

PUBLIC HEARING

SUBJECT: CHANGE IN ZONE FROM D-PO (DOWNTOWN PROFESSIONAL OFFICE) TO DR-D (DOWNTOWN RETAIL - D STREET CORRIDOR) AT 73 WEST CLEVELAND AVENUE (PRC 2013-035-Z)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: On September 11, 2013, the Project Review Committee considered a request to rezone Assessor's Parcel Number 252-186-003, located southeast of the corner of Cleveland Avenue and 'D' Street from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor)- (Attachment 1). The subject parcel is generally the northwest corner of the block bounded by D Street to the west, Cleveland Avenue to the north, Hockett Street to the east and Putnam Avenue to the south.

The subject site is approximately 16,500 square feet in size, and is currently designated as "Downtown Retail" in the City's General Plan land use diagram (Attachment 2). The Downtown Retail designation is a broadly applied category, and extends throughout much of downtown, including the blocks immediately south and east of the subject site. The proposed change in zone from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor) is consistent with the current General Plan designation.

Surrounding zoning in the downtown area is a mixture of D-PO (Downtown Professional Office), D-PS (Public and Semi-public), DR-N (Retail- North of Olive) and DR-D (Retail- D Street Corridor)- (Attachment 3). The DR-N and DR-D provide for similar types of retail uses, but those uses in DR-N are intended to develop closer to the street frontage, and focus on Main Street, while the DR-D zone provides for a mix of medium scale and service uses with more elaborate landscaping and yards, reminiscent of the existing structures which were once homes and over the years have become service retail or offices. The proposed new zoning of the subject area is DR-D (Retail- D Street Corridor)- (Attachment 4).

The application was submitted for only the property owned by the applicant. However, in order to provide a logical boundary of the DR-D zone district, the southwest corner of the block must also be included; this results in an overall area of zone change of approximately 30,500 square feet. The owner of the parcel directly south of the subject parcel has been contacted and received notice of the proposed rezone. No comments have been received to date. The current use of the adjacent property is a legal, non-conforming use, incompatible with the current

DD  ACTING

APPROPRIATED/FUNDED N/A CM 

ITEM NO. 18

zoning of D-PO. While the use would remain inconsistent with the proposed zoning, the commercial focus of the DR-D zone would bring the use closer to compliance. The existing business on that site may continue to operate and the proposed zone change would not impact their existing operation.

No physical development of the site is proposed at this time. At such time as future development is proposed, that project would be subject to additional review by the Project Review Committee, and, depending on the extent and type of application, may also be subject to approval by the City Council.

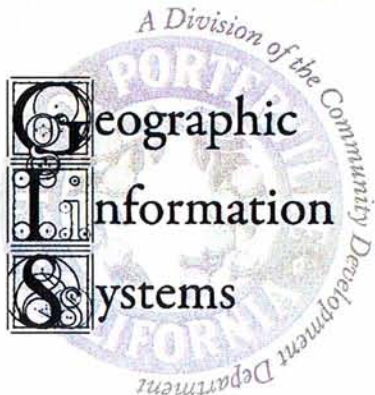
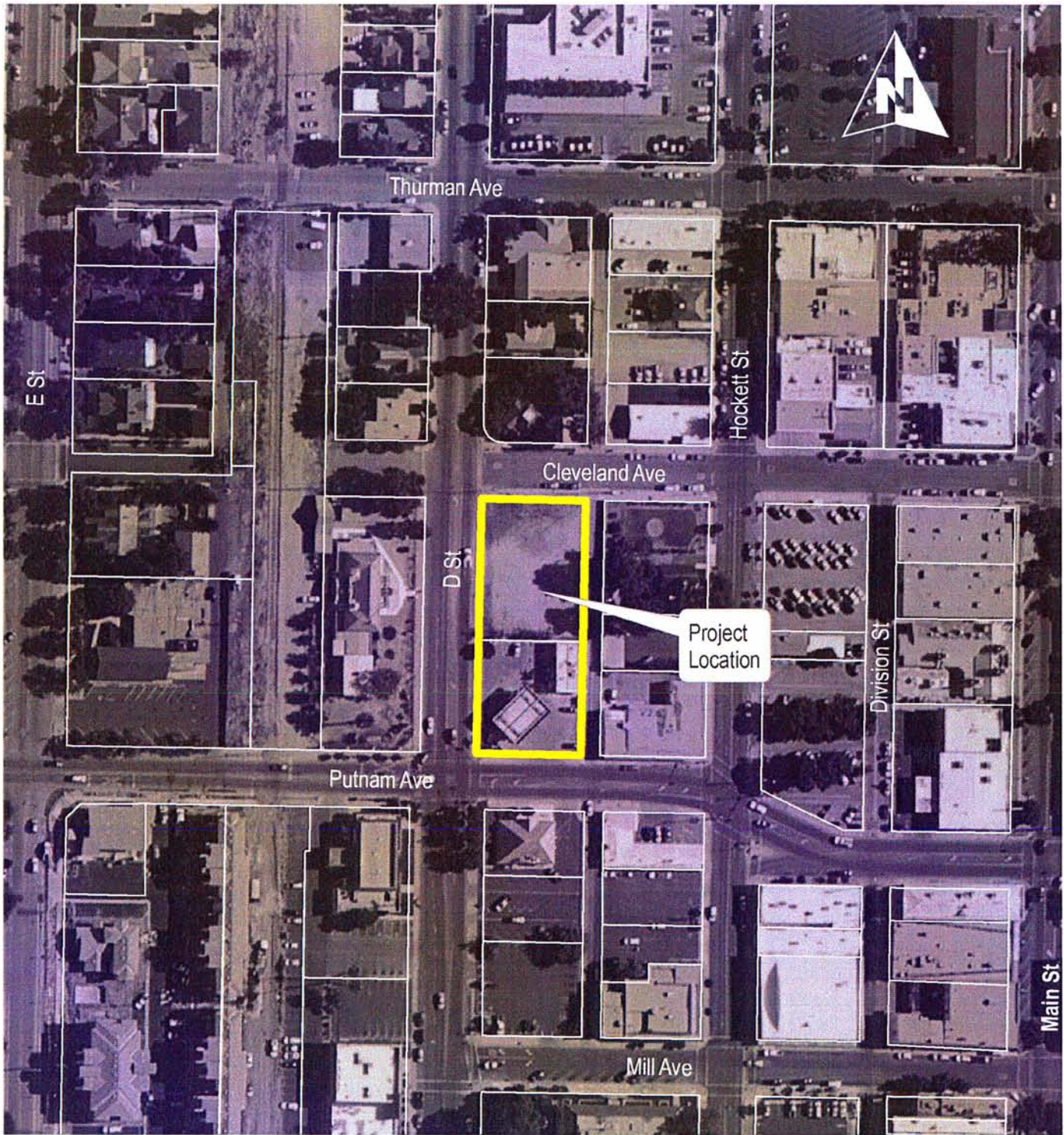
**ENVIRONMENTAL REVIEW:** The proposed Zone Change is consistent with the City's General Plan. The General Plan land use diagram identifies the subject site as Downtown Retail. As such, the General Plan Final Environmental Impact Report evaluated any future use of the site as Retail. The California Code of Regulations (CEQA Guidelines), Section 15168(c), addresses the proposed action in this situation as a "later activity". The Environmental Coordinator made a determination on the basis of substantial evidence that the Porterville General Plan Final Environmental Impact Report is appropriate in addressing the environmental circumstances of the proposed use, therefore, no Subsequent or Supplemental EIR as described in Sections 15162 and 15163 of the CEQA Guidelines would be required. Future physical development of the site may require additional environmental review, which would be determined through the Project Review Committee process.

**RECOMMENDATION:** That the City Council:

1. Approve the draft ordinance adopting Zone Change 2013-035-Z; and
2. Waive further reading of the draft ordinance, approving the Zone Change and order it to print.

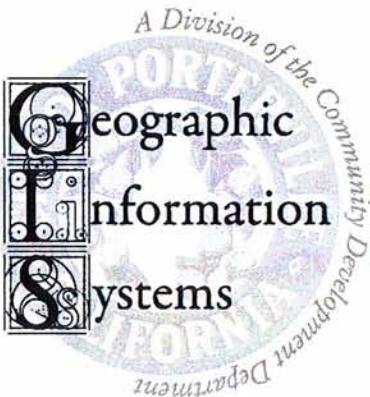
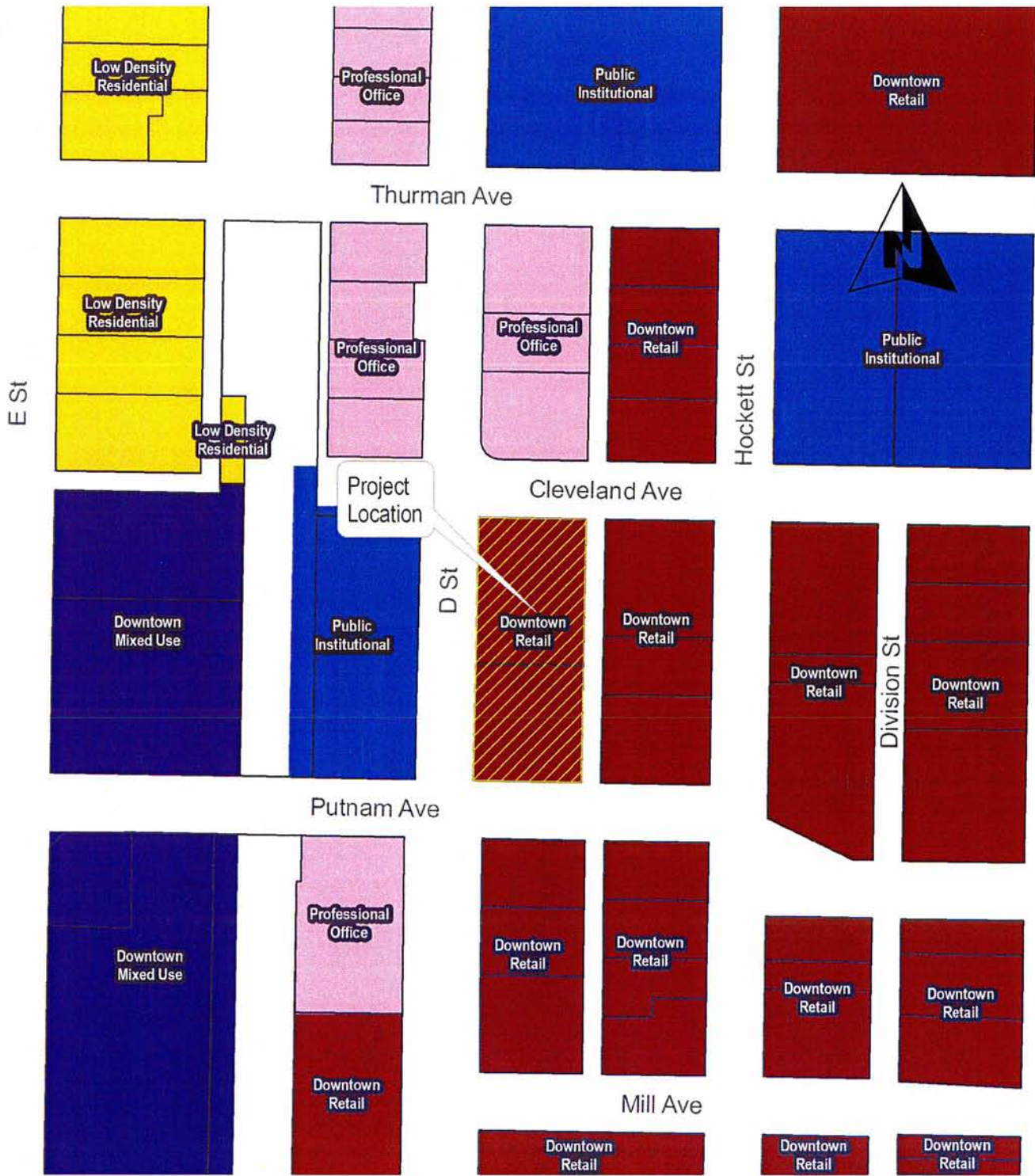
**ATTACHMENTS:**

1. Locator Map of 73 W. Cleveland Avenue
2. General Plan land use diagram
3. Zoning Map
4. Proposed Zoning Map
5. Draft Ordinance



**PRC 2013-035**  
**Zone Change from D-PO to DR-D**  
**Locator Map**  
**1" = 150 ft**

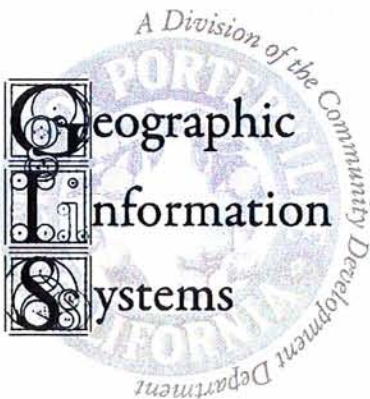
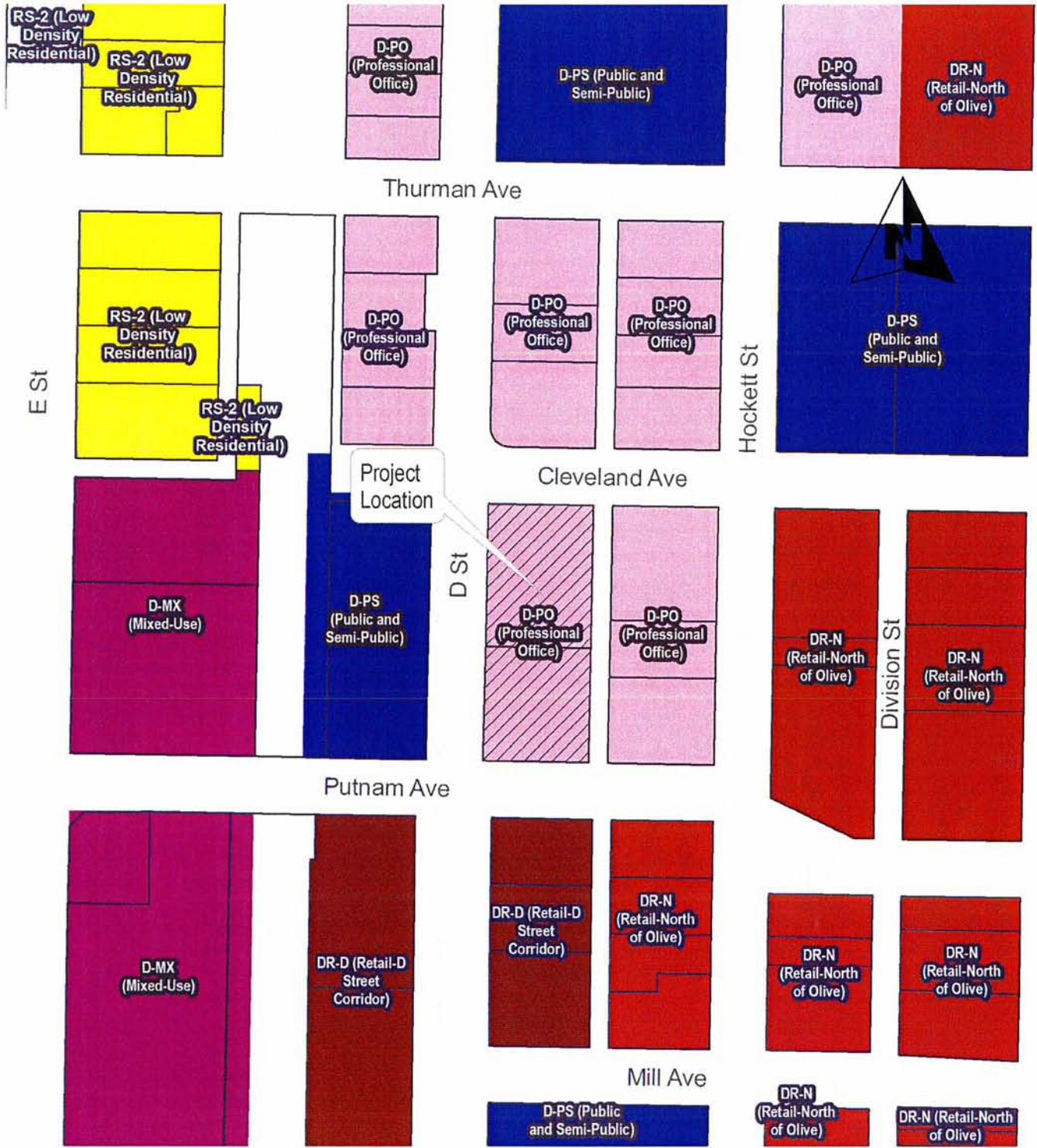
**ATTACHMENT**  
**ITEM NO. |**



PRC 2013-035  
Zone Change from D-PO to DR-D  
General Plan Land Use Map

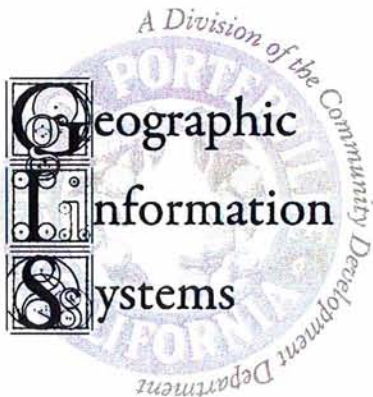
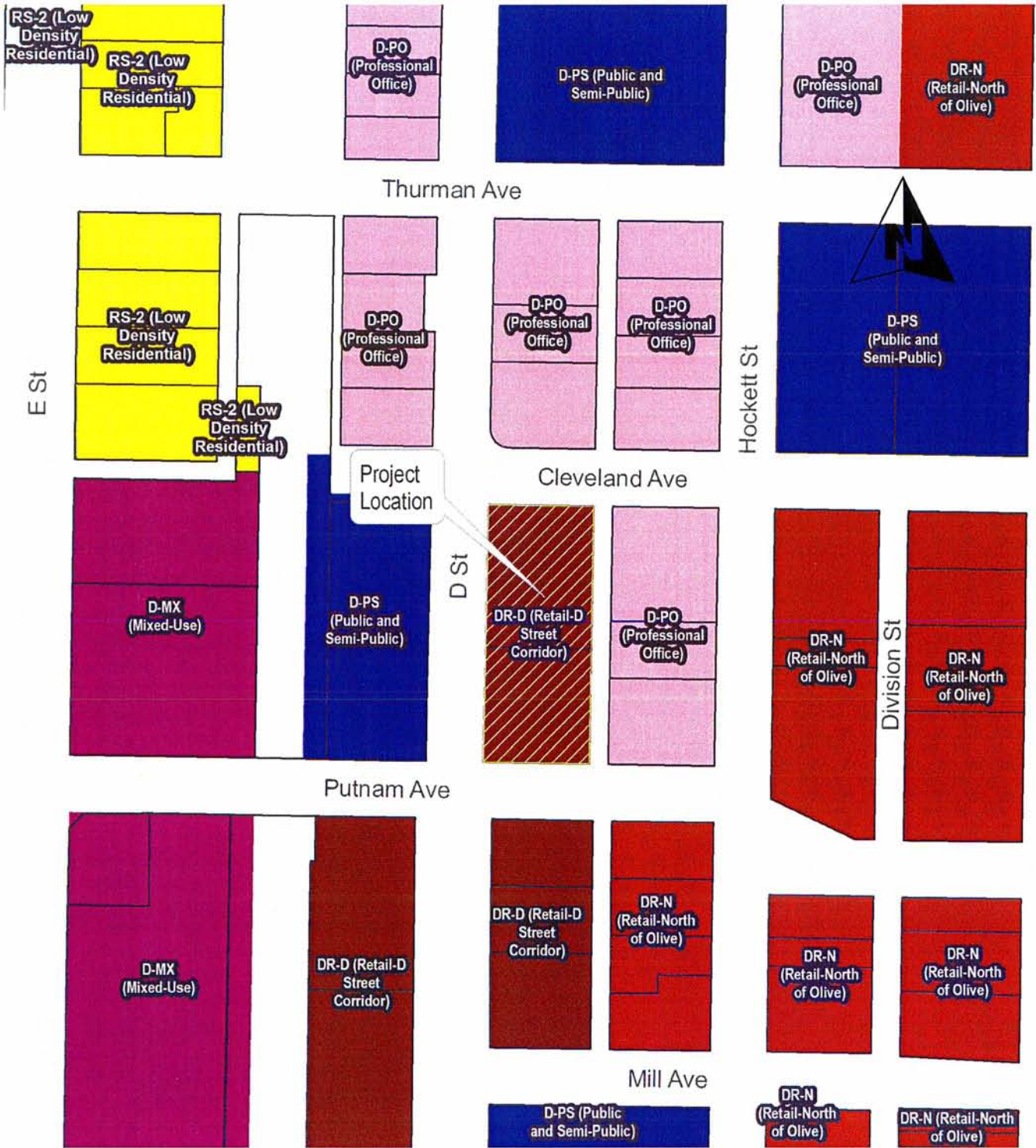
1" = 150 ft.

ATTACHMENT  
ITEM NO. 2



PRC 2013-035  
Zone Change from D-PO to DR-D  
Zoning Map  
1" = 150 ft.

ATTACHMENT  
ITEM NO. 3



PRC 2013-035  
Zone Change from D-PO to DR-D  
Proposed Zoning Map

1" = 150 ft.

ATTACHMENT  
ITEM NO. 4

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
APPROVING ZONE CHANGE (PRC 2013-035-Z)  
FROM D-PO (DOWNTOWN PROFESSIONAL OFFICE)  
TO DR-D (DOWNTOWN RETAIL - D STREET CORRIDOR)  
FOR THAT .38± ACRE SITE LOCATED AT THE  
SOUTHEAST CORNER OF CLEVELAND AVENUE AND D STREET

WHEREAS: On September 11, 2013, the Project Review Committee considered a request to rezone Assessor's Parcel Number 252-186-003, located at the southeast corner of Cleveland Avenue and D Street from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor). No physical development of the site is proposed at this time and the committee voiced no concerns with the request; and

WHEREAS: On September 23, 2013, the applicant submitted an application for Zone Change for the subject parcel. The application materials were reviewed and deemed complete; and

WHEREAS: Notice was duly made of a public hearing to consider the proposed rezone; and

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of November 5, 2013, conducted a public hearing to approve findings and consider Zone Change PRC 2013-035, being a change of zone from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor) for the parcel located at the southeast corner of Cleveland Avenue and D Street (APN 252-186-003); and

WHEREAS: The City Council of the City of Porterville determined that the proposed Zone Change (PRC 2013-035) is consistent with the guiding and implementation policies of the adopted 2030 General Plan; and

WHEREAS: The subject parcel was considered Downtown Retail in the 2030 General Plan. The General Plan Environmental Impact Report (EIR) identifies the land use for the parcel as retail, and the rezoning of the parcel would bring said parcel into compliance with the General Plan. Pursuant to Section 15162, no further environmental review is required to rezone the parcel as proposed; and

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

- a. The project supports and complies with General Plan policies.

Specifically, the project promotes a sustainable, balanced land use pattern that responds to the needs of a re-emergent economy, while also encouraging Downtown growth (LU-G-1 and LU-G-2). By providing a vacant, buildable site

in the downtown area, the project accommodates potential future interest for business owners who choose to construct a building specific to their enterprise.

- b. Future development of the site consistent with the DR-D zoning would require subsequent review at the staff level, through the Project Review Committee process. Development would be subject to the standards of the Development Ordinance as well as the Downtown Porterville Design Guidelines (adopted in 2010 by Resolution 48-2010). In the event the proposed use would require discretionary approval, the application would be brought before the City Council for consideration.
- c. The land use designation for the subject area was approved with the initial adoption of the General Plan in 2010 as Downtown Retail. The proposed project is consistent with that land use designation.
- d. The subject Zone Change will not create adverse environmental impacts on the adjacent neighborhood when standards of the Development Ordinance and General Plan are applied to any subsequent development project. Pedestrian orientation standards and other design and development standards of the General Plan and Development Ordinance were established specifically to limit environmental impacts. In the event that a proposed project may have an adverse impact on the environment, additional analysis and evaluation would be required.

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

- Section 1: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change PRC 2013-035-Z, is hereby rezoned from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor), pursuant to Section 3 below, for the parcel described herein as Assessor's Parcel Number 252-186-003 located southeast of the corner of Cleveland Avenue and D Street; and
- Section 2: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show the above-described real property is rezoned from D-PO (Downtown Professional Office) to DR-D (Downtown Retail- D Street Corridor) for the parcel described above, more particularly shown on the attached map as Exhibit "A"; and
- Section 3: This ordinance shall be in full force and effect not sooner than thirty (30) days from and after the ordinance's publication and passage.

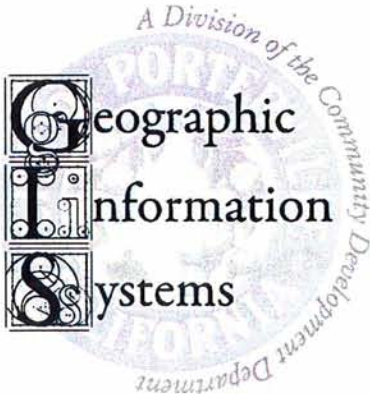
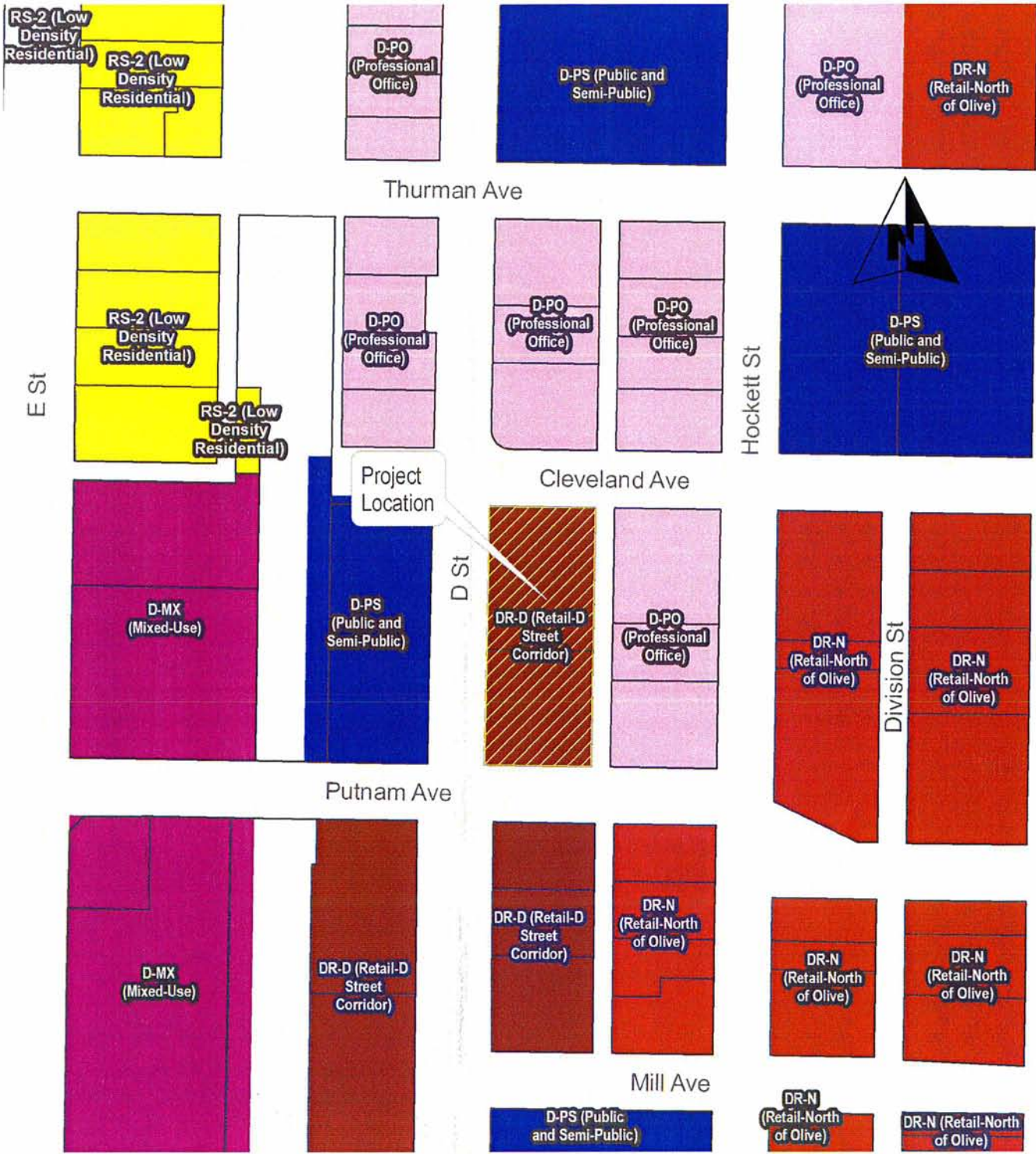


PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of November, 2013.

By: \_\_\_\_\_  
Cameron J. Hamilton, Mayor

ATTEST:  
John D. Lollis, City Clerk

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



PRC 2013-035  
Zone Change from D-PO to DR-D  
Proposed Zoning Map  
1" = 150 ft.