

CITY COUNCIL AGENDA: FEBRUARY 19, 2013

PUBLIC HEARING

SUBJECT: MODIFICATION OF VESTED PARCEL MAP NO. 4996 (JAYE STREET CROSSING COMMERCIAL CENTER)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a modification to Vested Parcel Map (VPM) 4996 to rescind earlier rights and re-establish vesting rights with current development standards and policies. VPM 4996 is located east of Jaye Street between Springville and Vandalia Avenue; more specifically, the map is the northern section of the Jaye Street Crossing Commercial Center.

The approval of a Vested Parcel Map confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vested map was deemed complete. If ordinances, policies, and standards change after the map is vested, the development within the VPM would not be subject to those changes. Conversely, a parcel map that is not vested would be subject to any changes in ordinances, policies, and development standards and would comply with current codes at time of development.

This request is being made by the applicant specifically related to the pending application by Les Schwab Tires and its agent. Under current vesting rights contained within VPM 4996, an automobile sales and service use is not allowed in the Central Commercial (C-2) Zone. The applicant is requesting approval for the modification of VPM 4996, which would rescind earlier rights and re-establish vesting rights with current development standards and policies. Re-establishing the vested rights to current standards would accommodate a minor automobile/vehicle service and repair facility to be located in the Retail Center (CR) Zone.

Pursuant to Section 66472.1 of the California Government Code and Section 406.01(2)h of the City of Porterville Development Ordinance, amendments to a final map or parcel map may be made to make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary. There are no changes in environmental circumstances from what was originally evaluated in the Jaye Street Crossing Environmental Impact Report, and the proposed modification is exempt from the California Environmental Quality Act.

RECOMMENDATION: That the City Council review and consider adoption of the draft resolution approving the modification to Vested Parcel Map 4996 subject to conditions of approval.

ATTACHMENTS: Complete Staff Report

DD  APPROPRIATED/FUNDED N/A CM 

ITEM NO. 17

CITY COUNCIL AGENDA: FEBRUARY 19, 2013

PUBLIC HEARING

TITLE: MODIFICATION TO VESTED PARCEL MAP NO. 4996

APPLICANT: John S. Hale
10000 Stockdale Highway, Suite 102
Bakersfield, CA 93311

AGENT: Terra Mortensen, PE
Precision Engineering
7440 N. Palm Ave., Suite 101
Fresno, CA 93711

PROJECT LOCATION: The project is generally located on the east side of Jaye Street between Springville Drive and Vandalia Avenue.

SPECIFIC REQUEST: The applicant is requesting approval of a modification to Vested Parcel Map 4996 to rescind earlier rights and re-establish vesting rights with current development standards and policies.

PROJECT DETAILS & STAFF ANALYSIS: Vested Parcel Map 4996 (VPM 4996) contains four parcels ranging from 1.1± acres to 2.58± acres in size. Parcel 1 of VPM 4996 is developed with an existing car wash (Waterdrops). The remaining parcels are undeveloped and vacant. A development project has been proposed recently on Parcel 3: Les Schwab Tire Sales and Services. Under current vesting rights contained within VPM 4996, an automobile sales and service use is not allowed in the Central Commercial (C-2) Zone. The applicant is requesting approval for the modification of VPM 4996, which would rescind earlier rights and re-establish vesting rights with current development standards and policies. Re-establishing the vested rights to current standards would accommodate a minor automobile/vehicle service and repair facility to be located in the Retail Center (CR) Zone.

This request is being made by the applicant specifically related to the pending application by Les Schwab Tires and its agent. The applicant requests that the modification to VPM 4996 be subject to and specifically contingent upon the City's final approval of all aspects of the development proposed by Les Schwab Tire Centers, Inc and their ownership entity. Additionally, the letter attached herein as Attachment 1 addresses the owner's acknowledgment that the square footage being proposed on Parcel 3 (Les Schwab) is approximately 11,800 square feet, 5,625 square feet more than approved under VPM 4996 and that Parcel 1 (Waterdrops Car Wash) was built approximately 7,480 square feet, 3,908 square feet more than approved under the referenced map. The applicant acknowledges that the square footage to be constructed in one or both future building pads shown as Major 'A' and Major 'B' and/or Parcels 2 and 4 (included herein as attachment 2) would need to be reduced by approximately 9,605 square feet to maintain consistency with the square footages of the overall

center as defined in the certified Environmental Impact Report adopted by Resolution 8-2007. Any significant increase of square footage within the commercial center would require additional entitlements and would prompt further environmental review pursuant to the California Environmental Quality Act statute and guidelines.

The approval of a Vested Parcel Map confers a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vested map was deemed complete. If ordinances, policies, and standards change after the map is vested, the development within the VPM would not be subject to those changes. Conversely, a parcel map that is not vested would be subject to any changes in ordinances, policies, and development standards and would comply with current codes at time of development. When an applicant requests vesting rights with a parcel map, additional information is required beyond that typically required for a standard map, including for example: height, size, and location of buildings, geological studies, and architectural plans. This information is used in the evaluation of the plans so that the application may be fully considered in context of the vested rights.

Pursuant to Section 66472.1 of the California Government Code and Section 406.01(2)h of the City of Porterville Development Ordinance, amendments to a final map or parcel map may be made, to make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary. A public hearing notice was posted on February 1, 2013 to consider the proposed modification.

On February 7, 2007 the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report evaluating the development, mitigation measures and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000 square foot shopping center (Jaye Street Crossing). The certified EIR included both Vesting Tentative Parcel Map 1-2009, which has been recorded as VPM 4996, located east on Jaye Street between Springville Drive and Vandalia Avenue and Vesting Tentative Parcel Map 2-2009, which has been recorded as VPM 5037, located east on Jaye Street between Vandalia Avenue and Highway 190. The applicant is only requesting the modification to the northern section of Jaye Street Crossing Commercial Center (VPM 4996).

On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design "D" Overlay Site Review 2-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used. The southern section of Jaye Street Crossing Commercial Center (VPM 5037), will comply with the design standard given by the City Council adopted as Resolution 49-2008 and will remain vested to the "Old" Zoning Ordinance development standards and adopted resolutions. If the proposed modification were approved, the northern section of Jaye Street Crossing Commercial Center (VPM 4996) would instead be required to comply with current development standards and the D-overlay would be nullified. The site would be developed to the current City of Porterville's Development Ordinance adopted September 20, 2012 Ordinance 1791. The Development Ordinance contains supplemental regulations regarding commercial centers and design criteria. Section 203.04 (c)(2)a of the Development Ordinance requires that commercial centers have an integrated theme. The theme was established by Resolution

49-2008 and the remaining pads would be required to be designed with similar architectural features, colors, and materials to those approved by the City Council in that resolution.

On April 29, 2009, the Parcel Map Committee of the City of Porterville heard testimony from the public and approved Vesting Tentative Parcel Map 1-2009 with Resolution 565.

VTPM 1-2009

- PARCEL 1- 1.1± ACRES
- PARCEL 2- 2.25± ACRES
- PARCEL 3- 1.57± ACRES
- PARCEL 4- 2.58± ACRES

GENERAL PLAN DESIGNATION: Retail Centers

SURROUNDING ZONING LAND USE:

North: City- CR and IG (Retail Center and General Industrial Zone) - Developed Retail Center and undeveloped General Industrial.

South: City – CR (Retail Center Zone) – Undeveloped

East: City – IG (General Industrial Zone) - Developed

West: City – PD (Planned Development/Retail Commercial Center) – Partially developed Retail Center

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The vesting rights would remain and the site would remain undeveloped until an amended development plan is approved or an application submitted that complies with the vested rights.
2. Approve the project. Approval of the modification to Vested Parcel Map 4996 would rescind earlier rights and re-establish vesting rights with current development standards and policies and would accommodate for the development of a minor automobile/vehicle service and repair facility, more specifically Les Schwab Tires Sales and Services.

ENVIRONMENTAL: On January 29, 2013 the Environmental Coordinator made a preliminary determination that the project meets the intended use for a Class 5 Categorical Exemption under the California Environmental Quality Act, as a minor alteration in land use limitations. (CCR Section 15305- CEQA Guidelines)

DATE FILED FOR PARCEL MAP COMMITTEE: January 24, 2013

DATE ACCEPTED AS COMPLETE: January 29, 2013

RECOMMENDATION: That the City Council review and consider adoption of the draft resolution approving the modification to Vested Parcel Map 4996 subject to conditions of approval.

ATTACHMENTS:

1. Letter of request to Modified Tentative Parcel Map 1-2009 (VPM 4996)
2. Vested Parcel Map 4996 modified layout
3. Page 30 of Book 260, of the County of Tulare Assessor's Maps
4. Resolution 8-2007 (Certifying the EIR for the Jaye Street Crossing project)
5. Resolution 49-2008 (Approving the "D" Overlay for Jaye Street Crossing project)
6. Resolution 565 (Approving Vesting Tentative Parcel Map 1-2009)
7. Draft resolution for City Council consideration of Modification of Vested Parcel Map 4996

January 24, 2013

Mr. Fernando Rios
Assistant Planner
City of Porterville
291 North Main Street
Porterville, CA 93257

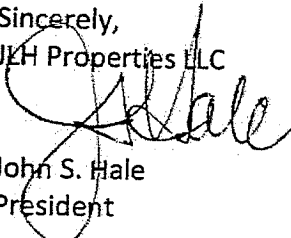
RE: Request for Modification of VTPM 1-2009

Dear Mr. Rios:

This letter shall act as our formal request from the ownership of the referenced property in Porterville, CA to the City of Porterville to modify the referenced map to comply with current codes and policies. This request is subject to and specifically contingent upon the city's final approval of all aspects of the development proposed by Les Schwab Tires and their ownership entity.

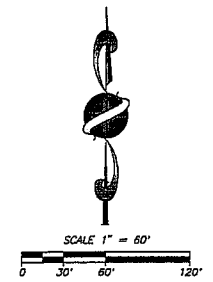
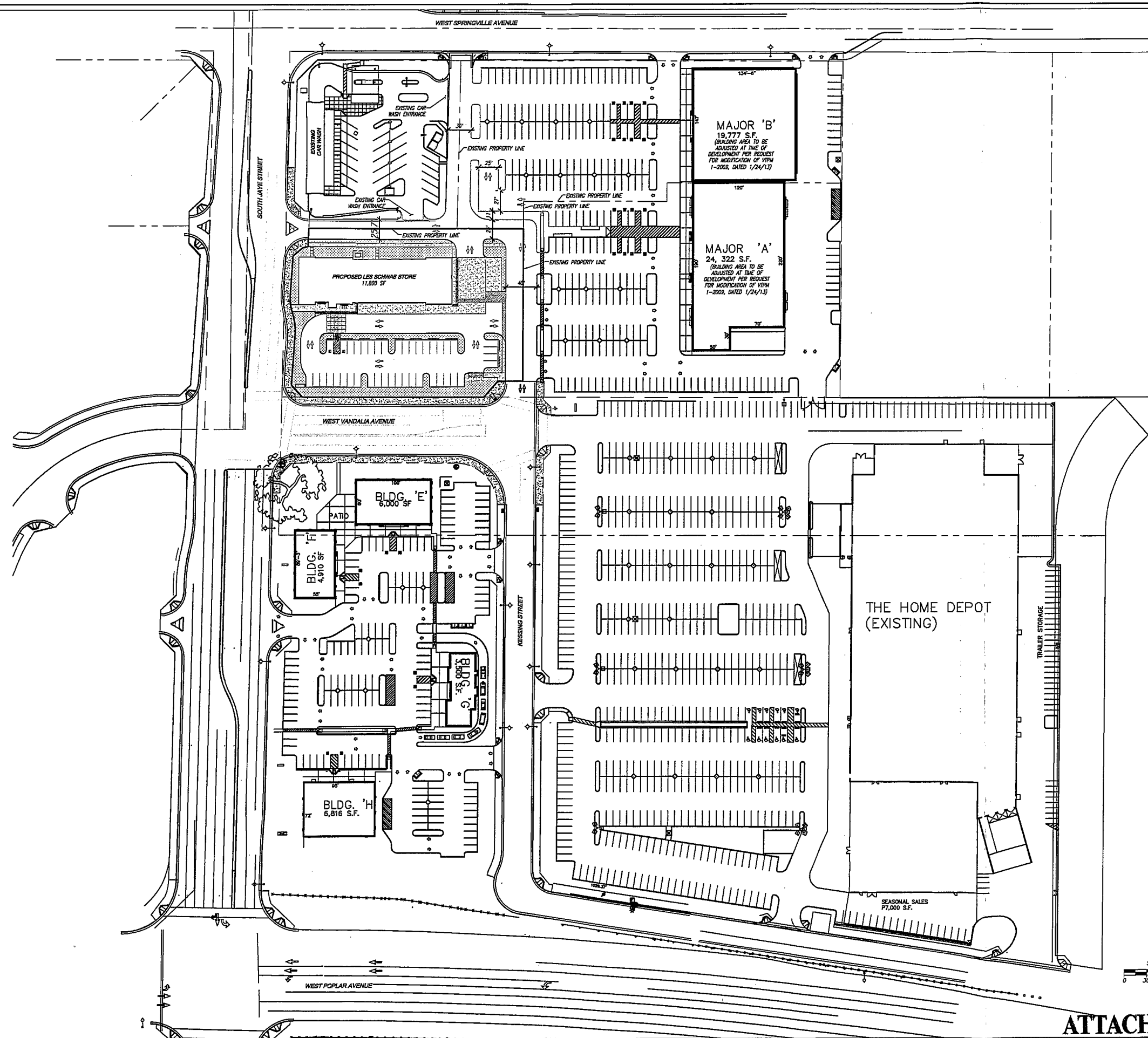
Additionally, this letter shall act as the ownerships' acknowledgement that the square footage being proposed to be built and developed by Les Schwab Tires on Parcel 3 of Exhibit A (which by this reference is attached hereto and included herein) is approximately 11,800 square feet, 5,625 square feet more than the square footage previously approved by the city for this parcel. In addition, the owners of Parcel 1 of Exhibit A (generally known as Waterdrops Car Wash) built approximately 7,480 square feet, 3,980 square feet more than the square footage previously approved by the city for this parcel for a grand total of 9,605 square feet more than approved under the VTPM 1-2009 conditions of approval for these two (2) parcels. Accordingly, subject to and specifically contingent upon the city's final approval of all aspects of the development proposed by Les Schwab Tires and their ownership entity, we acknowledge that the square footage to be constructed in one or both of the future buildings shown on Parcels 2 and 4 of VPM 1-2009 the will be reduced by approximately 9,605 square feet to accommodate the certified Environmental Impact Report adopted on February 7, 2007 as Resolution 8-2007. A revised site plan (which by this reference is attached hereto and included herein as Exhibit B) has been submitted to the Parcel Map Committee for review and to illustrate the reduction of approximately 9,605 square feet in the current building areas shown as Major A and Major B.

Sincerely,
JH Properties LLC


John S. Hale
President

**ATTACHMENT
ITEM NO. 1**

\\LONE 3D PROJECTS\2012\12-085\PRODUCTION DRAWINGS\12-085_AVE STREET CROSSING CHICAGO.DWG 2/13/2013 8:53:24 AM



PLANNING & SURVEYING & CIVIL ENGINEERING
7410 N. PALM AVE., #101, FRESNO, CALIFORNIA 93711
TEL 559-439-4500 FAX 559-449-4515
WWW.PRECISIONENGINEERING.NET



PROJECT TITLE: AVE STREET CROSSING
SHEET DESCRIPTION: MODIFIED SITE PLAN
CITY OR COUNTY OF: PORTERVILLE TULARE

PREPARED FOR:
LES SCHWAB TIRE CENTER
20900 COOLEY ROAD
BEND, OR 97701
(541) 416-5241

REVISIONS

DRAWN BY: TJM
CHECKED BY: TJM
DATE: 2/13/2013

SHEET NUMBER:
1 OF 1

JOB NUMBER:
12-085

ATTACHMENT
ITEM NO. 2

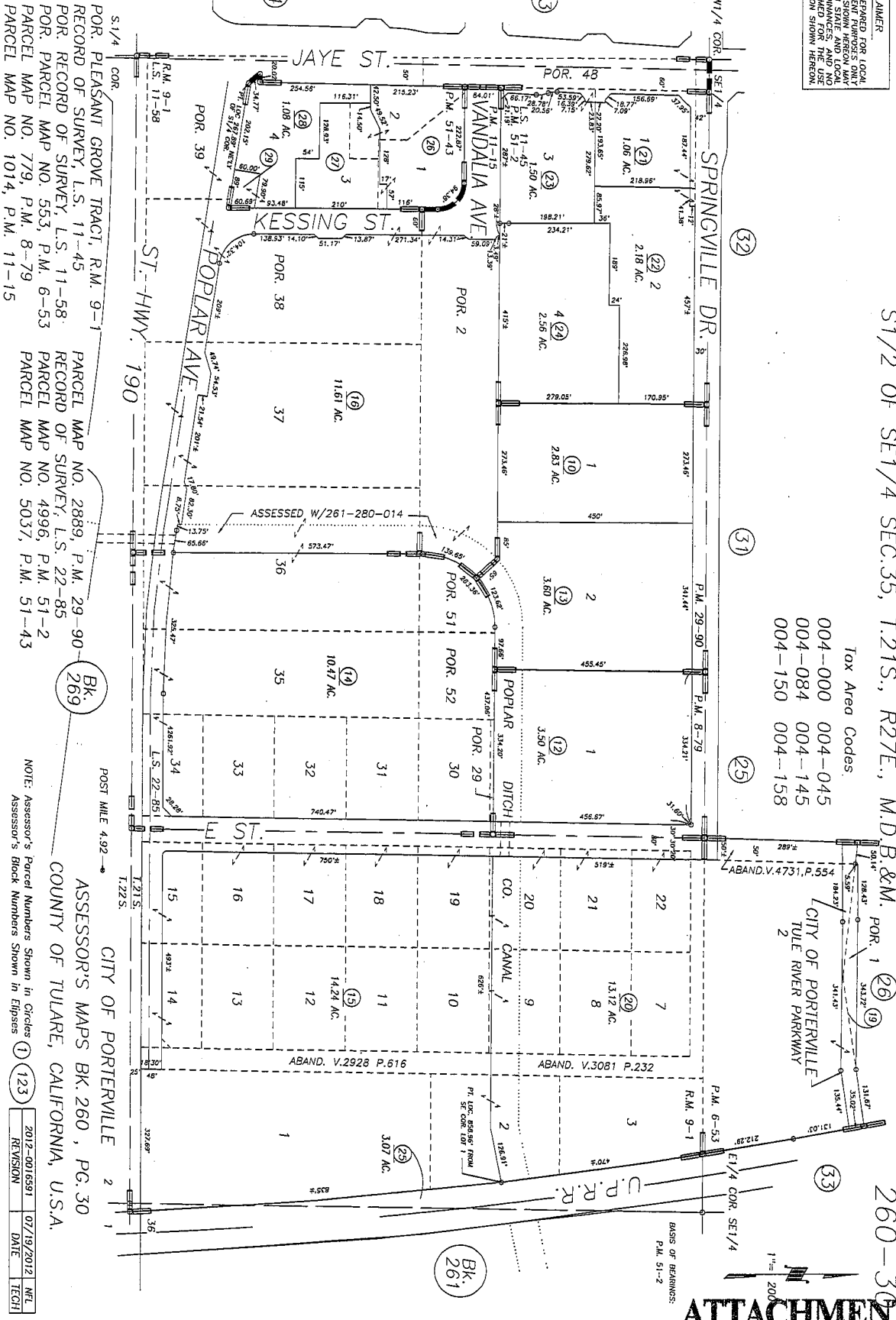
DISCLAIMER
 THIS MAP WAS PREPARED FOR LOOK
 PURPOSES ONLY. THE ASSessor HAS
 AND THE PARCELS SHOWN HEREON MAY
 NOT CORRELATE WITH STATE AND LOCAL
 RECORDS. THE ASSessor HAS NO
 LIABILITY IS ASSUMED FOR THE USE
 OF THE INFORMATION SHOWN HEREON.

S1/2 OF SE1/4 SEC.35, T.21S., R.27E., M.D.B.&M. POR. 1

Tax Area Codes
 004-000 004-045
 004-084 004-145
 004-150 004-158

260-30

**ATTACHMENT
 ITEM NO. 3**



S.1/4 COR.
 POR. PLEASANT GROVE TRACT, R.M. 9-1
 RECORD OF SURVEY, L.S. 11-45
 POR. RECORD OF SURVEY, L.S. 11-58
 POR. PARCEL MAP NO. 553, P.M. 6-53
 PARCEL MAP NO. 779, P.M. 8-79
 PARCEL MAP NO. 1014, P.M. 11-15

PARCEL MAP NO. 2889, P.M. 29-90
 RECORD OF SURVEY, L.S. 22-85
 PARCEL MAP NO. 4996, P.M. 51-2
 PARCEL MAP NO. 5037, P.M. 51-43

NOTE: Assessor's Parcel Numbers Shown in Circles (1) (123)
 Assessor's Block Numbers Shown in Ellipses (Bk. 269) (Bk. 261)
 CITY OF PORTERVILLE
 ASSESSOR'S MAPS BK. 260, PG. 30
 COUNTY OF TULARE, CALIFORNIA, U.S.A.

| | | |
|--------------|------------|------|
| 2012-0016391 | 07/19/2012 | NEL |
| REVISION | DATE | TECH |

RESOLUTION NO. 8-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF CERTIFICATION OF AN
ENVIRONMENTAL IMPACT REPORT FOR GENERAL PLAN AMENDMENT 1-2007
(FORMERLY 1-2006 (A)) AND ZONE CHANGE 3-2007 (FORMERLY 1-2006) FOR THAT
10.7± ACRE VACANT SITE LOCATED ON THE NORTHEAST CORNER OF
SOUTH JAYE STREET AND STATE ROUTE 190

WHEREAS: The Final Environmental Impact evaluates the development and land use changes necessary to facilitate the development of a 10.7± acre site with a 75,000± square foot shopping center;

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of February 7, 2006, conducted a public hearing to consider General Plan Amendment 1-2007 and Zone Change 3-2007 for that 10.7± acre vacant site located on the northeast corner of South Jaye Street and State Route 190; and

WHEREAS: General Plan Amendment 1- 2007, proposes to change the land use map of the Land Use Element of the General Plan from Industrial to General Commercial; and

WHEREAS: Zone Change 3-2007 proposes to change the present zoning from M-1 (Light Manufacturing) to C-2 "D" (General Commercial with Design Review Overlay) Zone contingent upon approval of General Plan Amendment 1-2007; and

WHEREAS: Development of a 75,000± square foot commercial center was evaluated in the Environmental Impact Report and will subsequently be brought to the City Council for approval. Prior to the applicant/agent submitting any final map or Conditional Use Permit for processing, General Plan Amendment 1-2007, and Zone Change 3-2007 would have to be approved; and

WHEREAS: A reconnaissance-level field survey was conducted on September 10, 2004 by Quad Knopf biologist James W. Jones, Jr. to determine whether special-status plant and animal species occur on an area which includes the subject site (area between State Route 190 to the south, Springville Avenue to the north, Jaye Street to the west and an existing Home Depot store and vacant lot to the east) or if habitats for such species are present in the project area. No Elderberry shrubs, wetland habitat, or Kit Fox dens were found to exist on the subject site. The biological study was included by reference into the Initial Study for this project; and

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

1. That an Environmental Impact Report was prepared in accordance with the California Environmental Quality Act.

**ATTACHMENT
ITEM NO. 4**

2. That the subject project will not create unmitigatable adverse environmental impacts.

The Environmental Impact Report was evaluated in light of the prepared technical reports, comments from interested parties and the public, as well as responses to written comments received during the review period. It was determined that potential impacts associated with the proposed project could be mitigated to a less than significant level through the implementation of the attached mitigation measures.

3. That the City Council is the decision-making body for the project.

4. That the Environmental Impact Report prepared for this project was made available for public review and comment for a thirty (30) day review period from November 11, 2005 to December 11, 2005. The agencies and parties that responded were: Matthew Francois, Esq. of Cassidy Shimko Dawson Kawakami; Porterville Parks and Leisure Services; California Department of Water Resources Floodway Protection Section; Caltrans District 6, Office of Transportation Planning; and the San Joaquin Valley Air Pollution Control District. Comments were received at the public hearing in December from John Hale, Daryl Nicholson, Greg Shelton, Ben Ennis, Boyd Leavitt, Dick Eckhoff, and Felipe Martinez. All comments have been responded to in the Final EIR.

5. That the mitigation measures contained in the Environmental Impact Report were incorporated into a Mitigation Monitoring Program attached hereto as Attachment A.

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

The reconnaissance-level field survey conducted on September 10, 2004 by Quad Knopf biologist James W. Jones, Jr. determined that there are no Elderberry shrubs, wetland habitat, or Kit Fox dens located on the subject site. Potential impacts to migratory birds associated with the removal of one oak tree on site will be mitigated as described in the mitigation monitoring reporting program or will be avoided through incorporation of the oak tree into site design.

7. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department's consideration of a "de minimis impact" pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

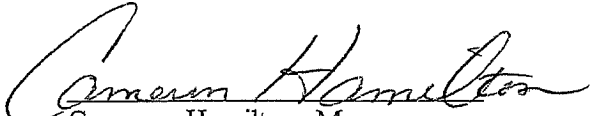
8. That the analysis prepared for this project supporting the Environmental Impact Report reflects the independent judgment of the City of Porterville.

9. The developer/applicant shall comply with all mitigation measures adopted as a component of the approval of the Environmental Impact Report for this project. The

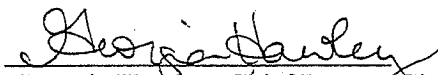
INTERCITY
COMMIT

developer/applicant will be required to sign a document committing to comply with the adopted mitigation measures prior to any construction on the site.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Environmental Impact Report prepared for General Plan Amendment 1-2007 and Zone Change 3-2007, and that the mitigation measures defined in Attachment A shall be implemented by the applicant or his/her successors with project implementation.


Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By 
Georgia Hawley, Chief Deputy City Clerk

**Table 3-1
Mitigation Monitoring Program**

| Impact Number | Developer Initial | Responsible Party | Mitigation Measure | City Approval | Time Span |
|---|-------------------|---|---|---------------|---|
| Impact #3.1.1: Visual Compatibility | | City of Porterville | Mitigation Measure #3.1.1: The north and west elevations of the Porterville Commercial Center will be designed to minimize views of urban development and will be landscaped with trees and shrubbery. A licensed landscape architect will design a landscaping plan to achieve these goals. Outdoor billboards shall be excluded from the site. The design and appearance of retail stores, restaurants, and fueling station structures shall be in conformance with the City's Building codes. | | Completed prior to issuance of building permit. |
| Impact #3.1.2: Light and Glare | | City of Porterville | Mitigation Measure #3.1.2: A lighting plan will be developed by a registered illumination engineer so that lighting levels comply with generally accepted standards. Lighting will be designed to avoid direct exposure of lighting elements and associated glare into adjacent areas. No more than a 0.25 footcandle increase shall be detected offsite on adjacent properties. | | Completed prior to issuance of building permit. |
| Impact #3.3.1: PM ₁₀ From Construction Activities | | San Joaquin Valley Air Pollution Control District | <ul style="list-style-type: none"> ▪ Mitigation Measure #3.3.1: The optional dust control measures in Tables 3.3-4 and 3.3-5 will be implemented. <p>Enhanced Control Measures – The following measures should be implemented at construction sites when required to mitigate significant PM₁₀ impacts (note these measures are to be implemented in addition to Regulation VIII requirements)</p> <ul style="list-style-type: none"> ▪ Limit traffic speeds on unpaved roads to 15 mph; and ▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent <p>Additional Control Measures – The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reduction.</p> <ul style="list-style-type: none"> ▪ Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site ▪ Install wind breaks at windward side(s) of construction areas ▪ Suspend excavation and grading activity when winds exceed 20 mph*.; and ▪ Limit area subject to excavation, grading, and other construction activity at any | | During construction period |

| Impact Number | Developer Initial | Responsible Party | Mitigation Measure | City Approval | Time Span |
|---|-------------------|---------------------|---|---------------|-----------------------------|
| | | | <p>one time</p> <p>* Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation.</p> <p>Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002</p> <p>Heavy duty equipment (scrapers, graders, trenchers, earth movers, etc.)</p> <ul style="list-style-type: none"> ▪ Use of alternative fueled or catalyst equipped diesel construction equipment ▪ Minimize idling time (e.g., 10 minute maximum) ▪ Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use ▪ Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set) ▪ Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways ▪ Implement activity management (e.g. rescheduling activities to reduce short-term impacts) <p>Source: San Joaquin Valley Unified Air Pollution Control District, Guide for Assessing and Mitigating Air Quality Impacts, January 2002</p> | | |
| Impact #3.4.1: Special Status Species – Migratory Birds | | City of Porterville | <p>Mitigation Measure #3.4.1: The nesting season for avian predators and other migratory birds generally occurs sometime between February 1 and September 15. A pre-construction survey for migratory birds will be conducted prior to construction. If nesting is occurring, construction activities within 250 feet of the nest will not occur.</p> | | |
| Impact #3.5.1: | | City of Porterville | <p>Mitigation Measure #3.5.1: Should buried cultural resources be discovered during construction, the project contractor shall immediately halt all work within 50-feet of the find until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation measures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American</p> | | During construction period. |

| Impact Number | Developer Initial | Responsible Party | Mitigation Measure | City Approval | Time Span |
|---------------------------------------|-------------------|---------------------|--|---------------|-------------------------------|
| Impact #3.11.1: Construction Noise | | City of Porterville | <p>participation in determining the disposition of such remains.</p> <p>Mitigation Measure #3.11.1: Noise producing equipment used during construction shall be restricted to the hours from 7:00 a.m. to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m. on Saturday and Sunday. Also, effective mufflers shall be fitted to gas- and diesel-powered equipment.</p> | | Before opening day of project |
| Impact #3.15.1: Increased traffic | | City of Porterville | <p>Mitigation Measure #3.15.1: The following mitigation measures are recommended to reduce traffic impacts to a less than significant level:</p> <p>Under "Existing plus Approved/Pending Projects plus Project Only" conditions, the following mitigation measures are recommended:</p> <ol style="list-style-type: none"> <i>Springville Avenue/Jaye Street</i> intersection. Install a traffic signal. This intersection is projected to operate at LOS "F" conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a "gap" to enter or cross Jaye Street (major street). This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS "B" conditions during the AM and PM peak hour periods. <i>Vandalia Avenue/Jaye Street</i> intersection: Install a traffic signal and widen the southbound approach to accommodate a dedicated left turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS "F" conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS "C" conditions during the AM and PM peak hour periods. <i>State Route 190/Jaye Street</i> intersection: Widen the southbound approach of this signalized intersection to include dual right turn lanes. Under "Existing plus Approved/Pending Projects" conditions this intersection is projected to operate at LOS "E" conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS "D" conditions during the AM and PM peak hour | | Before opening day of project |

| Impact Number | Developer Initial | Responsible Party | Mitigation Measure | City Approval | Time Span |
|--|-------------------|---------------------|--|---------------|--------------------------------|
| Impact #3.15.2: Exceeds traffic threshold needed to maintain level of service | | City of Porterville | <p>periods.</p> <p>4. <i>Project Driveways:</i> It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 8. The project driveway on Jaye Street between State Route 190 and Vandalia Avenue is recommended to be a "right turn only" driveway and should provide for a deceleration lane no less than 100 feet in length.</p> <p>For recommended phasing of these mitigation measures please refer to the TIS (Appendix H).</p> <p>Mitigation Measure #3.15.2: The following mitigation measures are recommended to reduce traffic impacts to a less than significant level:</p> <p>Under "Existing plus Approved/Pending Projects plus Project Only" conditions, the following mitigation measures are recommended:</p> <p>5. <i>Springville Avenue/Jaye Street</i> intersection: Install a traffic signal. This intersection is projected to operate at LOS "F" conditions during the AM and PM peak hour periods. This is a result of vehicles experiencing long periods of delay on Springville Avenue (minor street) while waiting for a "gap" to enter or cross Jaye Street (major street). This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS "B" conditions during the AM and PM peak hour periods.</p> <p>6. <i>Vandalia Avenue/Jaye Street</i> intersection: Install a traffic signal and widen the southbound approach to accommodate a dedicated left turn lane. This two-way stop-controlled intersection, which currently provides access to a home improvement store and garden center, is projected to operate at LOS "F" conditions during the AM and PM peak hour periods under this scenario. This intersection is also projected to meet the Caltrans' Peak-Hour Volume Warrant 11 for urban areas. Implementation of the recommended mitigation measure will result in LOS "C" conditions during the AM and PM peak hour periods.</p> <p>7. <i>State Route 190/Jaye Street</i> intersection: Widen the southbound approach of this signalized intersection to include dual right turn lanes. Under "Existing</p> | | Before opening day of project. |

| Impact Number | Developer Initial | Responsible Party | Mitigation Measure | City Approval | Time Span |
|---------------|-------------------|-------------------|--|---------------|-----------|
| | | | <p>plus Approved/Pending Projects" conditions this intersection is projected to operate at LOS "E" conditions during the PM peak hour period. With the implementation of the recommended mitigation measures, this intersection is projected to operate at LOS "D" conditions during the AM and PM peak hour periods.</p> <p>8. <i>Project Driveways:</i> It is recommended that the project driveways along Springville Avenue contain shared movements as shown in Figure 8. The project driveway on Jays Street between State Route 190 and Vandalla Avenue is recommended to be a "right turn only" driveway and should provide for a deceleration lane no less than 100 feet in length.</p> <p>For recommended phasing of these mitigation measures please refer to the TIS (Appendix H).</p> | | |

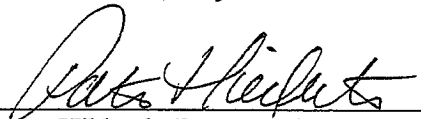
STATE OF CALIFORNIA)
 CITY OF PORTERVILLE) SS
 COUNTY OF TULARE)

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 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 20th day of February, 2007.

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 Patrice Hildreth, Deputy City Clerk

RESOLUTION NO. 49-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF "D" OVERLAY REVIEW 2-2008 TO FACILITATE THE DEVELOPMENT OF A ±75,000 SQUARE FOOT COMMERCIAL CENTER TO BE LOCATED AT THE NORTHEAST CORNER OF JAYE STREET AND STATE ROUTE 190 IN THE C-2 (D) (CENTRAL COMMERCIAL – DESIGN OVERLAY REVIEW) ZONE

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 3, 2008, reviewed and considered "D" Overlay Site Review 2-2008, to facilitate development of a ±75,000 square foot commercial center to be located at the northeast corner of Jaye Street and State Route 190 in the C-2 (D) (Central Commercial – "D" Overlay Site Review) Zone; and

WHEREAS: On February 7, 2007 the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report evaluating the development, mitigation measures and land use changes necessary to facilitate the development of a ±10.7 acre site with a ±75,000 square foot shopping center.

WHEREAS: Pursuant to Article 18 (Supplemental "D" – Design Review Overlay Zone) of the Porterville Ordinance, the City Council made the following findings:

1. That the proposed project is consistent with the General Plan (designated as Retail Centers) and Zoning for the site (C-2 (D) Central Commercial – Design Overlay Site Review).
2. That the design and architectural features of the project are compatible with that of surrounding uses. The commercial center is located along Jaye Street, Vandalia Avenue and Springville Avenue with access from those streets. The landscaping and pedestrian access has been designed for appeal, convenience and ease of access. The colors and tones of materials used are neutral and blend and transition well with the surrounding uses.
3. That the site area, dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaping areas either meet or exceed the minimum requirements which will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Design Review Site Overlay 2-2008 subject to the following conditions:

1. That the project shall be constructed in accordance with the approved plans and elevations, attached and incorporated herein by reference as Attachments 4-10 to the staff report. Prior to making any modification of exterior design, materials or colors, plans and/or color samples showing the proposed modifications shall be submitted to the Zoning Administrator for approval, and any modifications shall comply with the approved building plans.

Additionally, the architectural design of buildings "C, G, Major A, and Major B" shall be approved by consent of the City Council if the design is architecturally compatible and in compliance with all applicable codes. A unified theme shall be established and maintained for all buildings, signage and accessory amenities to be constructed within the commercial center.

2. The developer is required to implement all mitigation measures incorporated into the project approval as contained in the certified Final EIR (Resolution 8-2007) for the project. A copy of the mitigations measures is attached.
3. 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 Cal-Trans Traffic Manual, the Porterville Circulation Element, and the Tulare County Congestion Management Program.
4. 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.
5. The developer/applicant shall convey right of way along Jaye Street and Springville Avenue consistent with the fully executed Right of Entry dated August 21, 2007. The developer/applicant shall also convey additional right of way for the drive approaches constructed on the east side of Jaye Street, north and south of Vandalia Avenue. The City will pay the applicant the fair market value for the right of way described in the Right of Entry dated August 21, 2007 and the additional right of way necessary for the constructed Jaye Street drive approaches.
6. The developer/applicant shall comply with Appendix J of the 2007 California Building Code including provision of a grading and drainage plan signed by a licensed civil engineer or architect. The developer/ applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable. Staff is requesting that the parking lot be designed to convey water to the City drainage system without crossing driveways.

7. The developer/applicant shall provide a Preliminary Soils Report in accordance with the City's Municipal Code and Standard Specifications prior to issuance of building permits,
8. The developer/applicant shall construct the remaining Springville Avenue frontage improvements in accordance with the adopted Circulation Element and City Standards (arterial width standards) upon development of the northern vacant parcel (APN-260-300-009).
9. The developer/applicant shall construct a looped water system that provides fire flow in accordance with the California Fire Code upon development of the property.
10. The developer/applicant shall repair previously constructed street frontage improvements in accordance with City Ordinance No. 1306. The ordinance will become effective once the Jaye Street Corridor Project guarantees lapse.
11. The developer/applicant shall pay their "Pro Rata" share of all off-site road improvements, including project related traffic signals, modifications to the State Route 190/Jaye street intersection and proportional share of the future State Route 190/Plano Street intersection improvements, as defined in the traffic study (Omni-Means, November 2005) or as otherwise mutually agreed upon by all parties and returned to the City Council for approval. A Reimbursement Agreement, adopted by City Council, shall act as the instrument that describes in detail how the developer or assignees will reimburse the City for the completed improvements described in said traffic study.
12. The developer/owner shall proportionally reimburse the City for constructed frontage improvements serving the subject development should the property develop in phases. The formula is as follows:

$$\text{Phased development (acres)/Entire Commercial Site (acres)} \times \text{"Pro Rata" Share (\$)} = \text{Reimbursement amount}$$

The "Pro Rata" share will be defined after City Council accepts the completed off-site improvements related to this commercial development and the adjacent westerly commercial project. Staff anticipates an April 15, 2008 acceptance date.
13. Developer/applicant shall pay their proportional share of the sidewalk constructed along Jaye Street, Kessing Street, Poplar Avenue, Vandalia Avenue, and Springville Avenue. The project will require the extension of Springville Avenue sidewalk to the eastern property line.
14. Prior to issuance of any permits, the developer/applicant shall submit for City review and approval a precise grading and drainage plan and dedicate a drainage

easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50).

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

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

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

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

- 50 residential units

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

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

- a. It is the applicants' responsibility to file an application (found at <http://www.valleyair.org/ISR/ISR.htm>) with the District. The application must be filed with the District no later than concurrent with an application for final

discretionary approval with a public agency. An application maybe filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the

benefits of the ISR program emission reductions in their environmental documents.

- b. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.
- c. ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.
- d. The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

- e. The District will notify the local agency when a project's application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs.
 - f. If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.
 - g. The District will provide a letter of rule compliance status to the local agency upon request.
 - h. The ISR Rules and Program does not place any requirements upon the agency. For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.
19. The developer/applicant shall move utility structures that exist within the current and ultimate rights of way (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).
20. 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. 16000 H.P.S.V. street lights are to be installed along the south side of Springville Avenue at 320 foot intervals. 9500 H.P.S.V. street lights shall be installed along the both sides of Vandalia Avenue at maximum spacing of 160 feet and on the west side Kessing Street at a maximum spacing of 320 feet.
21. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit "A") of the Zoning Ordinance.
22. Provide a barrier curb or other physical barrier acceptable to the Community Development Director between the developed portions of the site and the undeveloped portions of the site. No parking or vehicular circulation is allowed on unpaved portions of the site.
23. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of on-site water mains and fire hydrants for systems not isolated by a detector check valves. Otherwise, the developer/applicant shall construct the pipe

connecting to on-site fire hydrants to City water main standards, detector check included, and shall provide easements for maintenance of the fire hydrants only.

24. 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.).
25. 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.
26. The developer/applicant shall comply with Ordinance No. 1288 regarding Waste Water Discharge requirements and shall complete and submit a Wastewater Discharge Permit Application, Part "A". If monitoring is required, based on the responses to questions in Part "A" of the Wastewater Discharge Permit, then the developer/applicant shall complete and submit the remainder of the application along with the Permit Fee.
27. 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.
28. If underground storage tank(s) are to be used for storage of hazardous substances, the developer/applicant shall follow California Health and Safety Code, Division 20, Chapter 6.7, Section 25280 through 25299.6, governing the underground storage of hazardous substances prior to issuance of Certificate of Occupancy.
29. 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.
30. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
31. 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 enclosure should be oriented for direct pick up. The

developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot. Developer is encouraged to install an enclosure that would accommodate a solid waste and recyclable container for collection. Trash enclosure shall be architecturally treated to blend with the development.

32. The heritage oak tree at the southeast corner of Jaye & Vandalia is to be retained. An evaluation and report on recommendations for preserving the oak is to be obtained from a qualified arborist. All work within at least twenty-five (25) feet of the trunk is to be included within the arborist evaluation and monitored to ensure the health and vitality of the oak.
33. A minimum five (5) foot wide screen-planting strip shall be provided and permanently maintained adjacent to any property line separating a parking area from a public street.
34. A minimum of 5% of parking lot and driveway areas are to be landscaped with live plant materials. The parking lot and driveway areas are to be shaded with trees planted on the property at a minimum ratio of one tree per 8 parking spaces distributed throughout the paved area. Parking lot tree wells are to be a minimum of twenty (20) square-feet in size within the curbed perimeter.
35. The owner/applicant shall incorporate areas of public right-of-way between the back of sidewalk and property line into the site landscape areas. Landscape planting of the right-of-way areas shall be consistent with the site landscaping.
36. The owner/applicant is to install trees, approved as City Street Trees, along all public roadway and State Route 190 frontages of the property. The number of trees to be planted shall be equivalent to a minimum of one tree per 35 feet of roadway/highway frontage. The trees are to be a minimum of #15 size specimens incorporated into the designated landscape areas. Root barriers are required for all trees planted within ten feet of public sidewalks. The selection of planting locations, and performance of canopy maintenance for the trees shall be conducted to minimize vehicular sight safety conflicts.
37. Provide consistent landscaping within the area between Kessing and Jaye to provide a minimum of eight (8) feet of planting area for trees and shrubs exceeding four (4) feet in height.
38. The owner/applicant shall provide an automatic irrigation system for all landscape planting, including trees and right of way planting. All landscaping shall be installed prior to occupancy and be permanently maintained by the owner/applicant in a healthy and vigorous growing condition, and cleanly appearance.
39. Provide designated pedestrian routes between all building storefronts, linked to all

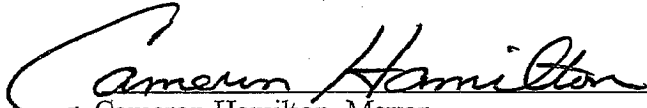
roadway frontage public sidewalks, and through parking lots. Pedestrian routes are to be apart from walking within the vehicular travel ways and compliant with Americans with Disability act requirements. Provide for at least 50% shading of site pedestrian routes, within seven years by tree canopies, or approved architectural features. The project must provide low-level illumination of the walkways.

40. Provide bicycle-parking facilities at each building site to encourage employee and patron use, and provide at least one location of bicycle storage lockers for employees of the site businesses.
41. The project must comply with latest applicable codes.
42. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system may be required.
43. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers are less than 20.
44. Submit three (3) complete sets of sprinkler and/or fire alarm plans to the Fire Department for review prior to installation.
45. For automatic sprinkler systems, underground plans must be submitted and approved prior to submittal of the above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.
46. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.
47. Depending on the location of the existing fire hydrant(s), additional fire hydrants may be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.
48. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.
49. Fire hydrant spacing shall be as follows:
 In **Commercial development**, one hydrant shall be installed at **300-foot** intervals.
50. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

51. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.
52. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.
53. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.
54. A Knox box will be required. An application may be obtained from the Fire Department.
55. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix C Table C105.1, Note Number c.
56. That architectural detail be included on all building elevations.
57. That all secondary doors facing Jaye Street and Springville Avenue be painted to match the background color of the building wall in which the door is located and public streets.
58. The developer shall incorporate ground cover, shrubs and trees between buildings and public streets to help soften the transition between buildings and the public right-of-way.
59. All mechanical and electrical equipment must be inside the building and/or screened from public view (ex. #30 and #33 from legend) in a manner that is architecturally compatible with the building. Care must be given to screening equipment, and panels.
60. This project shall conform to the C-2 Zone development standards contained in the Porterville Zoning Ordinance Section 800.
61. Exterior materials and colors shall be specified on the architectural elevations submitted to the Building Division for building permits. Samples of these materials and colors shall also be provided at time of building permit submittal and approved by the Zoning Administrator prior to issuance of building permits.
62. Each trash receptacle shall be stored within a trash enclosure so as not to be visible to public view. The location and access of the receptacles shall be clearly shown on the plans submitted for building permits. The Zoning Administrator shall approve of receptacle storage locations prior to the issuance of building

permits. Trash enclosure shall be architecturally treated to blend with the development.

63. Landscaping plans for all of the commonly maintained areas shall be included in the plans submitted for building permits. The Zoning Administrator shall approve the landscaping plans prior to the issuance of building permits.
64. The detailed site landscaping plan shall substantially comply with the conceptual landscape plan shown on Attachment 4B, and 4C, incorporated herein by reference.
65. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m. Monday through Saturday.


Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By: 

Patrice Hildreth, Chief Deputy City Clerk

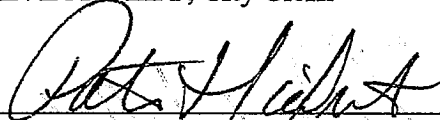
STATE OF CALIFORNIA)
 CITY OF PORTERVILLE) SS
 COUNTY OF TULARE)

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 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 3rd day of June, 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 |
| NOES: | | | | | |
| ABSTAIN: | | | | | |
| ABSENT: | | X | | | |

JOHN LONGLEY, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

| REVISIONS | DATE | DESCRIPTION |
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LANDSCAPE PLAN 2

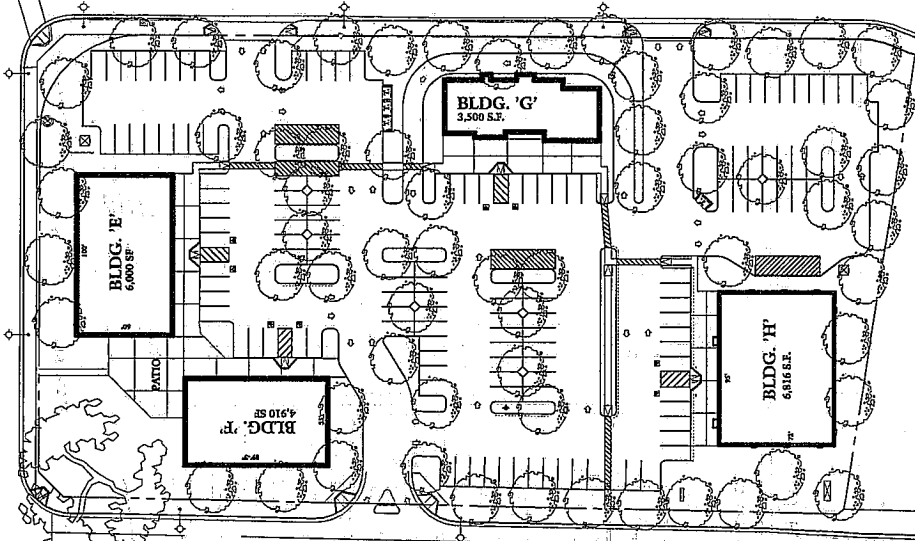
SCALE: 1" = 30'-0"



VANDALIA AVE.

KESSING AVE.

JAYE STREET ROAD 244 (EXISTING)



TREE CALCULATION:
 SITE 1: 140 STALLS DIVIDED BY 2 = 70 TREES REQUIRED
 SITE 2: 50 STALLS DIVIDED BY 2 = 25 TREES REQUIRED

LEGEND:
 8 GALLON CITY APPROVED TREE

NOTES:

1. A MINIMUM OF 5% OF PARKING LOT AND DRIVEWAY AREAS ARE TO BE LANDSCAPED WITH ONE FOOT DEEP WATERBURY PLANTS. PLANTS SHALL BE SPECIFIED TO AND PROVIDED BY THE DEVELOPER. PLANTS SHALL BE SPECIFIED TO AND PROVIDED BY THE DEVELOPER. PLANTS SHALL BE SPECIFIED TO AND PROVIDED BY THE DEVELOPER.
 2. ALL TREES SHALL BE PLANTED TO MEET THE REQUIREMENTS OF THE PORTLAND PLANTING TO BE DETERMINED BY THE COUNTY PLANTING.
 3. ALL TREES SHALL BE PLANTED TO MEET THE REQUIREMENTS OF THE PORTLAND PLANTING TO BE DETERMINED BY THE COUNTY PLANTING.
- ALL LANDSCAPING SHALL BE INSTALLED BY THE DEVELOPER.

LANDSCAPE PLAN 1



POPULAR AVENUE (EXISTING)

STATE HIGHWAY 190 (EXISTING)

Jaye Street Crossing

APPLICATION NUMBER
 BSR 3-1-2007 (A)

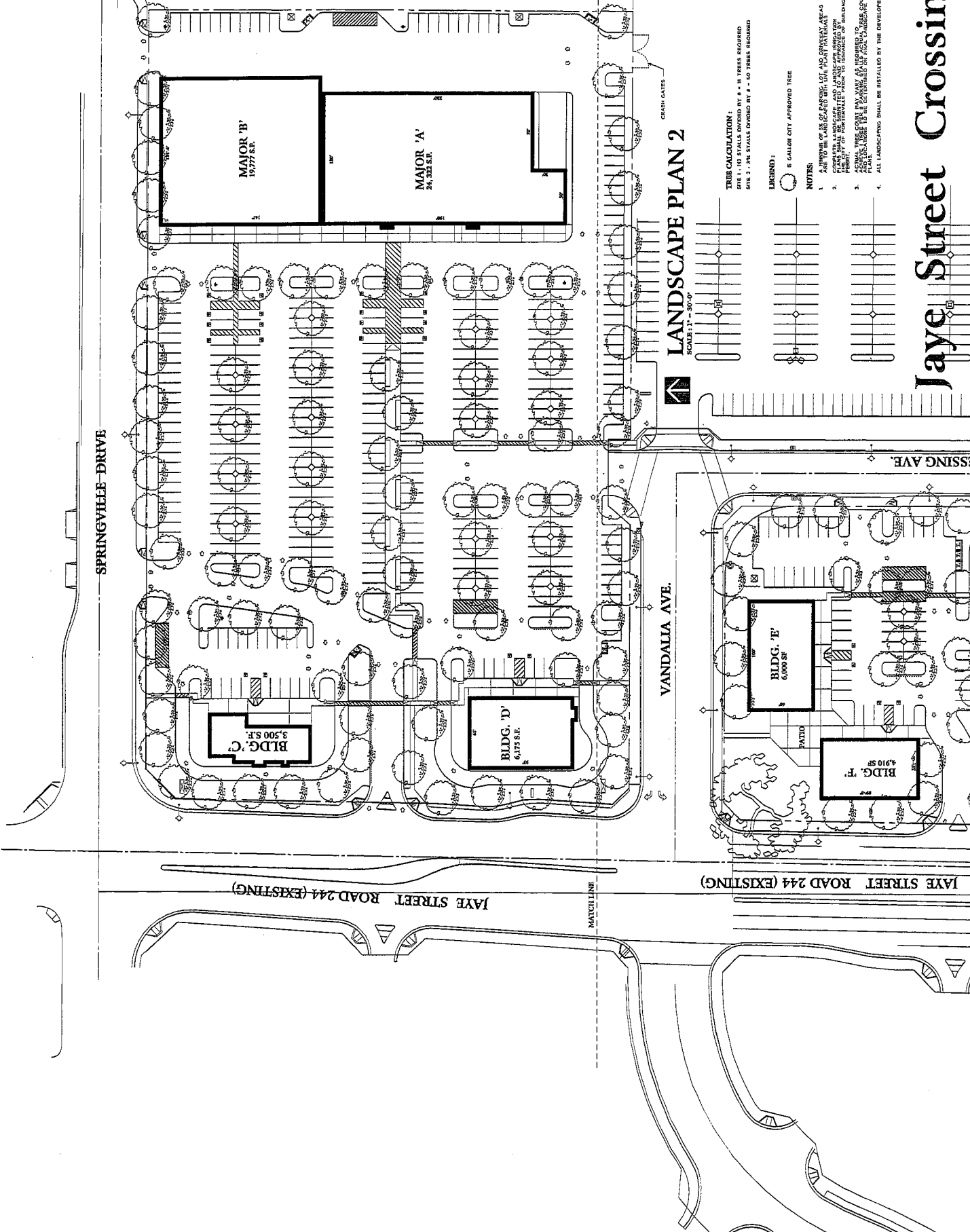


Vicki L. Smith
 LICENSED LANDSCAPE ARCHITECT
 STATE OF MISSOURI
 LICENSE NO. 10000

DATE: 03/15/07
 SHEET NO. 1-1

DATE: 03/15/07
 SHEET NO. 1-1

| REVISIONS |
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LANDSCAPE PLAN 2
SCALE: 1" = 30'-0"

TREE CALCULATION:
 SIZE 1 - 16 STALLS DIVIDED BY 8 = 2 TREES REQUIRED
 SIZE 2 - 24 STALLS DIVIDED BY 8 = 3 TREES REQUIRED

LEGEND:
 ○ 8 CALLOW CITY APPROVED TREE

- NOTES:**
1. APPROXIMATE AMOUNT OF PARKING LOT AND DRIVEWAY AREAS TO BE LANDSCAPED WITH TREES SHALL BE DETERMINED BY THE DEVELOPER.
 2. COMPLETE LANDSCAPE AND LANDSCAPE ORIENTATION SHALL BE SUBMITTED WITH THE FINAL LANDSCAPE PLAN AND SHALL BE APPROVED BY THE CITY.
 3. ACTUAL TREE COUNT MAY VARY AS REQUIRED TO MEET THE TREE CALCULATION. THE TREE COUNT SHALL BE DETERMINED BY THE DEVELOPER.
 4. ALL LANDSCAPING SHALL BE INSTALLED BY THE DEVELOPER.

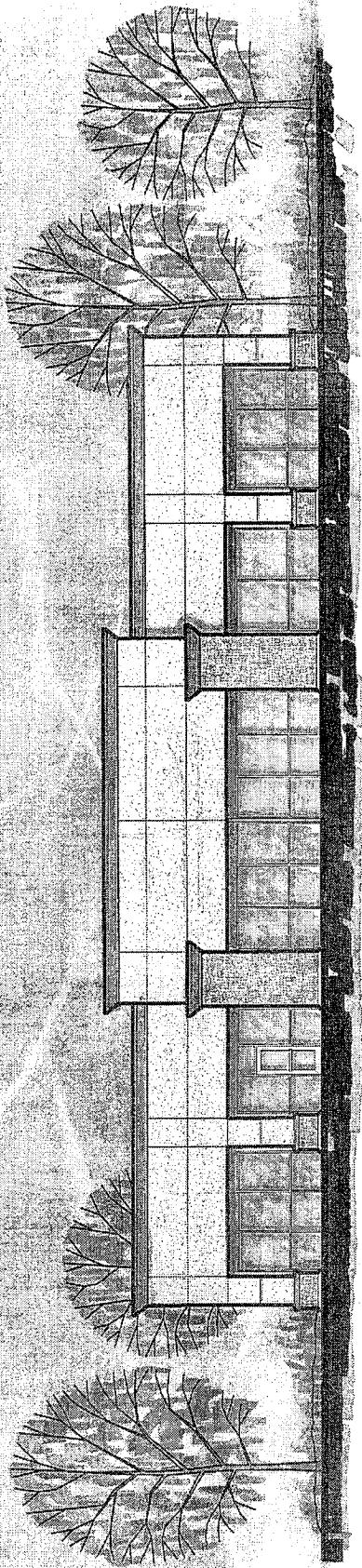
APPLICATION NUMBER
 APR 34-2007 (A)



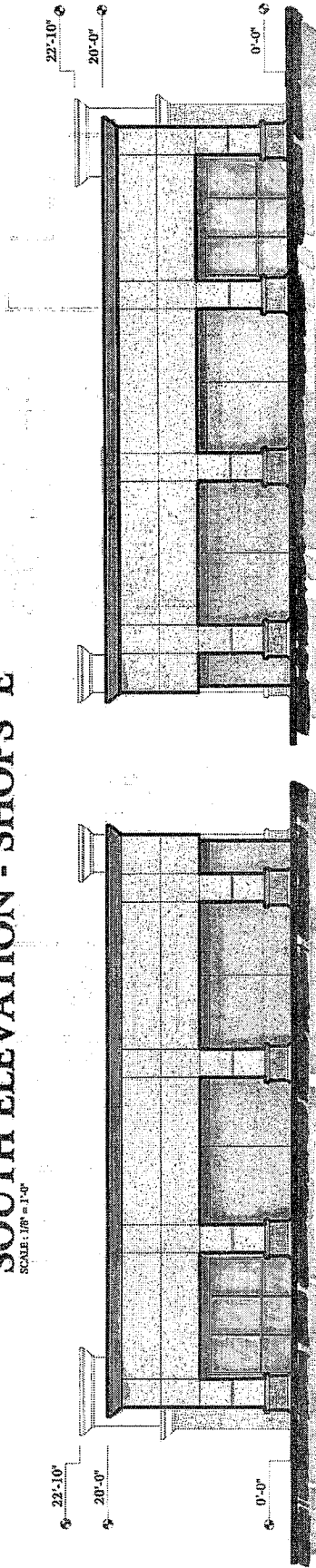
WGS 16417
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DATE: APR. 26, 2007
 JOB NO. 0393
 SHEET L-2
 OF 2 SHEETS

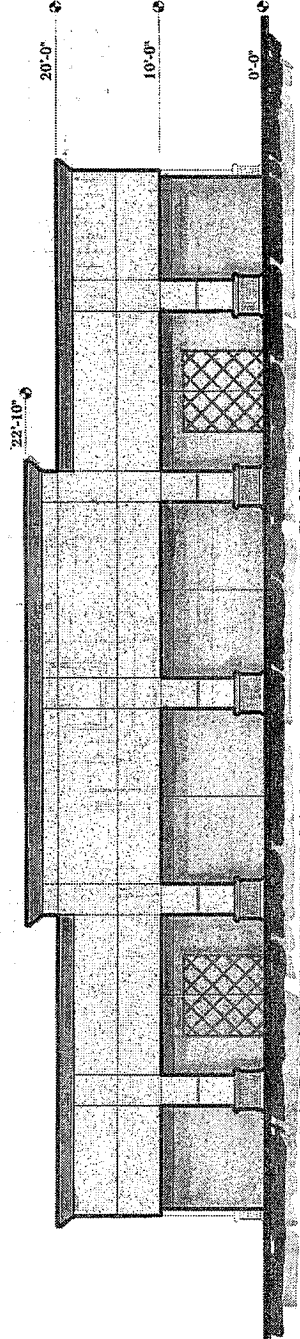
Jaye Street Crossing



SOUTH ELEVATION - SHOPS 'E'
SCALE: 1/8" = 1'-0"



EAST ELEVATION - SHOPS 'E'
SCALE: 1/8" = 1'-0"



NORTH ELEVATION - SHOPS 'E'
SCALE: 1/8" = 1'-0"

APPLICATION NUMBER
BSR 34-2007 (A)



Walter Papp
ARCHITECT, INC.

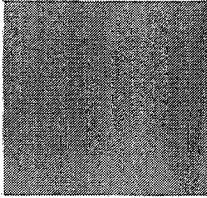
4730 N. Elmhurst, Suite 111
Franklin Park, IL 60131
571.211.0000

DATE: APR. 5, 2009
JOB NO.: 01105

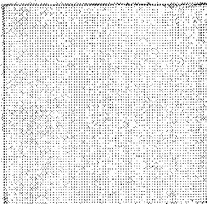
A-6E
OF SHEETS

Jaye Street Crossing

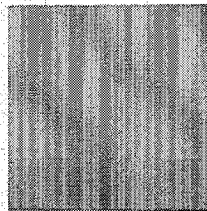
JAYE STREET CROSSING



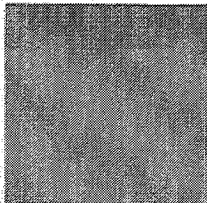
'ICI PAINT' 458 CANVASBACK



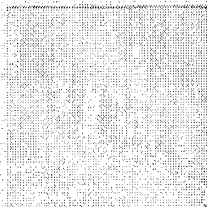
'ICI' PAINT 726 COUNTRY CREAM



'ICI PAINT' 688 KINGS CANYON GREY



'ICI PAINT' 1083 SPRUCE PINE



CMU : 'ICI PAINT' 726 COUNTRY CREAM



**ROCK VENEER : 'EL DORADO'
MOUNTAIN
LEDGE**

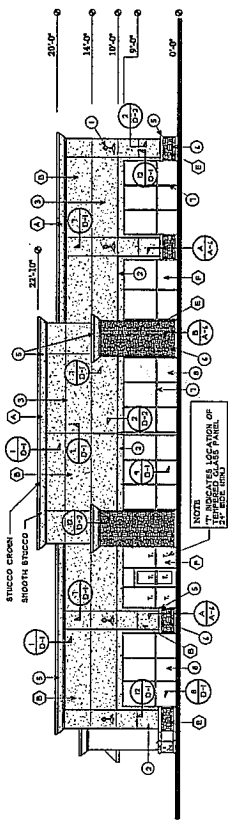
| REVISIONS |
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APPLICATION NUMBER
BSR 34-2007 (A)

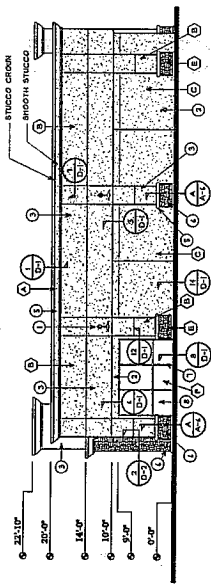


Walter J. Jost
Professional Engineer
License No. 45834
Mechanical
State of California

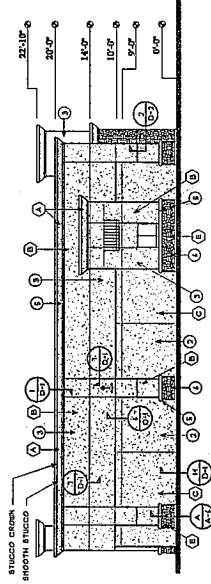
DATE PLOTTED: 04/15/10
JOB NO.: 013
A-6D
OF 10 SHEETS



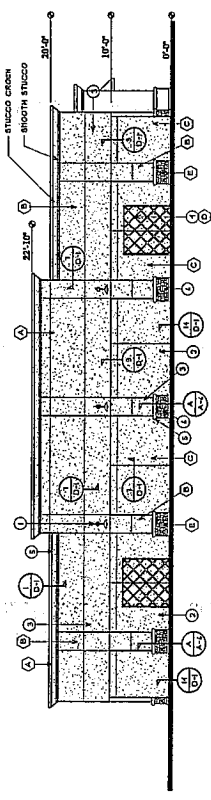
EAST ELEVATION - PAD 'D'
SCALE: 1/8" = 1'-0"



NORTH ELEVATION - PAD 'D'
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION - PAD 'D'
SCALE: 1/8" = 1'-0"



WEST ELEVATION - PAD 'D'
SCALE: 1/8" = 1'-0"

NOTE
NO WATER TO BE APPLIED TO THE EXTERIOR SURFACE OF THE WALLS AND CEILING. ALL WALLS AND CEILING SHALL BE PROTECTED BY A 1/2" THICK Gypsum Board.

PAINT COLORS

| | |
|-----|---|
| (A) | 1C2 PAINT - 09 CANVASBACK |
| (B) | 1C2 PAINT - 124 COUNTRY CREAM |
| (C) | 1C2 PAINT - 148 KING'S CANYON GREY |
| (D) | 1C2 PAINT - 1083 SPRUCE PINE |
| (E) | ROCK VENEER - EL DORADO MOUNTAIN LEDGE BERBER |
| (F) | STONEFRONT BRONZE FILLMORE WITH CLEAR GLASS |

MATERIALS

| ITEM | ITEM NO. |
|------------------------------|----------|
| 1. LOCAL POLYURETHANE FINISH | 1 |
| 2. PAINTED STUCCO | 2 |
| 3. PAINTED STUCCO | 3 |
| 4. METAL TRUSS | 4 |
| 5. PAINTED STUCCO | 5 |
| 6. ROCK VENEER | 6 |
| 7. MOUNTING SYSTEM | 7 |
| 8. GLASS | 8 |

Jaye Street Crossing

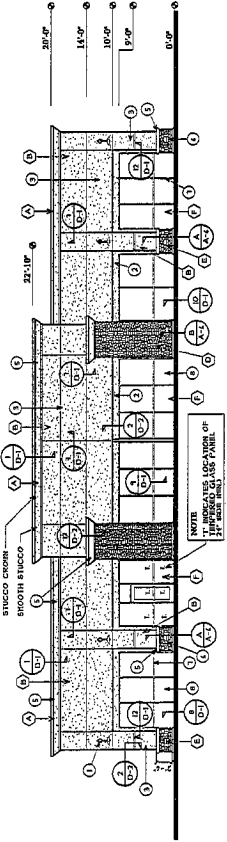
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DATE: 04/20/2017
 DRAWN BY: [unintelligible]
 CHECKED BY: [unintelligible]



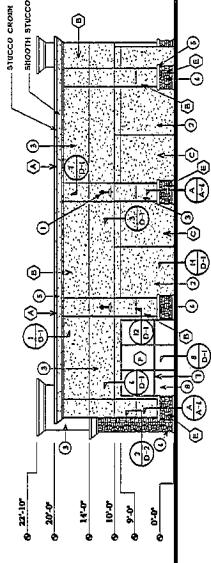
Walter T. [unintelligible]
 6155 [unintelligible] ST.
 SAN FRANCISCO, CA 94133
 (415) 774-3337
 FAX: (415) 774-3338
 www.waltert.com

PROJECT: [unintelligible]
 SHEET: A-6E
 OF: 14 SHEETS

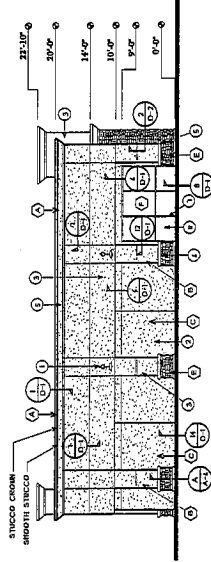


SOUTH ELEVATION - SHOPS 'E'
 SCALE: 1/8" = 1'-0"

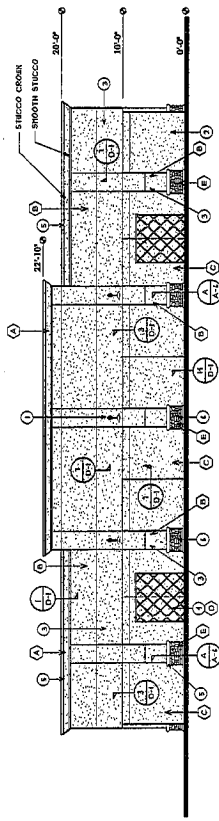
NOTE: 11 INDICATES LOCATION OF CURB CUT. SEE PLAN FOR CURB CUT. SEE SCHEDULE TO CORRELATE WITH 3051, CIRC.



EAST ELEVATION - SHOPS 'E'
 SCALE: 1/8" = 1'-0"



WEST ELEVATION - SHOPS 'E'
 SCALE: 1/8" = 1'-0"



NORTH ELEVATION - SHOPS 'E'
 SCALE: 1/8" = 1'-0"

PAINT COLORS

- (A) '101 PAINT' - 488 CANYONBACK
- (B) '102 PAINT' - 316 COUNTRY CREAM
- (C) '103 PAINT' - 488 RINGS CANYON GREY
- (D) '104 PAINT' - 1033 SPICE PINE
- (E) ROCK VENEER - 'EL DORADO' MOUNTAIN LEDGE SIERRA
- (F) STOREFRONT BRONZE TINTEDS WITH CLEAR GLASS

MATERIALS

| ITEM | ITEM NO. |
|--|----------|
| LIGHT ROCK VENEER (ROCK VENEER) WITH CLEAR GLASS | 1 |
| PAINTED STUCCO | 2 |
| PAINTED STUCCO | 3 |
| METAL TRUSS | 4 |
| PANT | 5 |
| ROCK VENEER | 6 |
| ALUMINUM STOREFRONT GLASS | 7 |
| GLASS | 8 |

Jaye Street Crossing

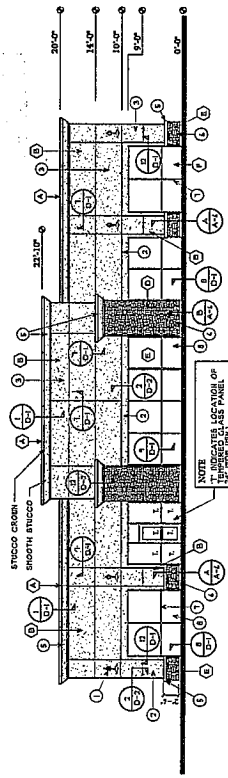
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APPLICATION NUMBER
 34-2007 (A)
 1/2

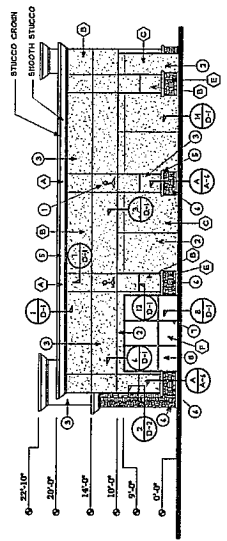


Wicks Interiors
 4150 Wilshire Blvd., Suite 100
 Beverly Hills, CA 90210
 Tel: 310.274.1111
 Fax: 310.274.1112
 www.wicksinteriors.com

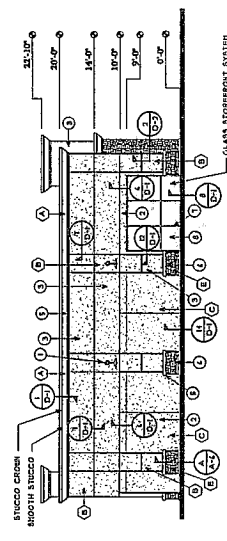
DATE: APR 26, 2007
 100 104 0128
A-6F
 OF SHEETS



EAST ELEVATION - SHOPPS 'F'
 SCALE: 1/8" = 1'-0"

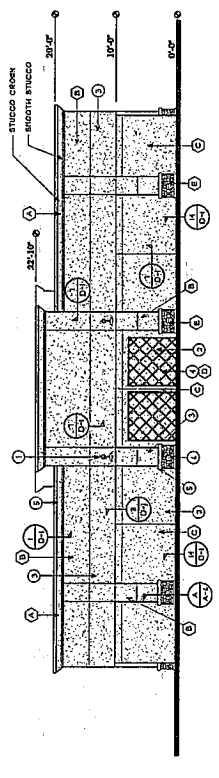


NORTH ELEVATION - SHOPPS 'F'
 SCALE: 1/8" = 1'-0"



SOUTH ELEVATION - SHOPPS 'F'
 SCALE: 1/8" = 1'-0"

NOTE:
 CHALKY PLASTER TO BE 3/4" THICK
 WITH 200 G.M. WEIGHT PER SQ. YD.
 WITH 100 G.M. WEIGHT PER SQ. YD.
 BEING APPLIED TO CONCRETE WITH 200 G.M.



WEST ELEVATION - SHOPPS 'F'
 SCALE: 1/8" = 1'-0"

PAINT COLORS

- (A) 101 PAINT - 482 CANVASBACK
- (B) 101 PAINT - 701 COUNTRY CREAM
- (C) 101 PAINT - 188 BRICK CANYON GREY
- (D) 101 PAINT - 188 BRICK CANYON GREY
- (E) 101 PAINT - 188 BRICK CANYON GREY
- (F) ROCK VENEER - EL DORADO MOUNTAIN LEDGE BERRA
- (G) STOREFRONT BRONZE MULLIONS WITH CLEAR GLASS

MATERIALS

| ITEM | ITEM NO. |
|--|----------|
| LIGHT FIXTURES HANGING FROM CEILING WITH 100 WATT FLUORESCENT TUBES | 1 |
| PAINTED STUCCO | 2 |
| PAINTED STUCCO | 3 |
| METAL TRUSS | 4 |
| PAINTED STUCCO | 5 |
| ROCK VENEER | 6 |
| ALUMINUM STOREFRONT GLASS | 7 |
| GLASS | 8 |

Jaye Street Crossing

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL THIS
CERTIFICATE OF COMPLIANCE TO:
City of Porterville
291 N. Main Street
Porterville, CA 93257

fee

COPY of Doc: Recorded
3-Jun-2009 2009-0034548
Has not been compared with
original
TULARE COUNTY RECORDER

No fee Pursuant to Section; 6103

**VESTING TENTATIVE PARCEL MAP 1-2009
RESOLUTION 565**

RECEIVED

JUN - 5 2009

Community Development
Department

**ATTACHMENT
ITEM NO. 6**

RESOLUTION NO. 565

A RESOLUTION OF THE PORTERVILLE CITY COUNCIL CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF VESTING TENTATIVE PARCEL MAP 1-2009 TO DIVIDE A 7.5± ACRE SITE INTO FOUR (4) PARCELS FOR THAT SITE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JAYE STREET AND SPRINGVILLE AVENUE NORTH OF STATE ROUTE 190

WHEREAS: The project proponent is requesting approval for Vesting Tentative Parcel Map 1-2009 to divide a 7.5± acre vacant site into four (4) parcels for that site located at the southeast corner of Jaye Street and Springville Avenue north of State Route 190 as follows:

Parcel 1 - 1.1± acres
Parcel 2 - 2.25± acres
Parcel 3 - 1.57± acres
Parcel 4 - 2.58± acres

WHEREAS: On February 7, 2007 the City Council adopted Resolution 8-2007 certifying the Final Environmental Impact Report evaluating the development, mitigation measures and land use changes necessary to facilitate the development of a ±10.7 acre site with a ±75,000 square foot shopping center (Jaye Street Crossing); and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of June 3, 2008, reviewed and considered "D" Overlay Site Review 2-2008, to facilitate development of a ±75,000 square foot commercial center to be located at the northeast corner of Jaye Street and State Route 190 in the C-2 (D) (Central Commercial – "D" Overlay Site Review) Zone; and

WHEREAS: The Parcel Map Committee held a scheduled public hearing on April 29, 2009. The Committee discussed concerns and conditions relevant to the proposed project. Conditions developed as a result of this meeting and subsequent staff review were discussed with the applicant's agent and incorporated into the draft resolution of approval; and

WHEREAS: The Parcel Map Committee received testimony from all interested parties relative to the proposed vesting tentative parcel map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the General Plan.

The Land Use Element of the General Plan designates the site for Retail Centers type uses. The subject site is located within the Central Commercial with Design Review Overlay Zone.

2. That the site is physically suitable for the type and density of the proposed development.
3. That the certified Final EIR (Resolution 8-2007) prepared for this project is in compliance with the California Environmental Quality Act.
4. That Resolution 8-2007 adopts a Mitigation Monitoring Plan for the Final EIR for the Jaye Street Crossing commercial development project.
5. That the standards of population density, site area dimensions, site coverage, yard spaces, 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.
6. The proposed project complies with all the requirements of the Subdivision Ordinance.

NOW, THEREFORE, BE IT RESOLVED: That the Parcel Map Committee of the City of Porterville does here by approve Vesting Tentative Parcel Map 1-2009, subject to the following conditions:

1. The proposed vesting tentative parcel map will not require any further environmental review. The Vesting Tentative Parcel Map shall adhere to the Certified EIR (Resolution 8-2007) including all mitigation requirements for the commercial development (Jaye Street Crossing) project. A "Notice of Determination" will be resubmitted to the county for the previously adopted EIR.
2. The map reads "VESTING TENTATIVE PARCEL MAP."
3. Unless otherwise noted herein, the developer/applicant shall obey the development standards of the Subdivision Ordinance, adopted Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Rev. 8-20-02), the Manual of Traffic Controls, and Porterville Circulation Element.
4. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.
5. The developer/applicant shall dedicate the right of way necessary for the construction of the required remaining Springville Avenue frontage improvements. Dedications may be conveyed by illustration and processing of the Final Parcel Map or conveyed by a separate legal instrument.

6. Prior to the recording of the Final Map or issuance of building permit, whichever may occur first, the developer/applicant/owner and City shall fully execute an agreement that defines all procedures associated with the conveyance of right of way along Jaye Street and Springville Avenue consistent with the fully executed Right of Entry dated August 21, 2007. This agreement shall specifically reiterate Council Resolution No. 48-2008 and 49-2008, which defines pro-rate share cost of improvements constructed along Jaye Street and Springville Avenue. The developer/applicant shall also convey additional right of way for the drive approaches constructed on the east side of Jaye Street, north of Vandalia Avenue. The City will pay the applicant the fair market value for the right of way described in the Right of Entry dated August 21, 2007 and the additional right of way necessary for the constructed Jaye Street drive approach.
7. Prior to the issuance of a building permit, the developer/applicant shall pay their "Pro Rata" share of all off-site road improvements, including project related traffic signals, modifications to the State Route 190/Jaye street intersection and proportional share of the future State Route 190/Plano Street intersection improvements, as defined by the traffic study prepared by Omni Means and subsequent City Council Resolution No. 48-2008 and Resolution No. 49-2008. The total reimbursement fee for the 7.51 acre property is \$781,454.41.
8. The developer/ applicant shall dedicate all applicable utility easements in favor of the City of Porterville that are reasonable for the orderly development of the commercial project (Section 21-23).
9. The dedication of easements or any other potential dedications shall be clearly identified on the Parcel Map. A Dedications Statement shall be placed on the map that reads:

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

Dated this _____ day of _____, 20__

By: Michael K. Reed, City Engineer

PLS 7514"

10. A Preliminary Soils Report shall be provided by a Professional Engineering authorized to perform such work. The engineer shall sign a statement on the Final Parcel Map that a Preliminary Soils Report was prepared by him or her and it is on file with the City's Engineering and Building Division.
11. The developer/applicant shall comply with Appendix J of the California Building Code including the provision of "R-Value" tests and recommendations regarding construction of public improvements, satisfactory to the City Engineer, prior to the start of grading. The developer/applicant shall provide the items indicated below:
 - a. Grading Plans and Specifications.
 - b. Soils Report.
12. Prior to approval of a permit or other grant of approval for development of the property, the developer/applicant shall comply with or provide plans that comply with City Retaining Wall Standards at Lot Lines (adopted by City Council January 3, 1989).
13. Prior to issuance of a certificate of occupancy for any pad or as otherwise set forth in a Development Agreement, the developer/applicant shall provide improvements by the method indicated below:
 - a. Construct or provide surety for construction of curb, gutter, connecting pavement, street safety signs, pavement markings, sidewalk, wheelchair ramp(s), streetlights, etc. along full Springville Avenue frontage per City Council Adopted Resolution No. 49-2008.
 - b. Construct or provide surety for the installation of street lights along the north side of Vandalia Avenue per City Council Adopted Resolution No. 49-2008.
 - c. Installation of required on site improvements, including those improvements in the opinion of the City Engineer needed for the orderly development of the adjacent property.
 - d. Simultaneously recording of a separate legal instrument or placement of a statement of the Final Map, if appropriate, that reads as follows:

"In accordance with Section 66411.1 of the Government Code, the construction of on-site improvements, such as, but not limited to, utilities, grading, parking lot improvements, well abandonment (if any), removal of irrigation lines (if any), etc. has been deferred until such time as a permit or other grant of approval for development of the parcel is issued. Such construction may be phased when only a portion of the parcels shown herein receive such approval. The phased construction shall consist of all

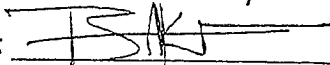
improvements related to the specific parcels plus that required to make the installed improvements properly function.”

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. Prior to recording the final map, the developer/applicant shall provide easements, permits, calculations, etc., if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the development (e.g., water, sewer, drainage, "turn arounds", etc.). If the City Engineer determines that construction of improvements is needed to protect public health and safety or for orderly development of the surrounding area, the developer/applicant shall construct or provide a surety for said improvements.
16. To the fullest extent allowed by law, the Vesting Tentative Parcel Map (Exhibit A) shall comply and be consistent with the conditions of approval for the Jaye Street Crossing commercial development Design Review Overlay 2-2008 approved by Resolution 49-2008.
17. The Vesting Tentative Parcel Map (Exhibit A) shall adhere to the certified Final EIR approved by City Council for the Jaye Street Crossing commercial project (Resolution 8-2007).
18. Access to and from Jaye Street shall be limited to the existing driveway as shown on the Vesting Tentative Parcel Map and shall not be modified without approval of the City Engineer.
19. The developer/applicant is hereby notified that reimbursement for Master Plan improvements is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must approved by the City prior to construction.
20. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
21. The Vesting Tentative Parcel Map approval time limits shall comply with Government Code Section 66452.6. Time limit extensions shall comply with the same Government Code Section and applicable section(s) of the City's Subdivision Ordinance.

MOVED BY COMMITTEE MEMBER Mike Reed, SECONDED BY COMMITTEE MEMBER Loran Blasdell, AND CARRIED BY THE FOLLOWING VOTE:

AYES: 3
NOES: 0
ABSTAIN: 0
ABSENT: 0

April 29, 2009

ATTEST: 
Benjamin Kimball, Chairman, Parcel Map Committee

RESOLUTION NO.

MODIFICATION TO VESTED PARCEL MAP NO. 4996

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF MODIFICATION TO
VESTED PARCEL MAP 4996 LOCATED ON THE EAST SIDE OF JAYE STREET
BETWEEN SPRINGVILLE DRIVE AND VANDALIA AVENUE

WHEREAS: The City Council of the City of Porterville at its scheduled meeting of February 19, 2013, conducted a public hearing to consider the Parcel Map Committee recommendation regarding modification to Vested Parcel Map 4996; and

WHEREAS: The Parcel Map Committee of the City of Porterville at its regularly scheduled meeting of February 13, 2013, conducted a public hearing to review to modification of Vested Parcel Map 4996 to rescind earlier rights and re-establish vesting rights with current development standards and policies; and

WHEREAS: On June 3, 2008, the City Council adopted Resolution 49-2008 containing findings and conditions in support of Design "D" Overlay Site Review 2-2008 to facilitate the development of the 75,000± square foot Jaye Street Crossing commercial center. Included in the resolution were design and architectural features as well as colors and tones of materials to be used; and

WHEREAS: On April 29, 2009, the Parcel Map Committee of the City of Porterville heard testimony from the public and approved Vesting Tentative Parcel Map 1-2009 Resolution 565; and

WHEREAS: Pursuant to Section 66472.1 of the California Government Code and Section 406.01(2)h of the City of Porterville Development Ordinance, amendments to a final map or parcel map may be made to make modifications when there are changes that make any or all of the conditions of the map no longer appropriate or necessary; and

WHEREAS: On January 29, 2013, the Environmental Coordinator made a preliminary determination that the project meets the intended use for Class 5 Categorical Exemption under the California Environmental Quality Act as a minor alteration in land use limitations (CCR Section 15305- CEQA Guidelines); and

WHEREAS: The Parcel Map Committee received testimony from all interested parties relative to the modification of Vested Parcel Map 4996 on February 13, 2013. The Committee discussed concerns and conditions relevant to the proposed project. Conditions developed as a result of this meeting and subsequent staff review were discussed with the applicant and incorporated into the draft resolution of approval; and

WHEREAS: The Parcel Map Committee made the following findings:

1. That the proposed modification to Vested Parcel Map 4996 is consistent with the applicable general and specific plans.

The proposed uses of the sites shall be required to be operated and maintained to comply with State law, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.

Parcels 1 through 4 conform to the minimum lot width and depth pursuant to the Porterville Development Ordinance.

2. That the design or improvements of the proposed modification are consistent with the General Plan.

The Land Use Element of the General Plan designates the site for Retail Center type uses. The design and improvements of the proposed modification are consistent with the Retail Centers (CR) zone district.

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

The subject site is flat. Conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required.

Additionally, compliance with federal, State and local regulation requiring that storm water runoff monitored and maintained free of heavy concentration of pollutants will mitigate this potential impact to a level of insignificance (NPDES standards).

The modification to Vested Parcel Map 4996 shall rescind earlier rights and re-establish vesting rights at current development standards and policies.

4. That the certified EIR (Resolution 8-2007) prepared for Jaye Street Crossing Commercial Center is in compliance with the California Environmental Quality Act.

The modification to Vested Parcel Map 4996 will not cause an amendment to the certified EIR (Resolution 8-2007).

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

The project is Exempt under Minor Alterations in Land Use Limitations (Section 15305) from the California Environmental Quality Act because the proposed modification to Vested Parcel Map 4996 does not have the potential to have a

significant effect on the environment.

6. That the proposed modification or improvements will not cause serious public health problems.

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

7. That the design of the parcel map or the type of improvements and proposed modification will not conflict with easements, acquired by the public at large, for access through or use of, property within the parcel map.

NOW, THEREFORE, BE IT RESOLVED: That the Parcel Map Committee of the City of Porterville does hereby recommend that City Council review and consider adopting the draft resolution approving the modification to Vested Parcel Map 4996 subject to conditions of approval:

1. The proposed modification to Vested Parcel Map 4996 will not require any further environmental review. The modification to Vesting Parcel Map shall adhere to the Certified EIR (Resolution 8-2007) including all mitigation requirements for the commercial development (Jaye Street Crossing Commercial Center) project. A Notice of Exemption will be filed with the Tulare County Clerk.
2. An amended map shall be recorded that amends the vested rights of the prior recorded VPM 4996 pursuant to Section 66472.1 of the California Government Code.
3. The proposed modification to Vested Parcel Map 4996, and subsequent development of the parcels, shall comply with the revised vested rights, which are the development codes and policies in place at the time of the adoption of this resolution.
4. Section 203.04 (c)(2)a of the Development Ordinance requires commercial centers have an integrated theme. The theme was established by Resolution 49-2008 and the remaining pads of VPM 4996 shall be required to be designed with similar architectural features, colors, and materials to those approved by the City Council in that resolution.
5. That all dedications, easements and public improvement agreements recorded on July 8, 2010 under Parcel Map No. 4996 shall remain in favor of the City of Porterville.
6. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), and Standard Plans and Specifications (2007 Edition), except where they are in conflict with the Americans with Disabilities Act and the 2010 California Building Code, the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

7. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually.
8. Prior to approval of a permit or other grant of approval for development of the proposed parcels, the developer/applicant shall comply with approved grading plan(s) and Appendix J of the California Building Code.
9. Prior to the issuance of a building permit, the developer/applicant shall pay their "Pro Rata" share of all off-site road improvements, including project related traffic signals, modifications to the State Route 190/Jaye street intersection and proportional share of the future State Route 190/Plano Street intersection improvements, as defined by the traffic study prepared by Omni Means and subsequent City Council Resolution No. 48-2008 and Resolution No. 49-2008.
10. Prior to issuance of a certificate of occupancy for any pad or as otherwise set forth in a Development Agreement, the developer/applicant shall provide improvements by the method indicated below:
 - a. Construct or provide surety for construction of curb, gutter, connecting pavement, street safety signs, pavement markings, sidewalk, wheelchair ramp(s), streetlight, etc. along full Springville Avenue frontage per City Council Adopted Resolution No. 49-2008.
 - b. Construct or provide surety for the installation of street light along the north side of Vandalia Avenue per City Council Adopted Resolution No. 49-2008.
 - c. Installation of required on site improvements, including those improvements in the opinion of the City Engineer needed for the orderly development on the adjacent property.
11. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.

PASSED, APPROVED AND ADOPTED this _____ day of February, 2013

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk