redevelopment project or by some other financing method.

B. There is a potential for an impact on the residential area to the north from the glare produced by the lighting of the convenience market in Phase I.

This impact may be mitigated as follows:

1. On-site lighting for the commercial portions of the project shall be so controlled to prevent direct or reflected glare as per Section 2618, F, of the Zoning Ordinance.

C. There is a potential flooding hazard due to water coming onto the site from adjacent areas.

This impact may be mitigated as follows:

1. Further studies and designs to mitigate any potential flooding hazard shall be required with any subsequent specific development plans.

D. The impact on various public services shall be further addressed at the time of future Specific Development Plan reviews. This shall include further review of circulation, traffic, fire and police protection and impacts on schools and other governmental services.

8. Prior to any development occurring, an agreement in writing must be made between the City and any other affected entity which will insure that the sewer problem identified is alleviated.

9. If Specific Development Plans are submitted for approval by phases, the developer may be required to construct reasonable improvements not located within the phase or area of development being proposed.

BE IT FURTHER RESOLVED by the City Council of the City of Porterville, that Conditional Use Permit No. 8-82/Specific Development Plans Phase I is hereby approved as recommended in Planning Commission Resolution No. 1388, subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes.

2. That all future on-site development shall conform to the City's Zoning Ordinance.

3. That all future on-site uses shall conform to the City's Fire Department Standards.

4. That the requirements of the City Engineer shall be complied with, to-wit:

1. That all improvements required shall be constructed in accordance with the City of Porterville standard plans and specifications, that all applicable codes and ordinances along with the recommendations of the City Engineer are to be adhered to, and that all applicable fees required for same shall be paid in accordance with the Municipal Code of the City of Porterville.

2. That the subdivider shall pay all fees involved to have any existing utility poles set back behind the future sidewalk.

3. Additional improvements to be added to the specific plans are as follows:

a. Cross gutter across Leggett to join with newly installed cross gutter.

b. Street paveout along Leggett and Putnam after gutter is constructed.

c. Handicap ramp at corner of Leggett and future street.

5. That the development shall be substantially as shown on the Specific Development Plans (Exhibit B). Where the zoning ordinance and conditions of approval differ from the Specific Development Plans, the ordinance and conditions shall prevail.

6. That the environmental impact pertaining to Phase I identified by the Environmental Review Committee be mitigated as follows:

A. The City has sufficient sewer capacity presently available to serve the area covered by this plan.

1) All uses allowed in Phase I of the Project shall be low volume generators of sewer flow.

B. There is a potential for an impact on the residential area to the north from the glare produced by the lighting of the convenience market in Phase I.

1) On-site lighting for the commercial portions of the project shall be so controlled to prevent direct or reflected glare as per Section 2618, F, of the Zoning Ordinance.

7. That landscaping shall be of the low profile type and shall not be a visual obstruction to vehicular and pedestrian traffic and shall be of the type which shall not cause damage to curbs, gutters and sidewalks.

8. That Specific Plans shall be accompanied by a proposed schedule indicating commencement and completion of construction.

9. Prior to issuance of building permits a proposed schedule of construction shall be submitted to and approved by the City Planner for referral to the City Engineer.

10. If Specific Development Plans are submitted for approval by phases, the developer may be required to construct reasonable improvements not located within the phase or area of development being proposed.

11. That Development of Phase I cannot be started until specific plans for street, gutter and sidewalk improvements in Phase III are submitted and approved by the Planning Commission.

Mary Dougherty  
Mary Dougherty, Mayor

ATTEST:

C. G. Huffaker  
C. G. Huffaker, City Clerk

\*\*\* \* \* \* \*

STATE OF CALIFORNIA)  
(SS  
COUNTY OF TULARE )

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 7th day of September, 1982.

THAT said resolution was duly passed and adopted by the following vote:

AYES: COUNCILMEN: Durbin, Tree, Dougherty,  
NOES: COUNCILMEN: Ferrell, Moran,  
ABSENT: COUNCILMEN: None

C. G. HUFFAKER, City Clerk

Georgia Hawley  
Georgia Hawley, Deputy

RESOLUTION NO. 13-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF MODIFICATION NO.1  
TO CONDITIONAL USE PERMIT NO. 8-82 / GENERAL AND SPECIFIC  
DEVELOPMENT PLANS, PHASE ONE, TO ALLOW CONSTRUCTION OF A DRIVE  
THROUGH RESTAURANT AND COFFEE KIOSK LOCATED AT THE SOUTHEAST  
CORNER OF PUTNAM AVENUE AND LEGGETT STREET

WHEREAS: The City Council at its regularly scheduled meeting of February 19, 2008, reviewed the modified site plans for a modification to CUP 8-82/ General and Specific Plans Phase One to allow proposed construction of a drive through restaurant and drive through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street. The subject site is located in the PD-R1 (Planned Development-One Family Residential Zone); and

WHEREAS: The project consists of two drive through buildings providing restaurant (1,389 square feet) and coffee (600 square feet) services for a total combined square footage of 1,989 square feet of building space. The colors and finish of the proposed buildings will be brown and cream tones compatible to the convenience market on the adjacent parcel to the west. Additionally, landscaping will be installed along the frontage of the property, in front of both buildings, and along the restaurant's menu board; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines – construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

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

1. The General Plan designates the subject site as Low Density Residential.

The subject site is zoned PD-R1 (Planned Development – One Family Zone) which is supported by the General Plan. The proposed use is allowed pursuant to approval of Conditional Use Permit Specific and General Plan.

2. That a conceptual plan was submitted for Phase Two at the time Phase One was approved.
3. That the site is physically suited for the type of development proposed. The site is level and vacant.

**ATTACHMENT**  
**ITEM NO. 2**

4. That the design of the project nor the proposed improvements are likely to cause substantial environmental damage. An onsite inspection was conducted by staff. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.
5. That the proposed location of the proposed and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or , materially injurious to properties or improvements in the vicinity.

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

6. That the standards of population density, site area dimensions, site coverage, height of structures, distance between structures, off-street parking facilities, and landscaping areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. The project as proposed complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification #1 to Conditional Use Permit 8-82 subject to the following conditions:

1. Reciprocal ingress/egress agreement is required with the adjacent convenience market to the west. A recorded agreement shall be submitted to the City prior to issuance of building permits for the proposed site.
2. The proposed project will be considered as Modification #1 to CUP 8-22, approved by City Council Resolution 9746 for Phase 1 (Specific Plans).
3. The hours of operation are as follows:

Sunday - Saturday  
5:30am to 12:00am

4. For safety and security, adequate lighting will be required during hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director
5. All mechanical and electrical equipment is to be screened and maintained from public view.



6. Unless otherwise noted, the developer/applicant shall obey the City Master Plans, Standard Specifications for Public Works Construction (2000 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.
7. 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.
8. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
9. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. Expansive soils are known to be in the area of the proposed development. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.
10. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).
11. The developer/applicant shall remove existing trees at all driveways serving the development for the purpose of provide appropriate visibility for vehicular traffic existing the property.
12. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).
13. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lots shared by the proposed development parcel and the adjacent westerly parcel, if none exists.
14. 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).
15. The developer/applicant shall provide street lights 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. A 9500 lumen street light shall be installed at the northeast property corner.

16. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.
17. 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.).
18. 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.
19. 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.

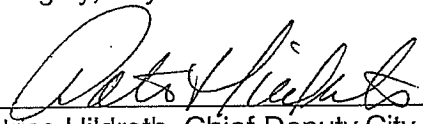
20. If hazardous materials are to be stored in jurisdictional quantities anywhere on the property, the developer/applicant shall develop and maintain a Hazardous Materials Business Plan Program, follow Chapter 6.95 of the Health and Safety Code, and shall tell the Hazardous Materials Unit of the Tulare County Division of Environmental Health. The developer/ applicant shall provide proof of compliance with County requirements before issuance of a certificate of occupancy.
21. The developer/applicant shall install a refuse container enclosure according to City standards. **The enclosure location to be approved by City prior to issuance of building permit.** 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.
22. The developer/applicant shall comply with the Flood Damage Prevention Ordinance. The property is within a Flood Hazard Zone AO (1 foot depth). A Licensed Civil Engineer or Land Surveyor shall confirm that the finished floor will be constructed at or above the Base Flood Elevation in letter form or by providing a Preliminary Elevation Certificate. The same professional shall confirm that the finish floor is at or above the Base Flood Elevation by submitting an Elevation Certificate to the City Engineer for approval prior to the issuance of a certificate of occupancy. Preliminary Elevation Certificates and Elevation Certificates are available within the Engineering Division upon request.
23. The developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615.

24. 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.
25. A back-flow device is required on the water meter.
26. A grease trap or grease interceptor is required.
27. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.
28. Compliance with access laws (both State and Federal) is required.
29. Compliance with all applicable codes is required.
30. Plan check fees are required at the time of building permit submittal.
31. Soil report required.
32. School Development fees and all other City fees are due at the time of building permit issuance.
33. Prior to issuance of the building permit need approval from the Tulare County Health Department.
34. Restrooms and main entrance must comply with ADA access laws.
35. All construction offices, storage containers, etc. for temporary use must receive City Council approval.
36. Grease interceptor required.
37. Signs require separate permit.
38. At all times, the facilities shall be constructed, operated and maintained to comply with State law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.
39. That the subject site will be developed in accordance with the site plan and elevation plans labeled Exhibit "A."
40. The conditional use permit shall become null and void if not under taken and actively and continuously pursued within one (1) year.

41. The applicant shall submit clearance from the Regional Water Quality Control Board, to the satisfaction of the City Engineer, regarding groundwater and/or soils contamination prior to issuance of building permits for the proposed site.

  
Cameron Hamilton, Mayor

Attest:  
John Longley, City Clerk

By   
Patrice Hildreth, Chief Deputy City Clerk

STATE OF CALIFORNIA     )  
CITY OF PORTERVILLE    )     SS  
COUNTY OF TULARE     )

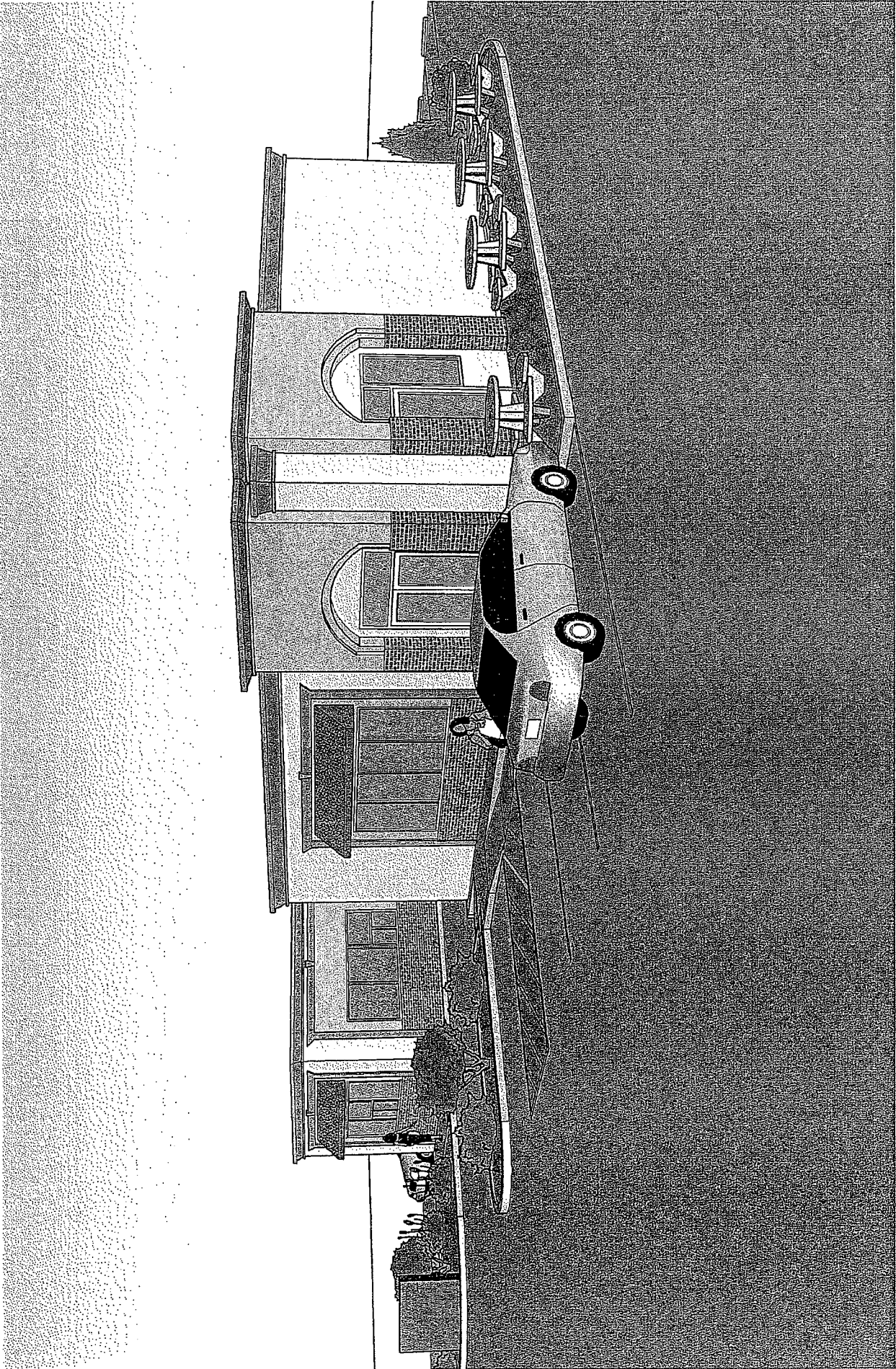
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 19<sup>th</sup> day of February, 2008.

THAT said resolution was duly passed adopted by the following vote:

Council:	McCRACKEN	P. MARTINEZ	F. MARTINEZ	HERNANDEZ	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN LONGLEY, CITY CLERK

By *Luisa Herrera*  
Luisa Herrera, Deputy City Clerk



**EXHIBIT** ~~A~~

[illegible]

APR 1 1964  
IN THE CITY OF PORTERVILLE  
COUNTY OF TULARE, STATE OF CALIFORNIA

NO. 27 H

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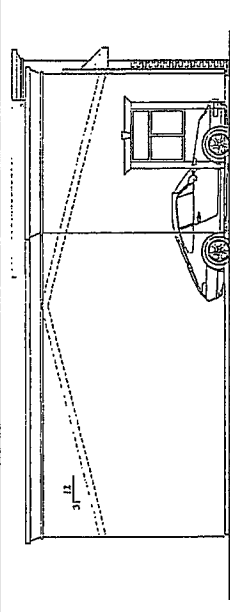
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**HILLMAN BUILDING DESIGNERS**  
 PROFESSIONAL BUILDING DESIGN  
 250 N. Main St., Porterville, CA 93257  
 Tel. (559) 781-1528 Fax (559) 781-2243

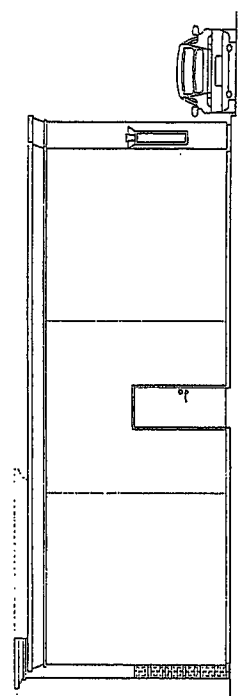


**MARY MCCLURE**  
 PORTER AVE. & LEGGETT ST.  
 PORTERVILLE, CA 93257  
 PHONE:

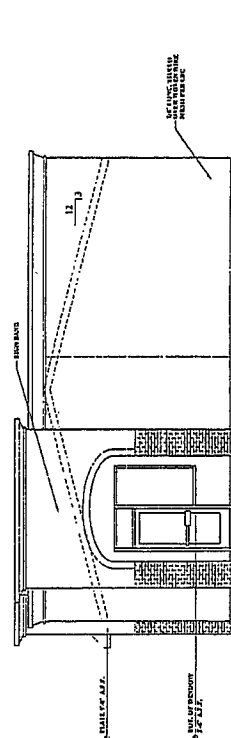
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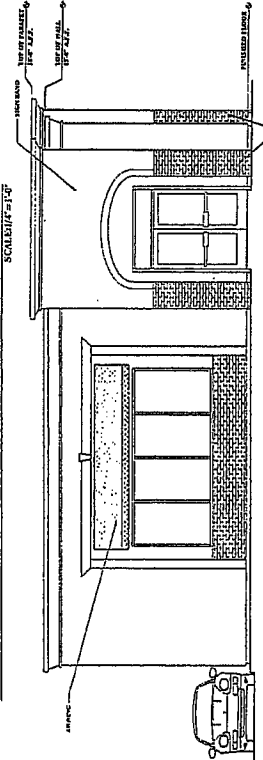
WEST ELEVATION - RESTAURANT



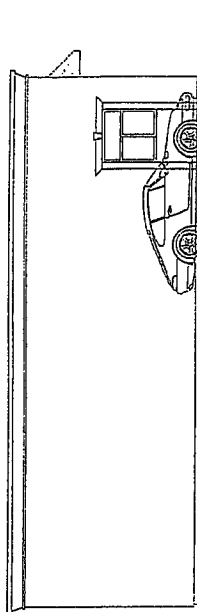
SOUTH ELEVATION - RESTAURANT



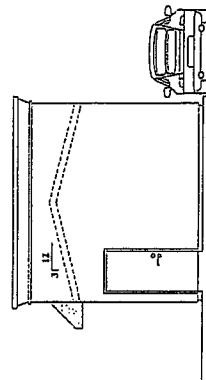
EAST ELEVATION - RESTAURANT



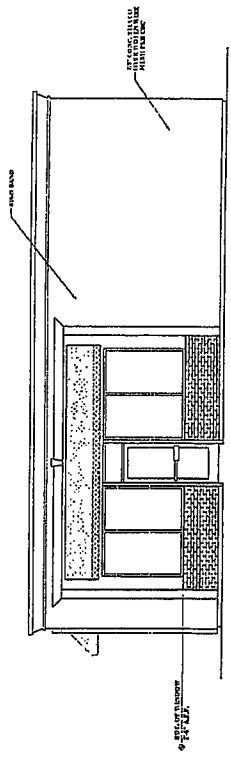
NORTH ELEVATION - RESTAURANT



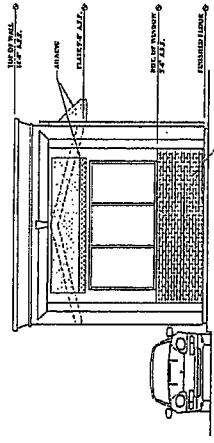
WEST ELEVATION - KIOSK



SOUTH ELEVATION - KIOSK



EAST ELEVATION - KIOSK



NORTH ELEVATION - KIOSK

**EXHIBIT A**







Community Development  
Department

February 22, 2013

Mary McClure  
23149 Josef Court  
Porterville, CA 93257

Re: 815 E. Putnam Avenue

Dear Ms. McClure,

Thank you for taking the time to contact staff to express your concerns about the development project located at 815 E. Putnam Avenue. We regret any inconvenience you have experienced in the duration of your construction phase. During the final inspection of the above address, staff members observed deviations in the constructed building from the conditions and plans approved by City Council under Conditional Use Permit 8-82 (Resolution 13-2008) on February 19, 2008. Additionally, some components of the built development are out of compliance with the Zoning Ordinance in effect at the time of the project approval. Due to these deviations, the Planning Division is unable to approve your occupancy permit.

This letter is to inform you that a public hearing is scheduled on Tuesday, March 5, at 6:30 p.m. or as soon thereafter in the Council Chambers at City Hall, 291 N. Main Street in Porterville, in order to consider modification or revocation of Conditional Use Permit 8-82 approving the general and specific plans phase 1 (Resolution 13-2008) that approved the construction of a drive through restaurant and coffee kiosk (please see attachment).

Staff will send you a copy of the staff report which will contain a complete list of items identified for correction prior to the Tuesday, March 5, 2013 public hearing.

The Community Development Department is working hard to resolve the issues mentioned above. If you have any questions, feel free to contact Bradley D. Dunlap, Community Development Director.

Sincerely,

Julie Phillips, AICP  
Community Development Manager

## NOTICE OF PUBLIC HEARING

Notice is hereby given, that the City Council of the City of Porterville will hold a public hearing on Tuesday, March 5, 2013 at 6:30 p.m. or as soon thereafter as the matter can be heard in the Council Chambers at City Hall, 291 N. Main Street, Porterville, California, in order to consider modification or revocation of Conditional Use Permit 8-82 approving the general and specific plans phase 1 (Resolution 13-2008) that approved the construction of a drive through restaurant and coffee kiosk located at 815 E. Putnam Ave.

Pursuant to Section 15332 Class 32 (In-Fill Development Project), the proposed project is categorically exempt from the California Environmental Quality Act (CEQA).

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in these meetings, or to be able to access these agendas and documents in the agenda packets, please contact the Deputy City Clerk at (559) 782 - 7442. Notification 48 hours prior to these meetings will enable the City to make reasonable arrangements to ensure accessibility to these meetings and/or provision of an appropriate alternative format of the agenda and documents in the agenda packets.

DATED: February 23, 2013

John Lollis, City Clerk

# NEW RESTAURANT

## MARY MCCLURE

### PUTNAM AVE. & LEGGETT ST.

### PORTERVILLE CA. 93257

Building Dept. City of Porterville	DATE	REV.
Fire	10/10/07	01
Engineering	10/10/07	01
Planning	10/10/07	01
Field Services	10/10/07	01
Parks	10/10/07	01
Building	10/10/07	01
Police	10/10/07	01

\* Copy of the Report shall be submitted to the City of Porterville  
 \* Signatures shall be made by the architect

#### SHEET INDEX

CS	COVER SHEET
A-1	SITE PLAN
A-2	STANDARD NOTES/LEGENDS
A-3	FLOOR/FOUNDATION PLAN
A-4	ELEVATIONS
A-5	ROOF/MECHANICAL PLAN
A-6	EQUIPMENT PLAN
E-1	ELECTRICAL PLAN & NOTES
H-1	HANDICAP DETAILS
H-2	HANDICAP DETAILS
P-1	PLUMBING PLANS & DETAILS
S-1	SECTIONS AND DETAILS
S-2	SECTIONS

BUILDING OCCUPANCY  
 BUILDING CONSTRUCTION  
 BUILDING HEIGHT MAX  
 SEISMIC DESIGN CATEGORY  
 BUILDING DESIGNED UNDER 2007 C.B.C.

B  
 TYPE Y-B  
 16  
 D

ATTACHMENT  
 ITEM NO. 4

REVISIONS	DATE	BY	CHK
1	10/10/07	MD	MD

**HILLMAN BUILDING DESIGNERS**  
 Professional Member  
 American Institute of Building Design  
 250 N. Main St., Porterville, CA 93257  
 TEL. (559) 781-1538 FAX (559) 781-2543



**HECTOR TELEZ**  
 ARCHITECT  
 250 N. Main St.  
 PORTERVILLE, CA 93257  
 OFF. (559) 781-1538  
 FAX (559) 781-2543  
 LICENSE C16493



**MARY MCCLURE**  
 PORTERVILLE, CA 93257  
 PHONE:  
 PUTNAM AVE. & LEGGETT ST.

DATE	DATE AS SHOWN	DATE	DATE
10/10/07	10/10/07	10/10/07	10/10/07

38-03-08-0273

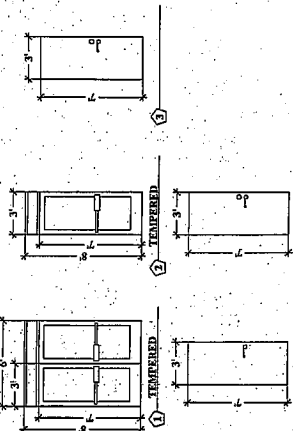
EXTENSIONS	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th	17th	18th	19th	20th	21st	22nd	23rd	24th	25th	26th	27th	28th	29th	30th	31st	32nd	33rd	34th	35th	36th	37th	38th	39th	40th	41st	42nd	43rd	44th	45th	46th	47th	48th	49th	50th	51st	52nd	53rd	54th	55th	56th	57th	58th	59th	60th	61st	62nd	63rd	64th	65th	66th	67th	68th	69th	70th	71st	72nd	73rd	74th	75th	76th	77th	78th	79th	80th	81st	82nd	83rd	84th	85th	86th	87th	88th	89th	90th	91st	92nd	93rd	94th	95th	96th	97th	98th	99th	100th	101st	102nd	103rd	104th	105th	106th	107th	108th	109th	110th	111th	112th	113th	114th	115th	116th	117th	118th	119th	120th	121st	122nd	123rd	124th	125th	126th	127th	128th	129th	130th	131st	132nd	133rd	134th	135th	136th	137th	138th	139th	140th	141st	142nd	143rd	144th	145th	146th	147th	148th	149th	150th	151st	152nd	153rd	154th	155th	156th	157th	158th	159th	160th	161st	162nd	163rd	164th	165th	166th	167th	168th	169th	170th	171st	172nd	173rd	174th	175th	176th	177th	178th	179th	180th	181st	182nd	183rd	184th	185th	186th	187th	188th	189th	190th	191st	192nd	193rd	194th	195th	196th	197th	198th	199th	200th	201st	202nd	203rd	204th	205th	206th	207th	208th	209th	210th	211st	212nd	213th	214th	215th	216th	217th	218th	219th	220th	221st	222nd	223rd	224th	225th	226th	227th	228th	229th	230th	231st	232nd	233rd	234th	235th	236th	237th	238th	239th	240th	241st	242nd	243rd	244th	245th	246th	247th	248th	249th	250th	251st	252nd	253rd	254th	255th	256th	257th	258th	259th	260th	261st	262nd	263rd	264th	265th	266th	267th	268th	269th	270th	271st	272nd	273rd	274th	275th	276th	277th	278th	279th	280th	281st	282nd	283rd	284th	285th	286th	287th	288th	289th	290th	291st	292nd	293rd	294th	295th	296th	297th	298th	299th	300th	301st	302nd	303rd	304th	305th	306th	307th	308th	309th	310th	311st	312nd	313th	314th	315th	316th	317th	318th	319th	320th	321st	322nd	323rd	324th	325th	326th	327th	328th	329th	330th	331st	332nd	333rd	334th	335th	336th	337th	338th	339th	340th	341st	342nd	343rd	344th	345th	346th	347th	348th	349th	350th	351st	352nd	353rd	354th	355th	356th	357th	358th	359th	360th	361st	362nd	363rd	364th	365th	366th	367th	368th	369th	370th	371st	372nd	373rd	374th	375th	376th	377th	378th	379th	380th	381st	382nd	383rd	384th	385th	386th	387th	388th	389th	390th	391st	392nd	393rd	394th	395th	396th	397th	398th	399th	400th	401st	402nd	403rd	404th	405th	406th	407th	408th	409th	410th	411st	412nd	413th	414th	415th	416th	417th	418th	419th	420th	421st	422nd	423rd	424th	425th	426th	427th	428th	429th	430th	431st	432nd	433rd	434th	435th	436th	437th	438th	439th	440th	441st	442nd	443rd	444th	445th	446th	447th	448th	449th	450th	451st	452nd	453rd	454th	455th	456th	457th	458th	459th	460th	461st	462nd	463rd	464th	465th	466th	467th	468th	469th	470th	471st	472nd	473rd	474th	475th	476th	477th	478th	479th	480th	481st	482nd	483rd	484th	485th	486th	487th	488th	489th	490th	491st	492nd	493rd	494th	495th	496th	497th	498th	499th	500th	501st	502nd	503rd	504th	505th	506th	507th	508th	509th	510th	511st	512nd	513th	514th	515th	516th	517th	518th	519th	520th	521st	522nd	523rd	524th	525th	526th	527th	528th	529th	530th	531st	532nd	533rd	534th	535th	536th	537th	538th	539th	540th	541st	542nd	543rd	544th	545th	546th	547th	548th	549th	550th	551st	552nd	553rd	554th	555th	556th	557th	558th	559th	560th	561st	562nd	563rd	564th	565th	566th	567th	568th	569th	570th	571st	572nd	573rd	574th	575th	576th	577th	578th	579th	580th	581st	582nd	583rd	584th	585th	586th	587th	588th	589th	590th	591st	592nd	593rd	594th	595th	596th	597th	598th	599th	600th	601st	602nd	603rd	604th	605th	606th	607th	608th	609th	610th	611st	612nd	613th	614th	615th	616th	617th	618th	619th	620th	621st	622nd	623rd	624th	625th	626th	627th	628th	629th	630th	631st	632nd	633rd	634th	635th	636th	637th	638th	639th	640th	641st	642nd	643rd	644th	645th	646th	647th	648th	649th	650th	651st	652nd	653rd	654th	655th	656th	657th	658th	659th	660th	661st	662nd	663rd	664th	665th	666th	667th	668th	669th	670th	671st	672nd	673rd	674th	675th	676th	677th	678th	679th	680th	681st	682nd	683rd	684th	685th	686th	687th	688th	689th	690th	691st	692nd	693rd	694th	695th	696th	697th	698th	699th	700th	701st	702nd	703rd	704th	705th	706th	707th	708th	709th	710th	711st	712nd	713th	714th	715th	716th	717th	718th	719th	720th	721st	722nd	723rd	724th	725th	726th	727th	728th	729th	730th	731st	732nd	733rd	734th	735th	736th	737th	738th	739th	740th	741st	742nd	743rd	744th	745th	746th	747th	748th	749th	750th	751st	752nd	753rd	754th	755th	756th	757th	758th	759th	760th	761st	762nd	763rd	764th	765th	766th	767th	768th	769th	770th	771st	772nd	773rd	774th	775th	776th	777th	778th	779th	780th	781st	782nd	783rd	784th	785th	786th	787th	788th	789th	790th	791st	792nd	793rd	794th	795th	796th	797th	798th	799th	800th	801st	802nd	803rd	804th	805th	806th	807th	808th	809th	810th	811st	812nd	813th	814th	815th	816th	817th	818th	819th	820th	821st	822nd	823rd	824th	825th	826th	827th	828th	829th	830th	831st	832nd	833rd	834th	835th	836th	837th	838th	839th	840th	841st	842nd	843rd	844th	845th	846th	847th	848th	849th	850th	851st	852nd	853rd	854th	855th	856th	857th	858th	859th	860th	861st	862nd	863rd	864th	865th	866th	867th	868th	869th	870th	871st	872nd	873rd	874th	875th	876th	877th	878th	879th	880th	881st	882nd	883rd	884th	885th	886th	887th	888th	889th	890th	891st	892nd	893rd	894th	895th	896th	897th	898th	899th	900th	901st	902nd	903rd	904th	905th	906th	907th	908th	909th	910th	911st	912nd	913th	914th	915th	916th	917th	918th	919th	920th	921st	922nd	923rd	924th	925th	926th	927th	928th	929th	930th	931st	932nd	933rd	934th	935th	936th	937th	938th	939th	940th	941st	942nd	943rd	944th	945th	946th	947th	948th	949th	950th	951st	952nd	953rd	954th	955th	956th	957th	958th	959th	960th	961st	962nd	963rd	964th	965th	966th	967th	968th	969th	970th	971st	972nd	973rd	974th	975th	976th	977th	978th	979th	980th	981st	982nd	983rd	984th	985th	986th	987th	988th	989th	990th	991st	992nd	993rd	994th	995th	996th	997th	998th	999th	1000th	1001st	1002nd	1003rd	1004th	1005th	1006th	1007th	1008th	1009th	1010th	1011st	1012nd	1013th	1014th	1015th	1016th	1017th	1018th	1019th	1020th	1021st	1022nd	1023rd	1024th	1025th	1026th	1027th	1028th	1029th	1030th	1031st	1032nd	1033rd	1034th	1035th	1036th	1037th	1038th	1039th	1040th	1041st	1042nd	1043rd	1044th	1045th	1046th	1047th	1048th	1049th	1050th	1051st	1052nd	1053rd	1054th	1055th	1056th	1057th	1058th	1059th	1060th	1061st	1062nd	1063rd	1064th	1065th	1066th	1067th	1068th	1069th	1070th	1071st	1072nd	1073rd	1074th	1075th	1076th	1077th	1078th	1079th	1080th	1081st	1082nd	1083rd	1084th	1085th	1086th	1087th	1088th	1089th	1090th	1091st	1092nd	1093rd	1094th	1095th	1096th	1097th	1098th	1099th	1100th	1101st	1102nd	1103rd	1104th	1105th	1106th	1107th	1108th	1109th	1110th	1111st	1112nd	1113th	1114th	1115th	1116th	1117th	1118th	1119th	1120th	1121st	1122nd	1123rd	1124th	1125th	1126th	1127th	1128th	1129th	1130th	1131st	1132nd	1133rd	1134th	1135th	1136th	1137th	1138th	1139th	1140th	1141st	1142nd	1143rd	1144th	1145th	1146th	1147th	1148th	1149th	1150th	1151st	1152nd	1153rd	1154th	1155th	1156th	1157th	1158th	1159th	1160th	1161st	1162nd	1163rd	1164th	1165th	1166th	1167th	1168th	1169th	1170th	1171st	1172nd	1173rd	1174th	1175th	1176th	1177th	1178th	1179th	1180th	1181st	1182nd	1183rd	1184th	1185th	1186th	1187th	1188th	1189th	1190th	1191st	1192nd	1193rd	1194th	1195th	1196th	1197th	1198th	1199th	1200th	1201st	1202nd	1203rd	1204th	1205th	1206th	1207th	1208th	1209th	1210th	1211st	1212nd	1213th	1214th	1215th	1216th	1217th	1218th	1219th	1220th	1221st	1222nd	1223rd	1224th	1225th	1226th	1227th	1228th	1229th	1230th	1231st	1232nd	1233rd	1234th	1235th	1236th	1237th	1238th	1239th	1240th	1241st	1242nd	1243rd	1244th	1245th	1246th	1247th	1248th	1249th	1250th	1251st	1252nd	1253rd	1254th	1255th	1256th	1257th	1258th	1259th	1260th	1261st	1262nd	1263rd	1264th	1265th	1266th	1267th	1268th	1269th	1270th	1271st	1272nd	1273rd	1274th	1275th	1276th	1277th	1278th	1279th	1280th	1281st	1282nd	1283rd	1284th	1285th	1286th	1287th	1288th	1289th	1290th	1291st	1292nd	1293rd	1294th	1295th	1296th	1297th	1298th	1299th	1300th	1301st	1302nd	1303rd	1304th	1305th	1306th	1307th	1308th	1309th	1310th	1311st	1312nd	1313th	1314th	1315th	1316th	1317th	1318th	1319th	1320th	1321st	1322nd	1323rd	1324th	1325th	1326th	1327th	1328th	1329th	1330th	1331st	1332nd	1333rd	1334th	1335th	1336th	1337th	1338th	1339th	1340th	1341st	1342nd	1343rd	1344th	1345th	1
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### ROOM FINISH SCHEDULE

ROOM #	ROOM DESCRIPTION	FLOOR	WALLS	CEILING	REMARKS
1	LOBBY				
2	SERVICE AREA				
3	KITCHEN				
4	RESTROOM				
5	STORAGE				

## GENERAL ROOM FINISH NOTES

- 1.) (NOT LISTED)
- 2.) USE 6" RUBBER DAST.
- 3.) USE 6" COVE TILL.
- 4.) USE 5/8" GLOSS ENAMEL.

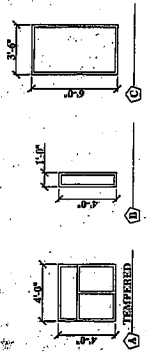


**DOOR TYPE**

SYMBOL	SIZE	DESCRIPTION	FRAME TYPE	HARDWARE	REMARKS
①	3' x 7'	ENTRY DOOR, ALUM./ GLASS W/ TRANSOM	MTL	SCHLAGE	WITH CLOSER
②	3' x 7'	ENTRY DOOR, ALUM./ GLASS W/ TRANSOM	MTL		WITH CLOSER
③	3' x 7'	MTL ENTRY DOOR W/ CLOSET	MTL		WITH CLOSER
④	3' x 7'	WD SC DOOR, SELF-CLOSING W/ W/RCV SET	MTL		WITH CLOSER
⑤	3' x 7'	WD INTERIOR SC DOOR W/ CLOSET	MTL		WITH CLOSER

**NOTE:**

- 1.) ALL DOORS TO HAVE 10" KICK PLATE & LEVER HANDLES UNLESS OTHERWISE NOTED
- 2.) CLOSERS WILL HAVE AN OPERATING EFFORT NOT TO EXCEED 5 LBS.



## WINDOW SCHEDULE

SCALE: 100 = 1:1

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**FOUNDATION**  
**CONCRETE REINFORCING STEEL**

FOR CONCRETE WALLS, SLABS, BEAMS, AND JOISTS. THE FOLLOWING INFORMATION IS FOR GENERAL INFORMATION ONLY. IT IS NOT A SUBSTITUTE FOR THE SPECIFICATIONS OF THE AMERICAN CONCRETE INSTITUTE (ACI) OR THE AMERICAN IRON AND STEEL INSTITUTE (AISI).

1. **GENERAL**

a. **SCOPE**

1. This specification covers the requirements for concrete reinforcing steel (rebar) used in concrete walls, slabs, beams, and joists. It includes the requirements for the material, the manufacturing process, and the testing and inspection procedures.

2. **REFERENCES**

1. American Concrete Institute (ACI) 308-1R, "Specification for Reinforcing Steel Bars."

2. American Iron and Steel Institute (AISI) 308-1R, "Specification for Reinforcing Steel Bars."

3. **DEFINITIONS**

1. **Reinforcing Steel Bar**: A steel bar used to reinforce concrete. It is typically made of carbon steel and is available in various grades and sizes.

2. **Grade 60**: A reinforcing steel bar with a minimum yield strength of 60,000 psi.

3. **Grade 75**: A reinforcing steel bar with a minimum yield strength of 75,000 psi.

4. **Grade 80**: A reinforcing steel bar with a minimum yield strength of 80,000 psi.

5. **Grade 90**: A reinforcing steel bar with a minimum yield strength of 90,000 psi.

6. **Grade 100**: A reinforcing steel bar with a minimum yield strength of 100,000 psi.

7. **Grade 110**: A reinforcing steel bar with a minimum yield strength of 110,000 psi.

8. **Grade 120**: A reinforcing steel bar with a minimum yield strength of 120,000 psi.

9. **Grade 130**: A reinforcing steel bar with a minimum yield strength of 130,000 psi.

10. **Grade 140**: A reinforcing steel bar with a minimum yield strength of 140,000 psi.

11. **Grade 150**: A reinforcing steel bar with a minimum yield strength of 150,000 psi.

12. **Grade 160**: A reinforcing steel bar with a minimum yield strength of 160,000 psi.

13. **Grade 170**: A reinforcing steel bar with a minimum yield strength of 170,000 psi.

14. **Grade 180**: A reinforcing steel bar with a minimum yield strength of 180,000 psi.

15. **Grade 190**: A reinforcing steel bar with a minimum yield strength of 190,000 psi.

16. **Grade 200**: A reinforcing steel bar with a minimum yield strength of 200,000 psi.

17. **Grade 210**: A reinforcing steel bar with a minimum yield strength of 210,000 psi.

18. **Grade 220**: A reinforcing steel bar with a minimum yield strength of 220,000 psi.

19. **Grade 230**: A reinforcing steel bar with a minimum yield strength of 230,000 psi.

20. **Grade 240**: A reinforcing steel bar with a minimum yield strength of 240,000 psi.

21. **Grade 250**: A reinforcing steel bar with a minimum yield strength of 250,000 psi.

22. **Grade 260**: A reinforcing steel bar with a minimum yield strength of 260,000 psi.

23. **Grade 270**: A reinforcing steel bar with a minimum yield strength of 270,000 psi.

24. **Grade 280**: A reinforcing steel bar with a minimum yield strength of 280,000 psi.

25. **Grade 290**: A reinforcing steel bar with a minimum yield strength of 290,000 psi.

26. **Grade 300**: A reinforcing steel bar with a minimum yield strength of 300,000 psi.

27. **Grade 310**: A reinforcing steel bar with a minimum yield strength of 310,000 psi.

28. **Grade 320**: A reinforcing steel bar with a minimum yield strength of 320,000 psi.

29. **Grade 330**: A reinforcing steel bar with a minimum yield strength of 330,000 psi.

30. **Grade 340**: A reinforcing steel bar with a minimum yield strength of 340,000 psi.

31. **Grade 350**: A reinforcing steel bar with a minimum yield strength of 350,000 psi.

32. **Grade 360**: A reinforcing steel bar with a minimum yield strength of 360,000 psi.

33. **Grade 370**: A reinforcing steel bar with a minimum yield strength of 370,000 psi.

34. **Grade 380**: A reinforcing steel bar with a minimum yield strength of 380,000 psi.

35. **Grade 390**: A reinforcing steel bar with a minimum yield strength of 390,000 psi.

36. **Grade 400**: A reinforcing steel bar with a minimum yield strength of 400,000 psi.

37. **Grade 410**: A reinforcing steel bar with a minimum yield strength of 410,000 psi.

38. **Grade 420**: A reinforcing steel bar with a minimum yield strength of 420,000 psi.

39. **Grade 430**: A reinforcing steel bar with a minimum yield strength of 430,000 psi.

40. **Grade 440**: A reinforcing steel bar with a minimum yield strength of 440,000 psi.

41. **Grade 450**: A reinforcing steel bar with a minimum yield strength of 450,000 psi.

42. **Grade 460**: A reinforcing steel bar with a minimum yield strength of 460,000 psi.

43. **Grade 470**: A reinforcing steel bar with a minimum yield strength of 470,000 psi.

44. **Grade 480**: A reinforcing steel bar with a minimum yield strength of 480,000 psi.

45. **Grade 490**: A reinforcing steel bar with a minimum yield strength of 490,000 psi.

46. **Grade 500**: A reinforcing steel bar with a minimum yield strength of 500,000 psi.

47. **Grade 510**: A reinforcing steel bar with a minimum yield strength of 510,000 psi.

48. **Grade 520**: A reinforcing steel bar with a minimum yield strength of 520,000 psi.

49. **Grade 530**: A reinforcing steel bar with a minimum yield strength of 530,000 psi.

50. **Grade 540**: A reinforcing steel bar with a minimum yield strength of 540,000 psi.

51. **Grade 550**: A reinforcing steel bar with a minimum yield strength of 550,000 psi.

52. **Grade 560**: A reinforcing steel bar with a minimum yield strength of 560,000 psi.

53. **Grade 570**: A reinforcing steel bar with a minimum yield strength of 570,000 psi.

54. **Grade 580**: A reinforcing steel bar with a minimum yield strength of 580,000 psi.

55. **Grade 590**: A reinforcing steel bar with a minimum yield strength of 590,000 psi.

56. **Grade 600**: A reinforcing steel bar with a minimum yield strength of 600,000 psi.

57. **Grade 610**: A reinforcing steel bar with a minimum yield strength of 610,000 psi.

58. **Grade 620**: A reinforcing steel bar with a minimum yield strength of 620,000 psi.

59. **Grade 630**: A reinforcing steel bar with a minimum yield strength of 630,000 psi.

60. **Grade 640**: A reinforcing steel bar with a minimum yield strength of 640,000 psi.

61. **Grade 650**: A reinforcing steel bar with a minimum yield strength of 650,000 psi.

62. **Grade 660**: A reinforcing steel bar with a minimum yield strength of 660,000 psi.

63. **Grade 670**: A reinforcing steel bar with a minimum yield strength of 670,000 psi.

64. **Grade 680**: A reinforcing steel bar with a minimum yield strength of 680,000 psi.

65. **Grade 690**: A reinforcing steel bar with a minimum yield strength of 690,000 psi.

66. **Grade 700**: A reinforcing steel bar with a minimum yield strength of 700,000 psi.

67. **Grade 710**: A reinforcing steel bar with a minimum yield strength of 710,000 psi.

68. **Grade 720**: A reinforcing steel bar with a minimum yield strength of 720,000 psi.

69. **Grade 730**: A reinforcing steel bar with a minimum yield strength of 730,000 psi.

70. **Grade 740**: A reinforcing steel bar with a minimum yield strength of 740,000 psi.

71. **Grade 750**: A reinforcing steel bar with a minimum yield strength of 750,000 psi.

72. **Grade 760**: A reinforcing steel bar with a minimum yield strength of 760,000 psi.

73. **Grade 770**: A reinforcing steel bar with a minimum yield strength of 770,000 psi.

74. **Grade 780**: A reinforcing steel bar with a minimum yield strength of 780,000 psi.

75. **Grade 790**: A reinforcing steel bar with a minimum yield strength of 790,000 psi.

76. **Grade 800**: A reinforcing steel bar with a minimum yield strength of 800,000 psi.

77. **Grade 810**: A reinforcing steel bar with a minimum yield strength of 810,000 psi.

78. **Grade 820**: A reinforcing steel bar with a minimum yield strength of 820,000 psi.

79. **Grade 830**: A reinforcing steel bar with a minimum yield strength of 830,000 psi.

80. **Grade 840**: A reinforcing steel bar with a minimum yield strength of 840,000 psi.

81. **Grade 850**: A reinforcing steel bar with a minimum yield strength of 850,000 psi.

82. **Grade 860**: A reinforcing steel bar with a minimum yield strength of 860,000 psi.

83. **Grade 870**: A reinforcing steel bar with a minimum yield strength of 870,000 psi.

84. **Grade 880**: A reinforcing steel bar with a minimum yield strength of 880,000 psi.

85. **Grade 890**: A reinforcing steel bar with a minimum yield strength of 890,000 psi.

86. **Grade 900**: A reinforcing steel bar with a minimum yield strength of 900,000 psi.

87. **Grade 910**: A reinforcing steel bar with a minimum yield strength of 910,000 psi.

88. **Grade 920**: A reinforcing steel bar with a minimum yield strength of 920,000 psi.

89. **Grade 930**: A reinforcing steel bar with a minimum yield strength of 930,000 psi.

90. **Grade 940**: A reinforcing steel bar with a minimum yield strength of 940,000 psi.

91. **Grade 950**: A reinforcing steel bar with a minimum yield strength of 950,000 psi.

92. **Grade 960**: A reinforcing steel bar with a minimum yield strength of 960,000 psi.

93. **Grade 970**: A reinforcing steel bar with a minimum yield strength of 970,000 psi.

94. **Grade 980**: A reinforcing steel bar with a minimum yield strength of 980,000 psi.

95. **Grade 990**: A reinforcing steel bar with a minimum yield strength of 990,000 psi.

96. **Grade 1000**: A reinforcing steel bar with a minimum yield strength of 1,000,000 psi.

97. **Grade 1010**: A reinforcing steel bar with a minimum yield strength of 1,010,000 psi.

98. **Grade 1020**: A reinforcing steel bar with a minimum yield strength of 1,020,000 psi.

99. **Grade 1030**: A reinforcing steel bar with a minimum yield strength of 1,030,000 psi.

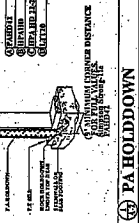
100. **Grade 1040**: A reinforcing steel bar with a minimum yield strength of 1,040,000 psi.

101. **Grade 1050**: A reinforcing steel bar with a minimum yield strength of 1,0

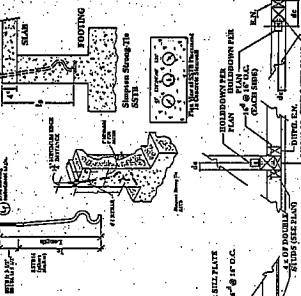
of the year 1960, the number of persons employed in the manufacturing and construction industries in the United States was 14,000,000. This was a decrease of 1,000,000 from the year 1950. The number of persons employed in the service industries was 10,000,000. This was an increase of 1,000,000 from the year 1950. The number of persons employed in the agricultural industry was 2,000,000. This was a decrease of 1,000,000 from the year 1950. The number of persons employed in the government industry was 1,000,000. This was an increase of 1,000,000 from the year 1950. The number of persons employed in the transportation industry was 1,000,000. This was a decrease of 1,000,000 from the year 1950. The number of persons employed in the communication industry was 1,000,000. This was an increase of 1,000,000 from the year 1950. The number of persons employed in the health industry was 1,000,000. This was an increase of 1,000,000 from the year 1950. The number of persons employed in the education industry was 1,000,000. This was an increase of 1,000,000 from the year 1950. The number of persons employed in the social services industry was 1,000,000. This was an increase of 1,000,000 from the year 1950. The number of persons employed in the public utilities industry was 1,000,000. This was a decrease of 1,000,000 from the year 1950. The number of persons employed in the other industries was 1,000,000. This was a decrease of 1,000,000 from the year 1950.

1000

### BRACED WALL SCHEDULE

[illegible][illegible]

• 112°



**Illustration 1**

[illegible]

1

16. The sign of the function of the first derivative,  $f'(x)$ , changes from negative to positive at  $x = 1$ . The function  $f(x)$  has a local minimum at  $x = 1$ . The function  $f(x)$  has a local maximum at  $x = 1$ . The function  $f(x)$  has a local minimum at  $x = 0$ . The function  $f(x)$  has a local maximum at  $x = 0$ .

12

Fig. 1

100

$\frac{1}{\sqrt{2}}$ 
**HD HOLDON**

## **HEAD HOLLOWDOWN**



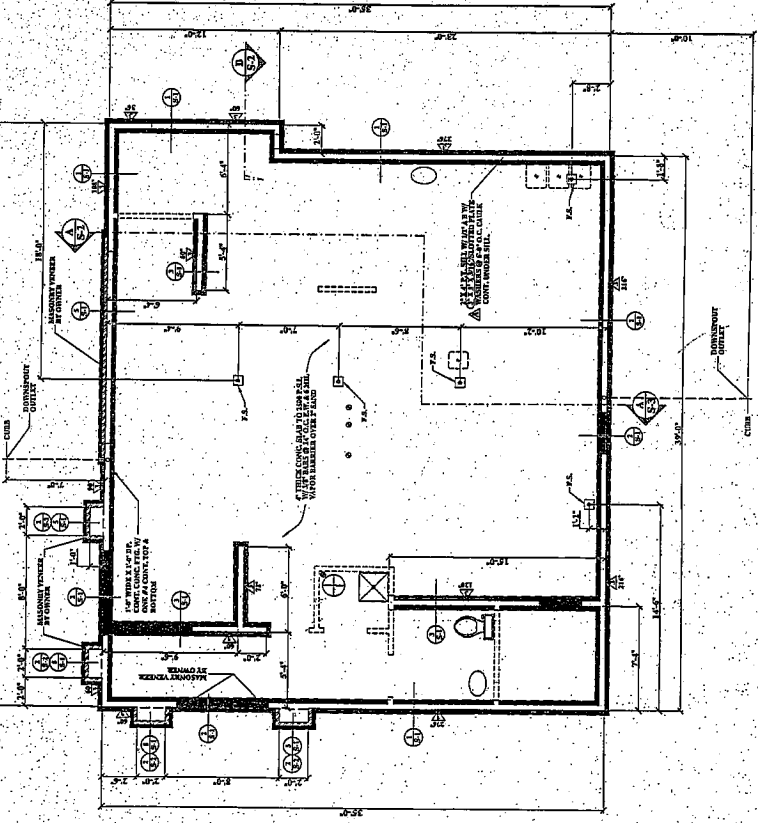
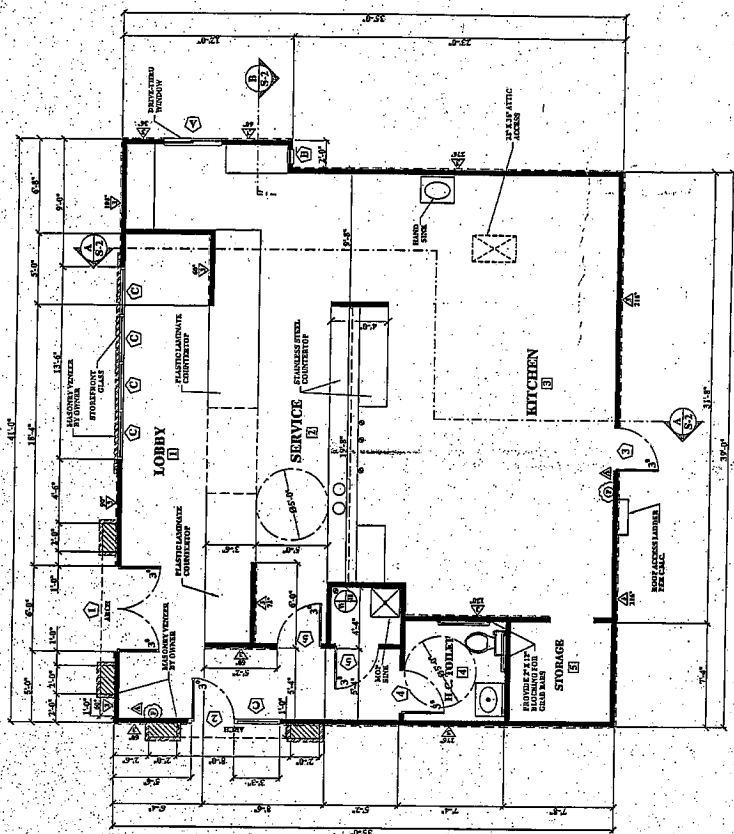
DATE	12-04-07
NAME	AS SHOWN
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PROJECT	2700
REVISION	
BY	
DATE	
BY	
DATE	
BY	
DATE	

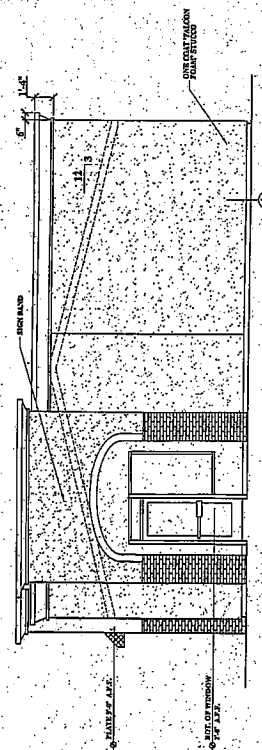
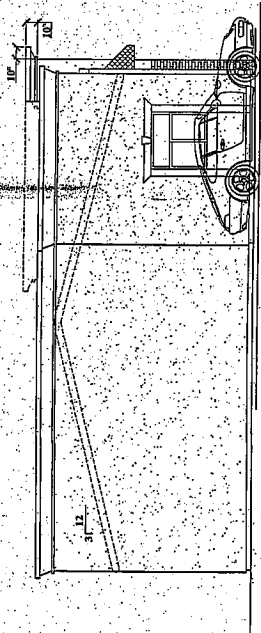
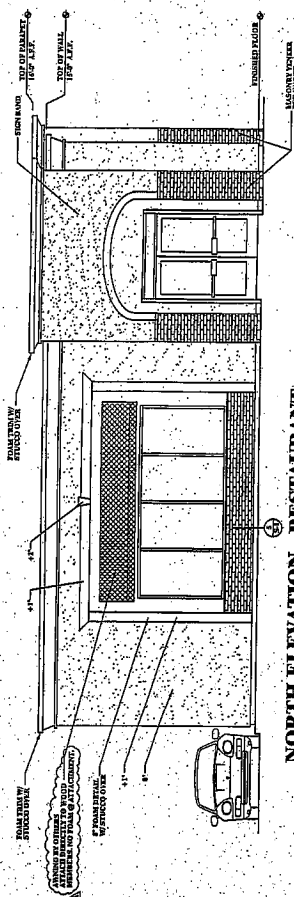
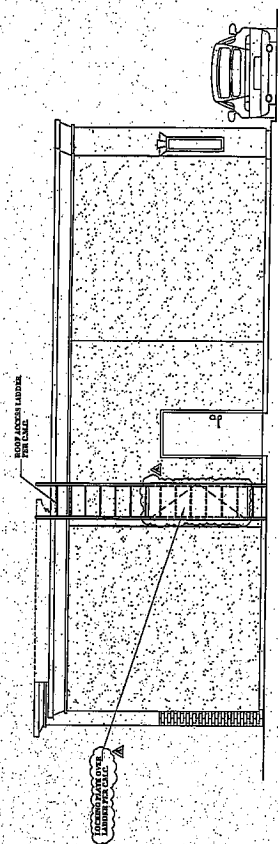
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American Institute of Building Design  
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Tel. (559) 781-1338 Fax (559) 781-2343

**HECTOR TELLEZ**  
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LICENSE C14430

**MARY MCCURE**  
PORTERVALE & LEGGETT ST.  
PORTERVALE, CA 93257  
PHONE: (559) 781-1338

**A-3**  
FLOOR PLAN - RESTAURANT





**FOR ARCHITECTURAL FOAM  
SHAPES USE RAY FOAM OR EQUAL.**

**BAY FOAM**  
20273 MACK STREET  
HAYWARD, CA 94545  
PHONE: (408) 743-FOAM  
FAX: (510) 786-0297



REVISIONS	BY	DATE
1	AW	10/20/88
2	AW	10/20/88
3	AW	10/20/88
4	AW	10/20/88
5	AW	10/20/88
6	AW	10/20/88
7	AW	10/20/88
8	AW	10/20/88
9	AW	10/20/88
10	AW	10/20/88

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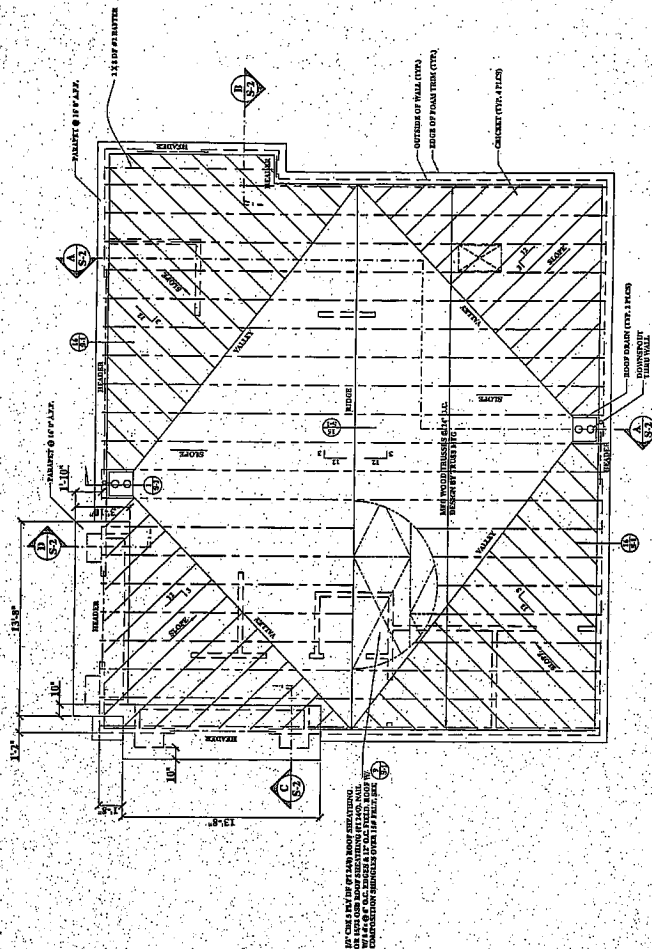


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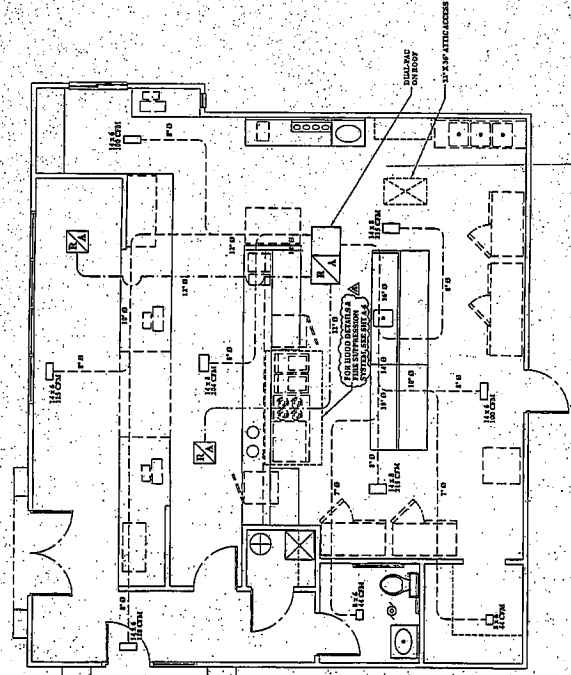


**MARY MCCLURE**  
PORTER AVE. & LEGGETT ST.  
PORTERVILLE, CA 93257  
PHONE: (559) 781-1538

**A-5**  
DATE: 02-01-88  
NAME: AS SHOWN  
DRAWN: JED  
CHECKED: JED  
DATE: 10/20/88



**ROOF PLAN - RESTAURANT**  
SCALE: 1/4" = 1'-0"



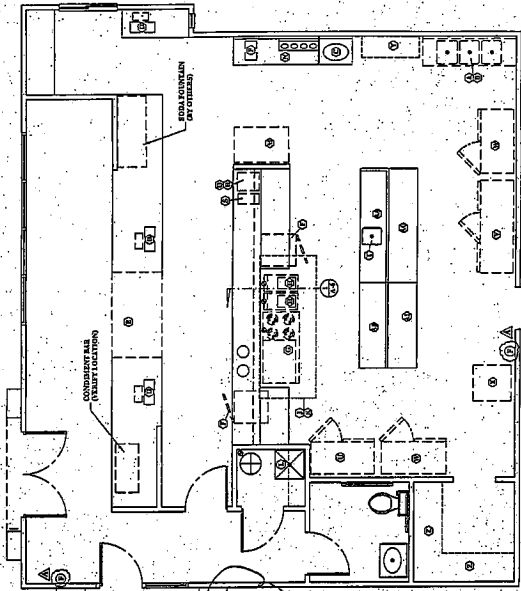
**MECHANICAL PLAN - RESTAURANT**  
SCALE: 1/4" = 1'-0"

CFM CALCULATIONS			
ROOM	AREA	CFM	CFM
KITCHEN	145.33	245.33	245.33
STORAGE	7.00	7.00	7.00
STORAGE	7.00	7.00	7.00
TOTAL			159.33

EQUIPMENT SCHEDULE									
NO.	ITEM	UNIT	MANUFACTURER	ITEM NO.	PRICE	REMARKS	REMARKS	REMARKS	REMARKS
1	COMP. ENG.	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
2	FRIDGE	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
3	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
4	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
5	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
6	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
7	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
8	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
9	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
10	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
11	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
12	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
13	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
14	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
15	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
16	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
17	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
18	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
19	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
20	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
21	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
22	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
23	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
24	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
25	WATER	1	ADVANCE FACD	15-34	15-34	15-34	15-34	15-34	15-34
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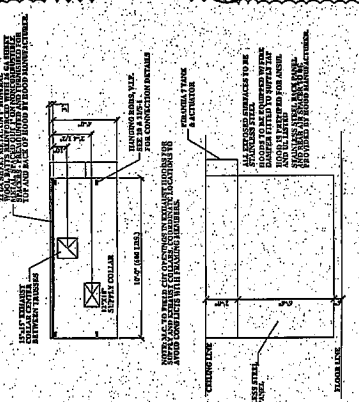
NOTE: ALL EQUIPMENT TO BE NSF APPROVED

**NOTE: ALL EQUIPMENT TO BE "NSF" APPROVED**

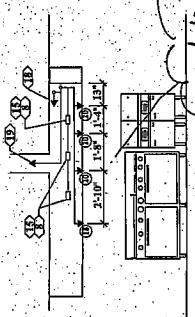


EQUIPMENT PLAN - RESTAURANT

**SCALE: 1/4" = 1'-0"**



## 2) HOOD DETAIL



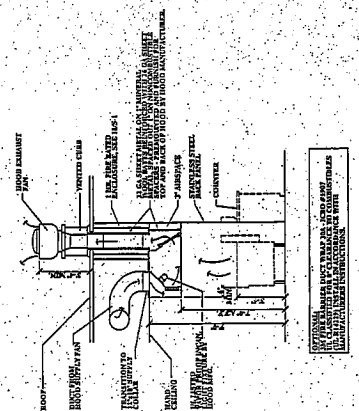
**4 HOOD - FRONT VIEW**

ROOM #	1	MODEL #	ECM6
LENGTH (IN) LF	WIDTH (IN) 30"	HEIGHT (OOL) 14"	
EXHAUST CFM#	1750	SUPPLY CFM#	1750
EXHAUST SF	10	SUPPLY SF	10
EXHAUST FPM	1750	SUPPLY FPM	1165
EXH. SIZE	10" X 10"	SUP. SIZE:	10" X 10"
PITTINGS (0)	10" X 10"	FILTERS (0)	10" X 10"
FIRE SUPPRESSION	ANSI-UL94V-0	WATER TYPE	ALUMINUM
LIGHT (O) (0)	INCANDESCENT	CONTROL SWITCH	PANLIGHT

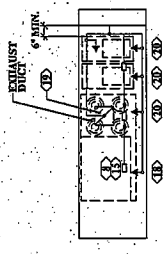
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- [illegible]

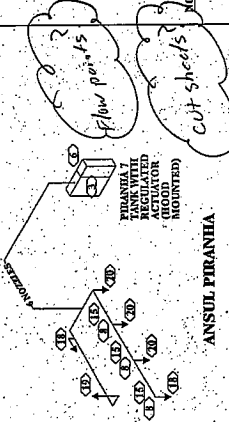
## 6 HOOD NOTES & SCHEDULE



## ① HOOD SECTION



### 3 HOOD - PLAN VIEW



**ANSUL PIRANHIA**

[illegible]

**5 HOOD PIPING ISOMETRIC.**



EXTENSIONS BY	DATE
RECENT	
RECENT	
RECENT	
RECENT	
RECENT	
RECENT	
RECENT	
RECENT	
RECENT	
RECENT	

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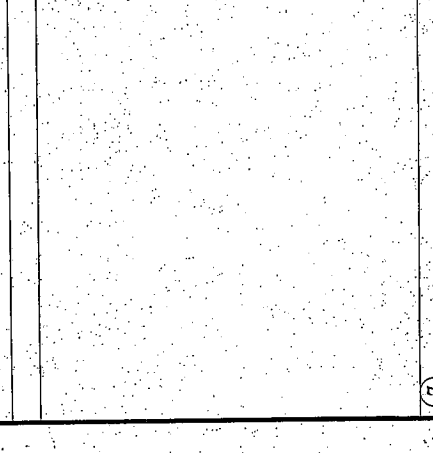
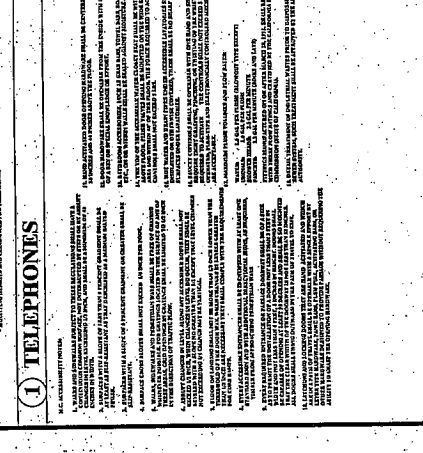
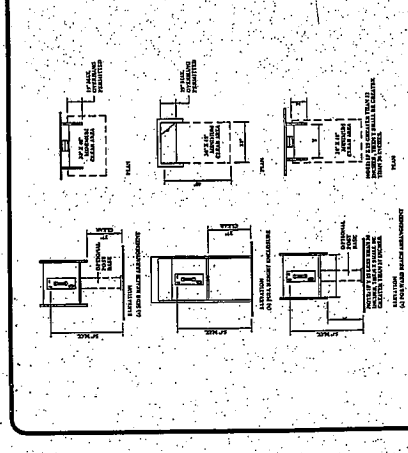
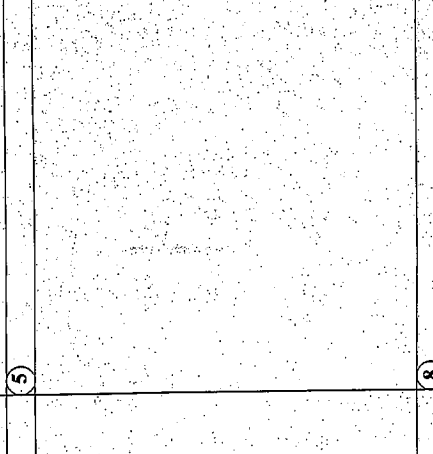
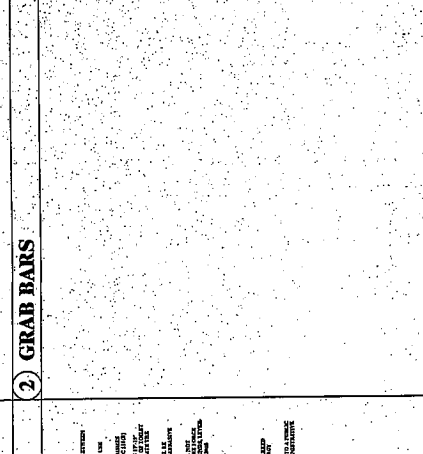
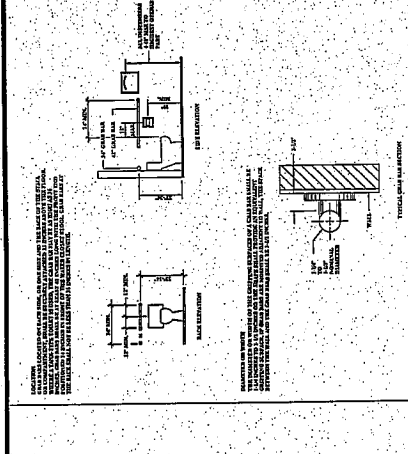
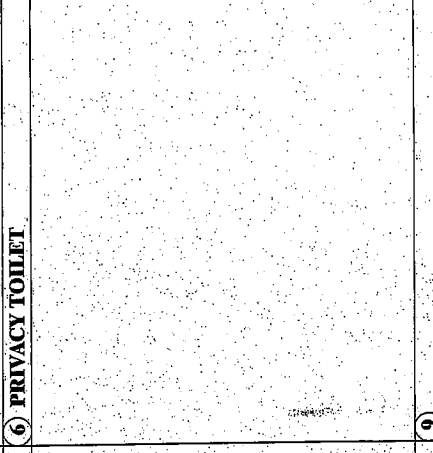
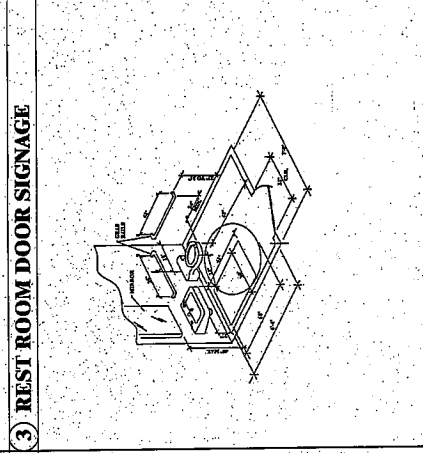
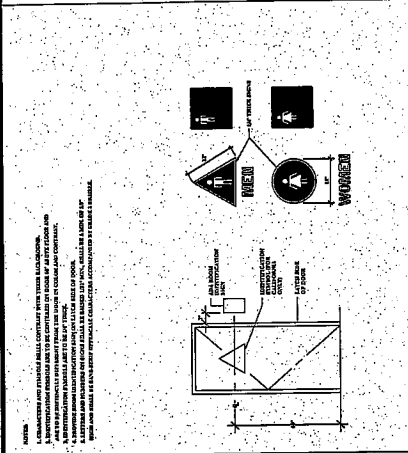
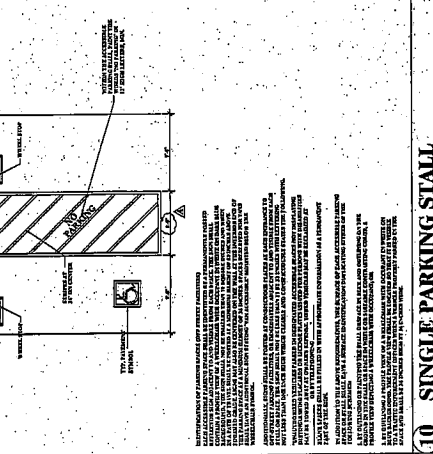
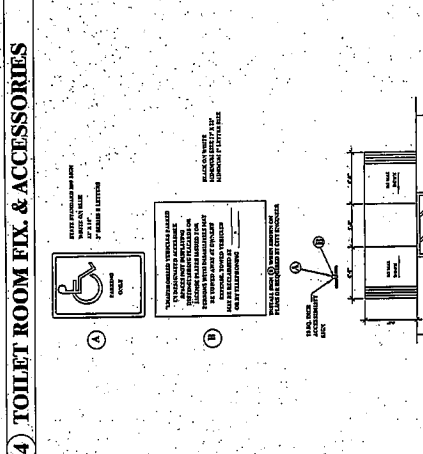
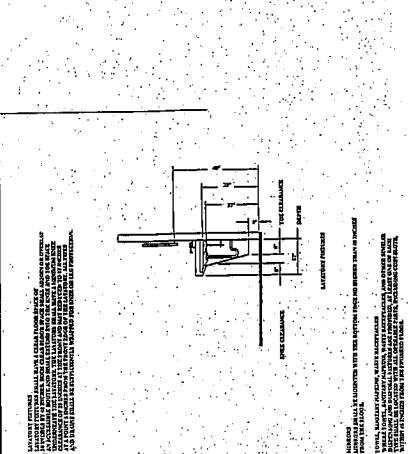
**HECTOR HILTZ**  
ARCHITECT  
150 N. MAIN ST.  
PORTERVILLE, CA 93257  
OFF. (559) 781-1538  
FAX (559) 781-2343  
LICENSE C16438



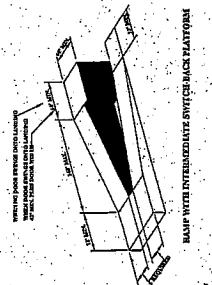
**MARY MCCLURE**  
PORTERVILLE, CA 93257  
PHONE: (559) 781-1538

DATE	BY	SCALE	NO.

**H-1**



## 13 RAMP



**RAIDERS**  
GENERAL

THE UNITED STATES DEPARTMENT OF JUSTICE HAS ANNOUNCED THAT IT IS OPENING AN INVESTIGATION INTO ALLEGED CONSPIRACIES TO OBTAIN THE RELEASE OF PRISONERS OF WAR AND MISSING IN ACTION (MIA) FROM THE VIETNAM WAR.

THE DEPARTMENT OF JUSTICE IS CURRENTLY CONSIDERING THE POSSIBILITY OF A FEDERAL GRAND JURY CHARGE AGAINST THE INDIVIDUALS INVOLVED IN THE CONSPIRACY.

THE DEPARTMENT OF JUSTICE IS CURRENTLY CONSIDERING THE POSSIBILITY OF A FEDERAL GRAND JURY CHARGE AGAINST THE INDIVIDUALS INVOLVED IN THE CONSPIRACY.

**ALONE**

THE UNITED STATES DEPARTMENT OF JUSTICE HAS ANNOUNCED THAT IT IS OPENING AN INVESTIGATION INTO ALLEGED CONSPIRACIES TO OBTAIN THE RELEASE OF PRISONERS OF WAR AND MISSING IN ACTION (MIA) FROM THE VIETNAM WAR.

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**CHINESE SPOKE**

THE UNITED STATES DEPARTMENT OF JUSTICE HAS ANNOUNCED THAT IT IS OPENING AN INVESTIGATION INTO ALLEGED CONSPIRACIES TO OBTAIN THE RELEASE OF PRISONERS OF WAR AND MISSING IN ACTION (MIA) FROM THE VIETNAM WAR.

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**SIZE OF FOR LANDINGS**

THE UNITED STATES DEPARTMENT OF JUSTICE HAS ANNOUNCED THAT IT IS OPENING AN INVESTIGATION INTO ALLEGED CONSPIRACIES TO OBTAIN THE RELEASE OF PRISONERS OF WAR AND MISSING IN ACTION (MIA) FROM THE VIETNAM WAR.

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**OTHERS TO EXPANSION**

THE UNITED STATES DEPARTMENT OF JUSTICE HAS ANNOUNCED THAT IT IS OPENING AN INVESTIGATION INTO ALLEGED CONSPIRACIES TO OBTAIN THE RELEASE OF PRISONERS OF WAR AND MISSING IN ACTION (MIA) FROM THE VIETNAM WAR.

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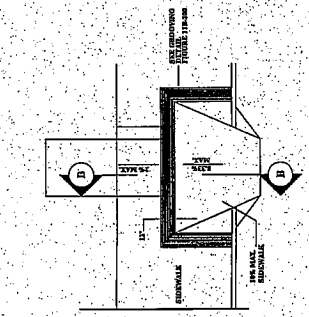
## SECTION A-A



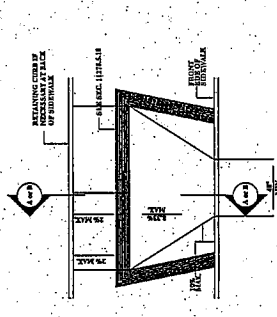
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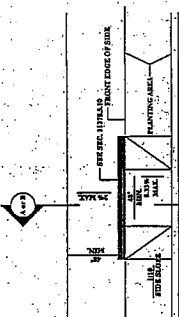
## SECTION C-C



### CASE A



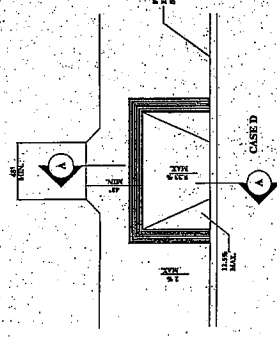
### CASE B



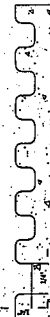
## CASE G

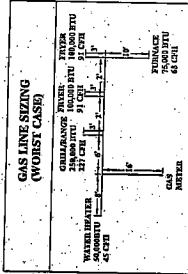
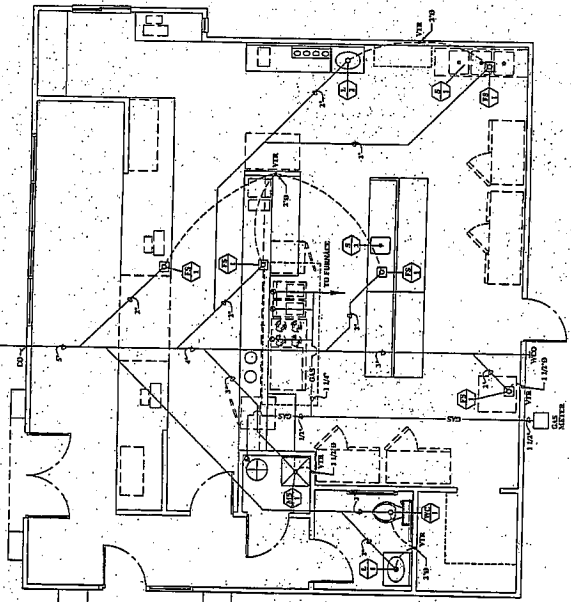


**CASE C  
(SIDEWALK LESS THAN 60" WIDE)**



## CASE H

[illegible]

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**PLUMBING LEGEND**

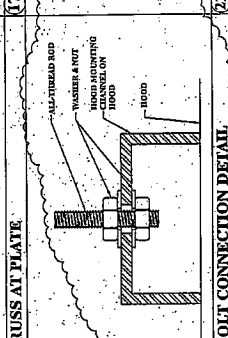
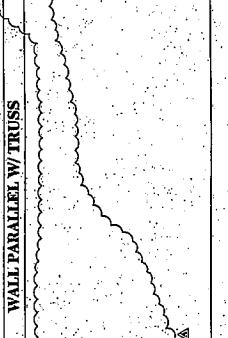
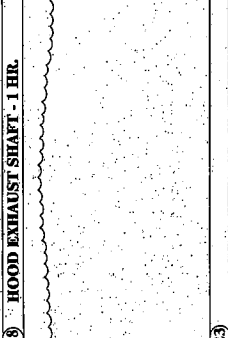
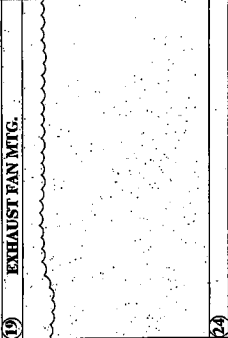
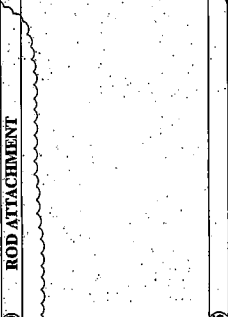
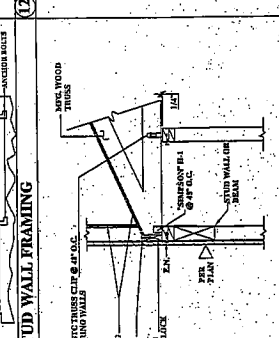
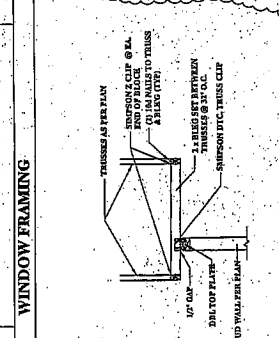
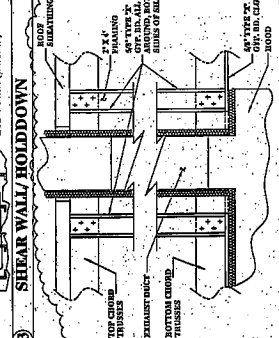
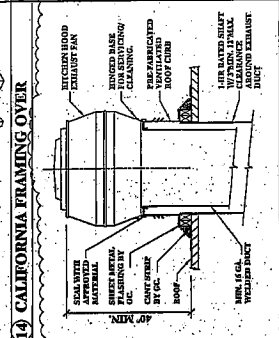
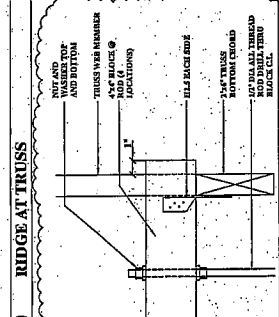
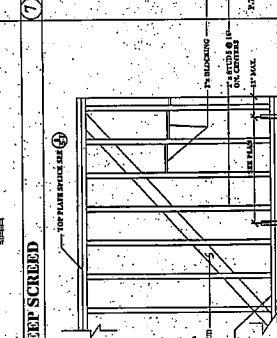
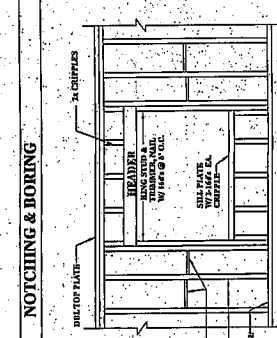
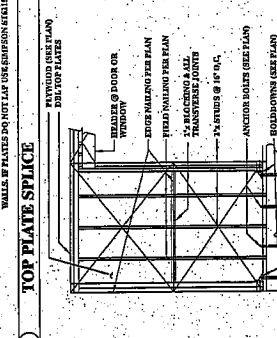
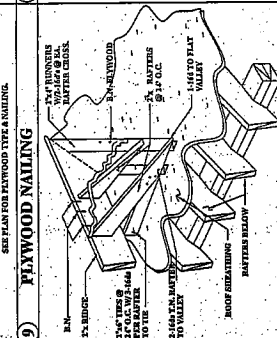
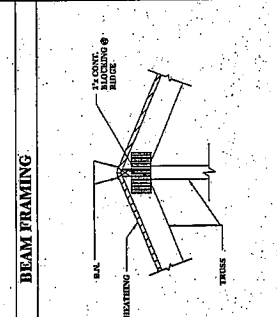
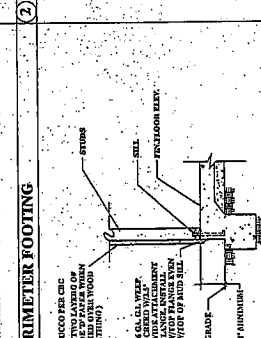
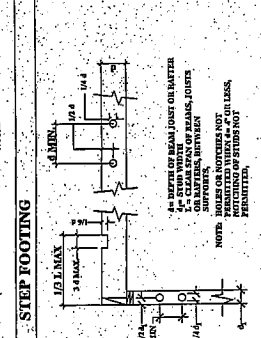
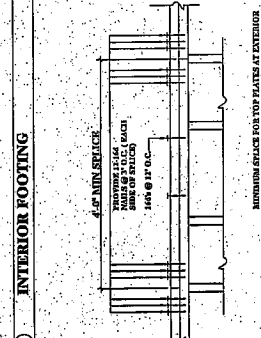
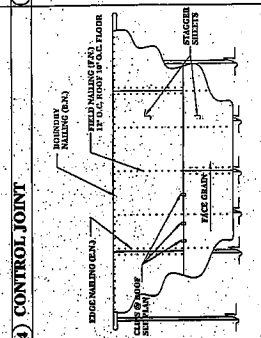
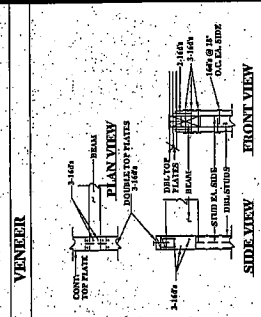
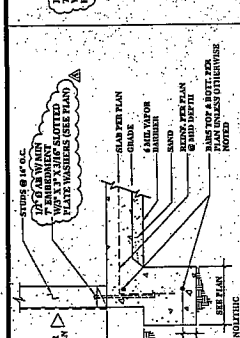
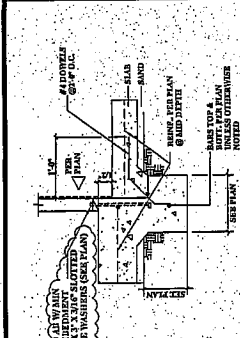
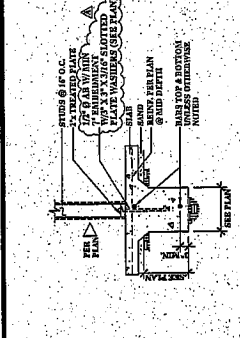
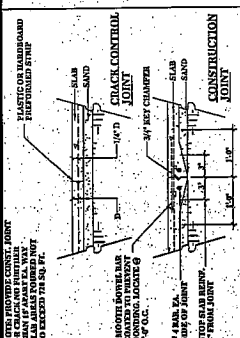
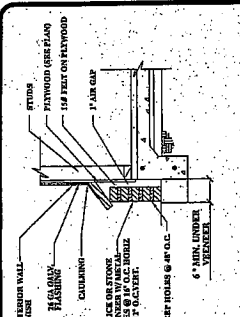
• SOV	SHUT OFF VALVE
• FCO	FLUOR CLAMP OUT
• WCO	WALL CLAMP OUT
• VTR	VENT TRIM OUT
• COTG	CLEAN-OUT OF TRAP
• FOC	FOUR OF CONNECTION
• FD	FOUR DRAIN
• DCW	DOMESTIC COLD WATER
• DHW	DOMESTIC HOT WATER
• S	WASTE LINE
• VTL	VENT LINE
• C	NATURAL GAS
• C	CONDENSATE LINE
• C	HOSE SIBS

**PLANNING AND DESIGN**  
1. **CONSTRUCTION**  
2. **OPERATION**  
3. **MAINTENANCE**  
4. **REPAIR**  
5. **REPLACEMENT**  
6. **RENOVATION**  
7. **RECONSTRUCTION**  
8. **REDEMPTION**  
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**NOTES**

WATER HEAVERS SHALL BE ANCHORED OR STRAPPED TO RESIST HORIZONTAL DEFORMATION DUE TO EXHAUSTION METHOD STRAPPING SHALL BE AT POINTS WITHIN THE OUTER ONE THIRD AND LOOSE ONE THIRD OF THE LENGTH OF THE HEAVY CHAIN. AT THE LOWER POINT, A MINIMUM DISTANCE OF FOUR INCHES SHALL BE MAINTAINED BETWEEN THE STRAPPING POINTS. UFG SEC. 14.3 WATER HEAVER POOLING TO BE MAINTAINED TO 100% THROUGH 60°F. PROVIDE COMBUSTION AIR TO WATER HEAVERS PER UFG SEC. 45.1.

[illegible][illegible][illegible][illegible][illegible]



NO.	REVISIONS
1	AS NOTED
2	DATE 02-07-08
3	SCALE AS SHOWN
4	DRAWN BY 27050
5	CHECKED BY
6	DATE

**HILLMAN BUILDING DESIGNERS**  
Professional Members  
American Institute of Building Design  
250 N. Main St., Porterville, CA 93257  
TEL. (559) 781-1538 FAX (559) 781-2943

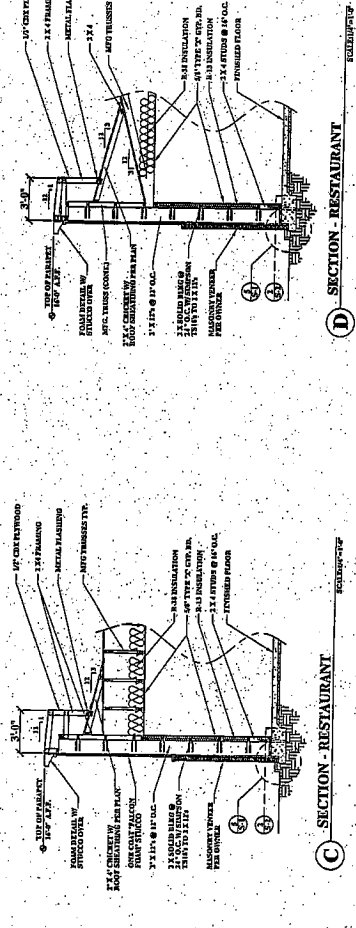
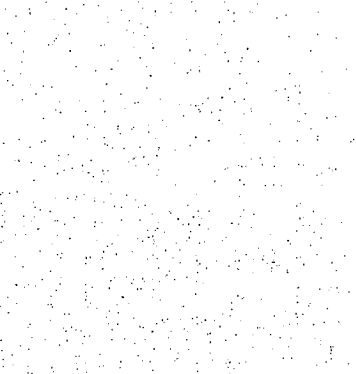
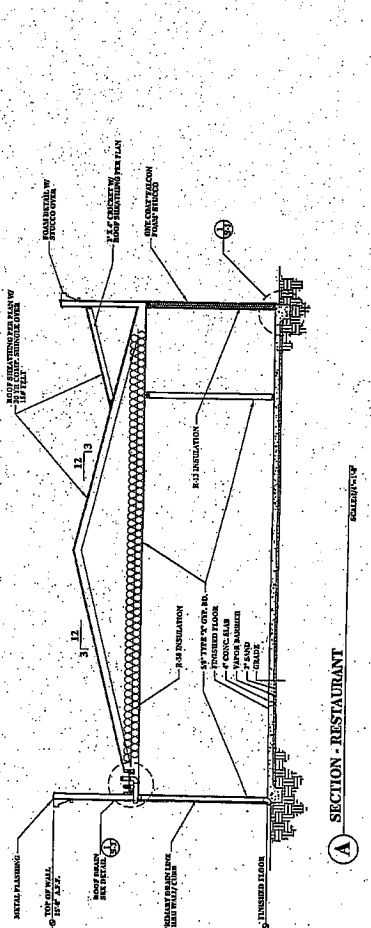
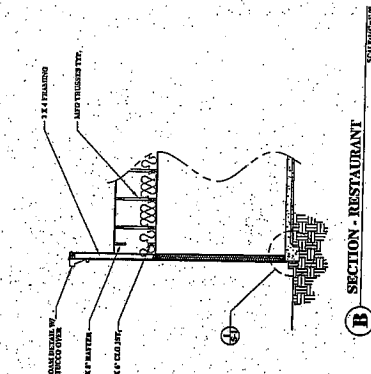
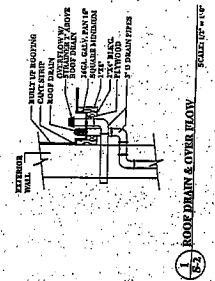
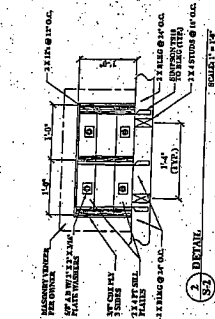


**ARCHITECT**  
**HECTOR TELIEZ**  
250 N. MAIN ST.  
PORTERVILLE, CA 93257  
TEL. (559) 781-1538  
FAX (559) 781-2943  
LICENSE C16430



**ARCHITECT**  
**MARY MCCURE**  
PUTNAM AVE. & LEGGETT ST.  
PORTERVILLE, CA 93257  
PHONE:

**2-S**  
PLOT - 1006/08  
DATE 02-07-08  
SCALE AS SHOWN  
DRAWN BY 27050  
CHECKED BY  
DATE





## List of Deviations

- The exterior lighting attached to the building are facing residential sites to the east and south. (Section 2006 (E) of the Zoning Ordinance)
- The required five foot (5') wide screening planting strip is not installed at the northeast corner of the project site. (Section 2206 (F)(2) of the Zoning Ordinance)
- The Marbelite Pole street light was required but not installed as specified.
- The roof mounted mechanical equipment is not screened from public view as conditioned.
- The awning is not installed. (north elevation)
- The masonry veneer is not installed. (north and west elevation)
- The arch entry ways are not constructed. (north and west elevation)
- The window trims are not per plans.
- Additional windows on the east, north and west elevations have been added.
- The ten foot (10') wide outdoor dining area and tables are not installed.
- The west elevation entry door is not constructed.
- The north elevation entry door has been shifted approximately 10 feet (10') to the east.
- The two foot (2') pop-out drive-thru window is not constructed per plans.
- The three foot (3') wide landscaping strip along the east elevation is not installed.
- The loading zone has been relocated to the southeast corner.
- The landscaped island located adjacent to the ADA parking stall is not constructed.
- The 600 square foot proposed coffee kiosk is not constructed.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT NO. 8-82,  
MODIFICATION NO. 2, GENERAL AND SPECIFIC DEVELOPMENT PLANS, PHASE  
ONE, TO ALLOW OCCUPANCY OF THE CONSTRUCTED DRIVE-THROUGH  
RESTAURANT LOCATED AT 815 E. PUTNAM AVENUE

WHEREAS: On February 19, 2008, the City Council adopted Resolution 13-2008 containing findings and conditions in support of Conditional Use Permit 8-82, Modification No. 1, General and Specific Development Plans Phase One, to allow the construction of a drive-through restaurant and drive-through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street, currently addressed as 815 E. Putnam Avenue; and

WHEREAS: On February 14, 2013, during the final inspection of 815 E. Putnam Avenue, more specifically the constructed drive-through restaurant, staff members observed deviations in the constructed building from the conditions approved by City Council under Conditional Use Permit 8-82, Modification No. 1 (Resolution 13-2008) and approved plans included as Exhibit A to the resolution; and

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of March 5, 2013, conducted a public hearing to review CUP 8-82, Modification No. 2, General and Specific Plans Phase One, to allow occupancy of the constructed drive-through restaurant subject to the conditions of approval; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act guidelines; and

WHEREAS: The City Council has considered the proposed amendments to the conditional use permit and has found that the specific requirements of the Zoning Ordinance and other requirements of the City have been met, and that the revisions to the site layout and building architecture can support the proposed use; and

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

1. That Conditional Use Permit 8-82, Modification No. 2 is consistent with the Zoning Ordinance provided the parking lot striping, mechanical equipment screening and lighting are in compliance with City standards and original conditions of approval.
2. That the design and improvements of the proposed modifications were consistent with the General Plan and Zoning Ordinance at the time of project approval.
3. That the site is physically suitable for the type of development constructed.

**ATTACHMENT**  
**ITEM NO. 6**

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 and have been required.

4. That the proposed modifications and improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. That the proposed modifications or improvements will not cause serious public health problems.

The location of the constructed building 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.

6. That the standard of population density, site area dimension, site coverage, height of structure, distance between structures, off-site parking facilities, and landscaping areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. That the subject site shall comply with all design standards of the Zoning Ordinance which was in effect at the time of project approval, more specifically Section 2206 (E) and Section 2206 (F)(2) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 8-82, Modification No. 2 to allow occupancy of the constructed drive-through restaurant subject to the following conditions:

1. The hours of operation are to remain as originally approved pursuant to CUP 8-82, Modification No. 1 as follows:

Sunday through Saturday  
5:30 am to 12:00 am (midnight)

2. For safety and security, adequate light will be required during the hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director. Exterior lighting mounted on existing building shall install deflectors to prevent direct and annoying glare to the residential uses to the east and south of the project location.
3. Prior to issuance of Certificate of Occupancy, all roof mounted, mechanical and electrical equipment shall be screened and maintained from public view.

4. Prior to issuance of Certificate of Occupancy, an accurate complete set of as-built plans (3 copies) shall be submitted to show all revisions and modifications made to the existing building to the Public Work Department.
5. Prior to issuance of Certificate of Occupancy, the developer shall design and improve the parking lot in conformance with Section 2206 (E) and Section 2206 (F)(2) of the Zoning Ordinance.
6. Comply with all local, state and federal laws, rules and regulations.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of March, 2013

By: \_\_\_\_\_  
Virginia R. Gurrola, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

RESOLUTION NO. 13-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF MODIFICATION NO.1  
TO CONDITIONAL USE PERMIT NO. 8-82 / GENERAL AND SPECIFIC  
DEVELOPMENT PLANS, PHASE ONE, TO ALLOW CONSTRUCTION OF A DRIVE  
THROUGH RESTAURANT AND COFFEE KIOSK LOCATED AT THE SOUTHEAST  
CORNER OF PUTNAM AVENUE AND LEGGETT STREET

WHEREAS: The City Council at its regularly scheduled meeting of February 19, 2008, reviewed the modified site plans for a modification to CUP 8-82/ General and Specific Plans Phase One to allow proposed construction of a drive through restaurant and drive through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street. The subject site is located in the PD-R1 (Planned Development-One Family Residential Zone); and

WHEREAS: The project consists of two drive through buildings providing restaurant (1,389 square feet) and coffee (600 square feet) services for a total combined square footage of 1,989 square feet of building space. The colors and finish of the proposed buildings will be brown and cream tones compatible to the convenience market on the adjacent parcel to the west. Additionally, landscaping will be installed along the frontage of the property, in front of both buildings, and along the restaurant's menu board; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 of the CEQA Guidelines – construction of in-fill development. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

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

1. The General Plan designates the subject site as Low Density Residential.

The subject site is zoned PD-R1 (Planned Development – One Family Zone) which is supported by the General Plan. The proposed use is allowed pursuant to approval of Conditional Use Permit Specific and General Plan.

2. That a conceptual plan was submitted for Phase Two at the time Phase One was approved.
3. That the site is physically suited for the type of development proposed. The site is level and vacant.

EXHIBIT A

4. That the design of the project nor the proposed improvements are likely to cause substantial environmental damage. An onsite inspection was conducted by staff. No natural habitat was observed. As such, no endangered, threatened or rare species or habitats exist and no impact will occur.
5. That the proposed location of the proposed and the conditions under which it will be operated and maintained will not be detrimental to the public health, safety or welfare, or , materially injurious to properties or improvements in the vicinity.

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

6. That the standards of population density, site area dimensions, site coverage, height of structures, distance between structures, off-street parking facilities, and landscaping areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. The project as proposed complies with all design standards of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Modification #1 to Conditional Use Permit 8-82 subject to the following conditions:

1. Reciprocal ingress/egress agreement is required with the adjacent convenience market to the west. A recorded agreement shall be submitted to the City prior to issuance of building permits for the proposed site.
2. The proposed project will be considered as Modification #1 to CUP 8-22, approved by City Council Resolution 9746 for Phase 1 (Specific Plans).
3. The hours of operation are as follows:

Sunday - Saturday  
5:30am to 12:00am

4. For safety and security, adequate lighting will be required during hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director
5. All mechanical and electrical equipment is to be screened and maintained from public view.

6. Unless otherwise noted, the developer/applicant shall obey the City Master Plans, Standard Specifications for Public Works Construction (2000 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.
7. 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.
8. The developer/applicant shall follow Appendix Chapter 33 of the California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.
9. Developer/applicant shall provide a Soils Report in conformance with Chapter 18 of the California Building Code. Expansive soils are known to be in the area of the proposed development. The Soils Report shall include R-Value testing, expansion indexes, etc required for the construction of public improvements.
10. The developer/applicant shall construct and/or repair street, curb, gutter, sidewalk, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer (Ord. No. 1306).
11. The developer/applicant shall remove existing trees at all driveways serving the development for the purpose of provide appropriate visibility for vehicular traffic existing the property.
12. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306).
13. Easements shall be in place that allows for mutual ingress, egress and maintenance of the parking lots shared by the proposed development parcel and the adjacent westerly parcel, if none exists.
14. 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).
15. The developer/applicant shall provide street lights 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. A 9500 lumen street light shall be installed at the northeast property corner.

16. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.
17. 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.).
18. 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.
19. The developer/applicant shall comply with Ordinance No. 1636 regarding Waste Water Discharge requirements and shall complete and submit the following:

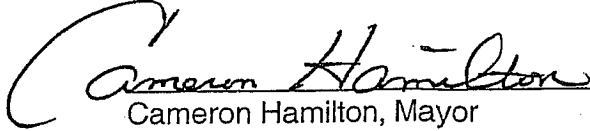
Wastewater Discharge Permit Application, Part "A"; and

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.
20. 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.
21. The developer/applicant shall install a refuse container enclosure according to City standards. **The enclosure location to be approved by City prior to issuance of building permit.** 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.
22. The developer/applicant shall comply with the Flood Damage Prevention Ordinance. The property is within a Flood Hazard Zone AO (1 foot depth). A Licensed Civil Engineer or Land Surveyor shall confirm that the finished floor will be constructed at or above the Base Flood Elevation in letter form or by providing a Preliminary Elevation Certificate. The same professional shall confirm that the finish floor is at or above the Base Flood Elevation by submitting an Elevation Certificate to the City Engineer for approval prior to the issuance of a certificate of occupancy. Preliminary Elevation Certificates and Elevation Certificates are available within the Engineering Division upon request.
23. The developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615.

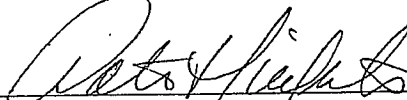


24. The developer/applicant is hereby notified that the installation of an additional water meter, servicing the irrigation system would be beneficial for monitoring actual water usage. The City will monitor actual water usage for one year and will bill the owner the impact fees based on the actual water usage.
25. A back-flow device is required on the water meter.
26. A grease trap or grease interceptor is required.
27. Submit three (3) complete sets of plans, signed by a licensed Architect or Engineer, to include two (2) sets of energy calculations and structural calculations.
28. Compliance with access laws (both State and Federal) is required.
29. Compliance with all applicable codes is required.
30. Plan check fees are required at the time of building permit submittal.
31. Soil report required.
32. School Development fees and all other City fees are due at the time of building permit issuance.
33. Prior to issuance of the building permit need approval from the Tulare County Health Department.
34. Restrooms and main entrance must comply with ADA access laws.
35. All construction offices, storage containers, etc. for temporary use must receive City Council approval.
36. Grease interceptor required.
37. Signs require separate permit.
38. At all times, the facilities shall be constructed, operated and maintained to comply with State law, the City of Porterville Municipal Code, adopted Building Codes and all other applicable laws and ordinances.
39. That the subject site will be developed in accordance with the site plan and elevation plans labeled Exhibit "A."
40. The conditional use permit shall become null and void if not undertaken and actively and continuously pursued within one (1) year.

41. The applicant shall submit clearance from the Regional Water Quality Control Board, to the satisfaction of the City Engineer, regarding groundwater and/or soils contamination prior to issuance of building permits for the proposed site.

  
Cameron Hamilton, Mayor

Attest:  
John Longley, City Clerk

By   
Patrice Hildreth, Chief Deputy City Clerk

STATE OF CALIFORNIA     )  
CITY OF PORTERVILLE    )     SS  
COUNTY OF TULARE     )

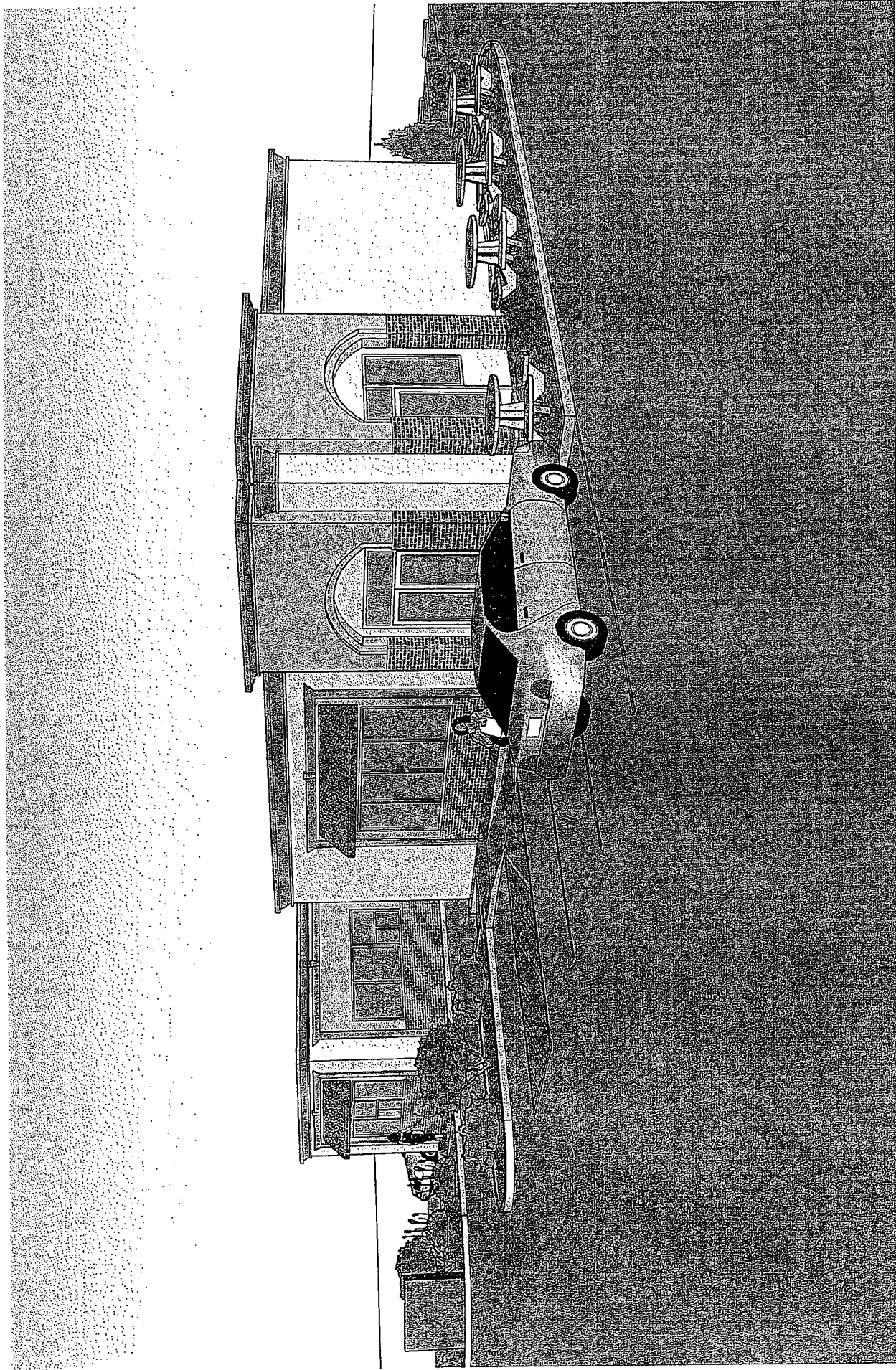
I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 19<sup>th</sup> day of February, 2008.

THAT said resolution was duly passed adopted by the following vote:

Council:	McCRACKEN	P. MARTINEZ	F. MARTINEZ	HERNANDEZ	HAMILTON
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN LONGLEY, CITY CLERK

By *Luisa Herrera*  
Luisa Herrera, Deputy City Clerk



EXHIBIT

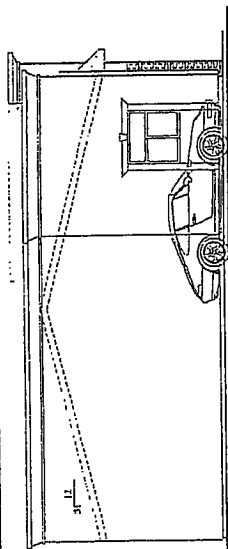
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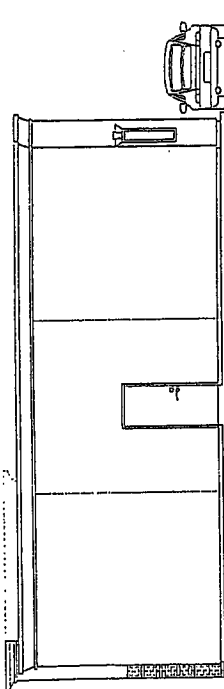
APR 25 1946  
IN THE CITY OF PORTERVILLE  
COUNTY OF TULARE STATE OF CALIFORNIA

W O R T H

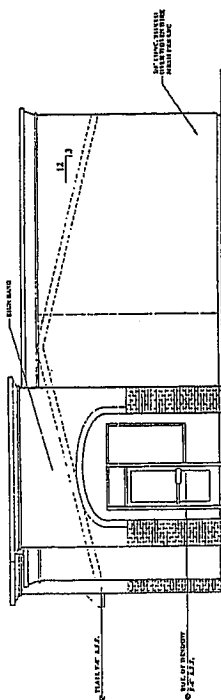
THE



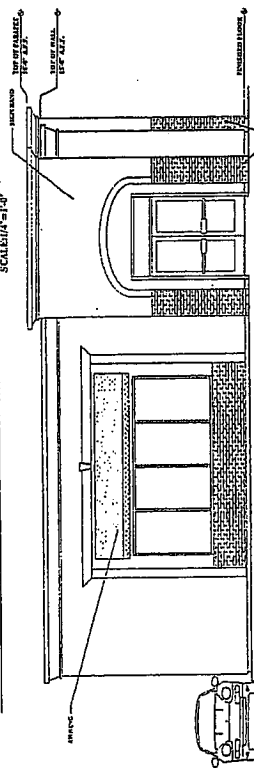
**WEST ELEVATION - RESTAURANT**



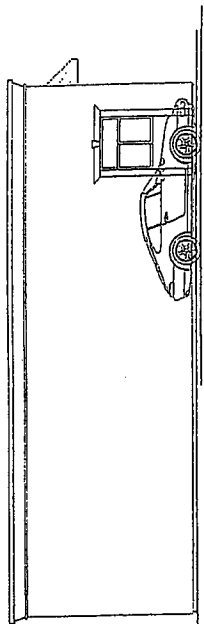
**SOUTH ELEVATION - RESTAURANT**



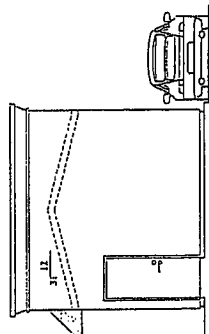
**EAST ELEVATION - RESTAURANT**



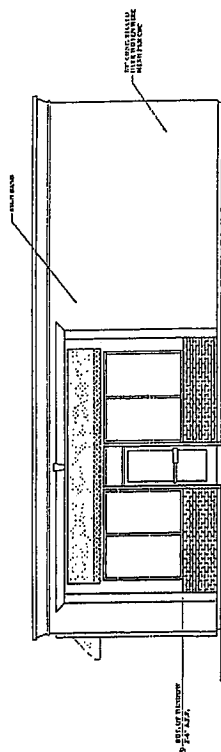
**NORTH ELEVATION - RESTAURANT**



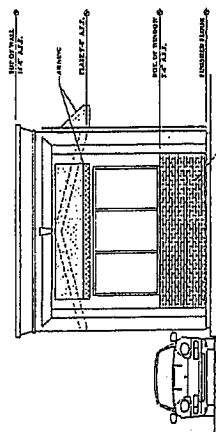
**WEST ELEVATION - KIOSK**



**SOUTH ELEVATION - KIOSK**



**EAST ELEVATION - KIOSK**



**NORTH ELEVATION - KIOSK**



North Elevation

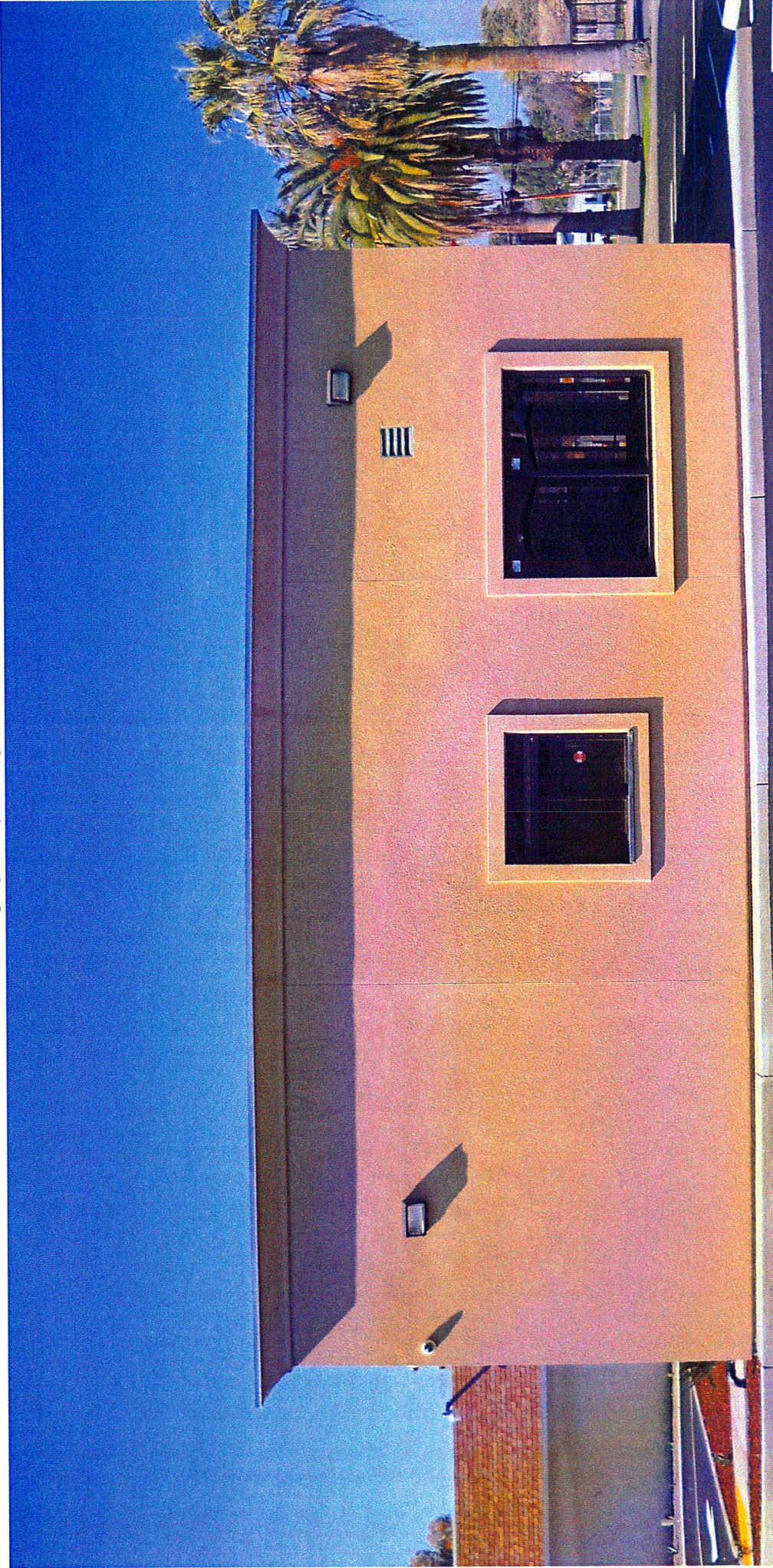


North Elevation

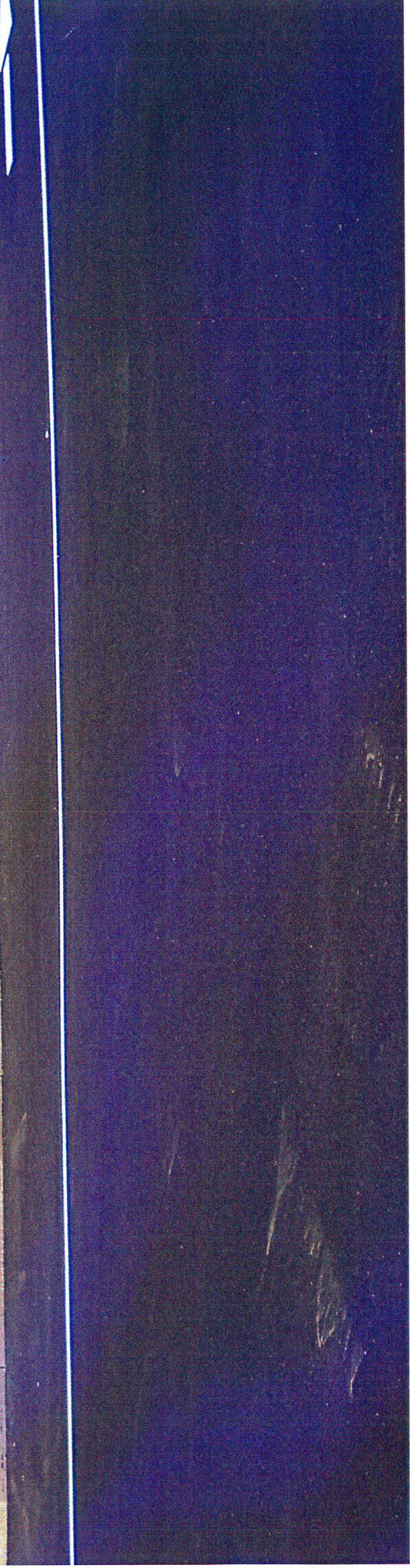
ATTACHMENT  
ITEM NO. 6



East elevation



East Elevation





South Elevation



South Elevation



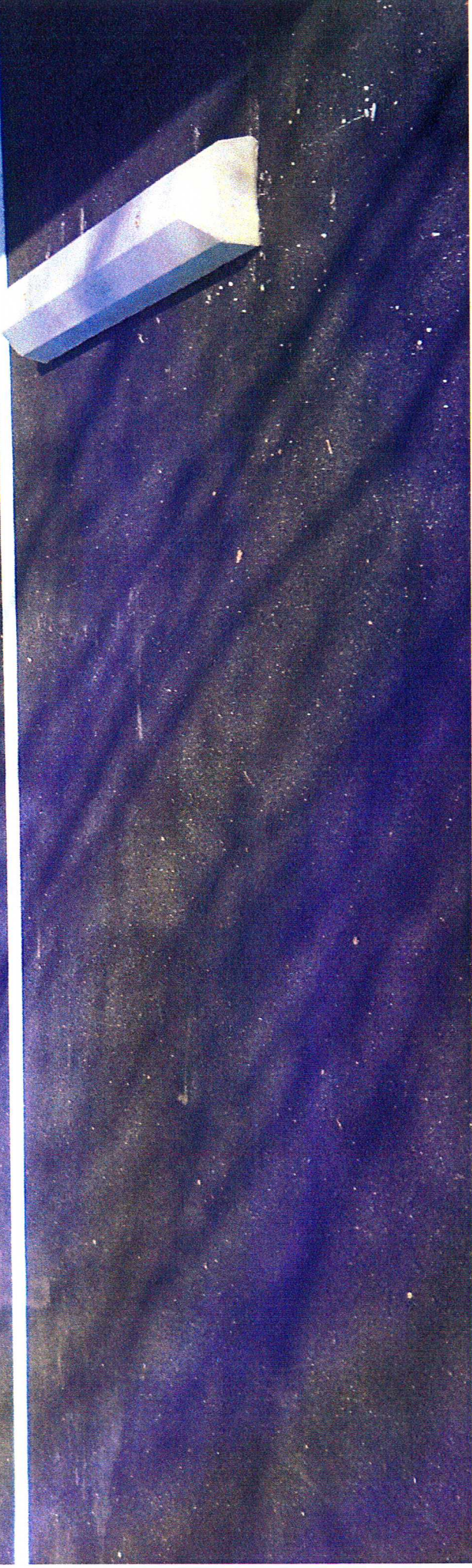
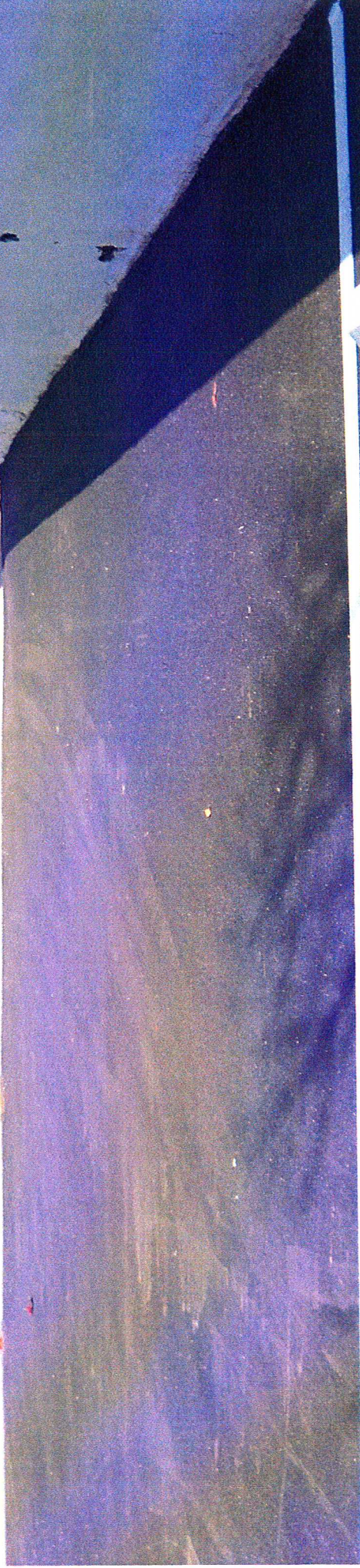
Parking Lot Facing South



Parking Lot Facing South



N/E corner



North-east corner



East parking lot



East Parking Lot



Loading Zone



Loading Zone



South



South



Rear parking lot



Rear Parking Lot



frontage



frontage



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS IN SUPPORT OF CONDITIONAL USE PERMIT NO. 8-82,  
MODIFICATION NO. 2, GENERAL AND SPECIFIC DEVELOPMENT PLANS, PHASE  
ONE, TO ALLOW OCCUPANCY OF THE CONSTRUCTED DRIVE-THROUGH  
RESTAURANT LOCATED AT 815 E. PUTNAM AVENUE

WHEREAS: On February 19, 2008, the City Council adopted Resolution 13-2008 containing findings and conditions in support of Conditional Use Permit 8-82, Modification No. 1, General and Specific Development Plans Phase One, to allow the construction of a drive-through restaurant and drive-through coffee kiosk located at the southeast corner of Putnam Avenue and Leggett Street, currently addressed as 815 E. Putnam Avenue; and

WHEREAS: On February 14, 2013, during the final inspection of 815 E. Putnam Avenue, more specifically the constructed drive-through restaurant, staff members observed deviations in the constructed building from the conditions approved by City Council under Conditional Use Permit 8-82, Modification No. 1 (Resolution 13-2008) and approved plans included as Exhibit A to the resolution; and

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of March 5, 2013, conducted a public hearing to review CUP 8-82, Modification No. 2, General and Specific Plans Phase One, to allow occupancy of the constructed drive-through restaurant subject to the conditions of approval; and

WHEREAS: This project is Categorically Exempt pursuant to Section 15332 Class 32 (In-Fill Development) of the California Environmental Quality Act guidelines; and

WHEREAS: The City Council has considered the proposed amendments to the conditional use permit and has found that the specific requirements of the Zoning Ordinance and other requirements of the City have been met, and that the revisions to the site layout and building architecture can support the proposed use; and

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

1. That Conditional Use Permit 8-82, Modification No. 2 is consistent with the Zoning Ordinance provided the parking lot striping, mechanical equipment screening and lighting are in compliance with City standards and original conditions of approval.
2. That the design and improvements of the proposed modifications were consistent with the General Plan and Zoning Ordinance at the time of project approval.
3. That the site is physically suitable for the type of development constructed.

**ATTACHMENT  
ITEM NO. 7**

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 and have been required.

4. That the proposed modifications and improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. That the proposed modifications or improvements will not cause serious public health problems.

The location of the constructed building 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.

6. That the standard of population density, site area dimension, site coverage, height of structure, distance between structures, off-site parking facilities, and landscaping areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
7. That the subject site shall comply with all design standards of the Zoning Ordinance which was in effect at the time of project approval, more specifically Section 2206 (E) and Section 2206 (F)(2) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 8-82, Modification No. 2 to allow occupancy of the constructed drive-through restaurant subject to the following conditions:

1. The hours of operation are to remain as originally approved pursuant to CUP 8-82, Modification No. 1 as follows:

Sunday through Saturday  
5:30 am to 12:00 am (midnight)

2. For safety and security, adequate light will be required during the hours of operation that maintains visibility throughout the lot and designed to minimize glare and spillover onto adjacent parcels. Lighting is to be approved by the Police Chief or Community Development Director. Exterior lighting mounted on existing building shall install deflectors to prevent direct and annoying glare to the residential uses to the east and south of the project location.
3. Prior to issuance of Certificate of Occupancy, all roof mounted, mechanical and electrical equipment shall be screened and maintained from public view.

4. Prior to issuance of Certificate of Occupancy, an accurate complete set of as-built plans (3 copies) shall be submitted to show all revisions and modifications made to the existing building to the Public Work Department.
5. Prior to issuance of Certificate of Occupancy, the developer shall design and improve the parking lot in conformance with Section 2206 (E) and Section 2206 (F)(2) of the Zoning Ordinance.
6. Comply with all local, state and federal laws, rules and regulations.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of March, 2013

By: \_\_\_\_\_  
Virginia R. Gurrola, Mayor

ATTEST:  
John D. Lollis, City Clerk

By: \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk