

CITY COUNCIL AGENDA: NOVEMBER 19, 2013

PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW SUBSTITUTION OF ONE NONCONFORMING USE FOR ANOTHER NONCONFORMING USE ON THE PROPERTY LOCATED AT 336 SOUTH E STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION



COMMENT: The applicant is requesting a Conditional Use Permit to allow the operation of a nonconforming use (a towing service and impound yard) in substitution of an existing nonconforming use (a fueling yard) on the property located at 336 South E Street. This site is across E Street from an existing residential subdivision to the west, is adjacent to railroad property to the north and east, and adjoins vacant residentially zoned property to the south. As proposed by the applicant, construction/reconstruction activities associated with the proposed use would be limited to replacement of nonconforming fencing with similar materials. Applicant proposes to reuse non-damaged portions of the applicant's existing fencing currently located at 866 Olive Avenue as depicted in attached photo. Project would include installation of landscaping. The project area is located at the western boundary of the Downtown District, and is within the Downtown Mixed Use (D-MX) Zone District.

Nonconforming uses and structures are regulated by Chapter 308 of the Development Ordinance. Section 308.07(c) of the Code permits the City Council to allow the substitution of one nonconforming use for another nonconforming use of the same or less intense type of use class. Use classes are defined in Chapter 701; classification of uses (organization of uses by intensity and type) are addressed in Section 308.06 *Classification of Nonconforming Uses*.

Staff supports the applicant's desire to relocate an existing business subject to conditions which would help minimize the impact of the nonconforming use on adjacent residential properties.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit 2013-037-C subject to conditions of approval.

ATTACHMENTS: Complete Staff Report

DD  ACTING Appropriated/Funded 11/4 CM 

Item No. 13

CITY COUNCIL AGENDA: NOVEMBER 19, 2013

PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW
SUBSTITUTION OF ONE NONCONFORMING USE FOR ANOTHER
NONCONFORMING USE ON THE PROPERTY LOCATED AT 336 SOUTH E
STREET

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

PROPERTY OWNER/APPLICANT:

Owner:
Chuck Silva
Silva Oil
Post Office Box 1048
Fresno, CA 93714

Applicant:
Mike Childree
Crane's Towing
866 West Olive Avenue
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting a Conditional Use Permit (2013-037-C) to allow him to site a nonconforming use at the location of an existing nonconforming use (defined as substitution of a nonconforming use per the Development Ordinance). The proposed plan calls for no modifications to the two existing buildings on site, but does request to relocate fencing the applicant currently uses on his property located at 866 West Olive Avenue to the project property at 336 South E Street. Landscaping is proposed as part of the project.

PROJECT SITE SPECIFICATIONS: The existing site development includes two industrial buildings; one devoted strictly to storage and one that includes an office area. No modifications to the size or design of these buildings are proposed at this time. The location of two existing 7±-foot-high gates leading onto the property would not change with the proposed project. Existing fencing is approximately 6 feet in height and constructed of chain link metal material, which extends around the perimeter of the subject property, a 36,244 square foot (\pm 0.83 of an acre) site.

GENERAL PLAN DESIGNATION: Downtown Mixed Use

ZONING CLASSIFICATION: Downtown Mixed Use (DMX)

SURROUNDING ZONING AND LAND USES:

North: D-MX (Former Railroad facility site)

West: RM-3 (Existing single-family residential development)

South: DRM-3 (Vacant residential property)

East: Right-of-way (Railroad)

ENVIRONMENTAL REVIEW:

Date Environmental Document Distributed	Date Notice Published in Porterville Recorder	Date Notice Mailed to Property Owners within 300 feet of property.
Item deemed Categorically exempt. Notice of Exemption to be posted with County Clerk pending Council decision.	November 9, 2013	November 7, 2013

BACKGROUND: The applicant is requesting a Conditional Use Permit (2013-037-C) to allow him to site a nonconforming use at the location of an existing nonconforming use (this is called substitution of a nonconforming use per Code). Mr. Childree currently owns a property and a towing business located at 866 Olive Avenue in Porterville. He is currently in escrow to purchase the 336 South E Street site with a stipulation on the closure of the sale that it is subject to confirmation the towing business may relocate to the subject property.

ANALYSIS: The proposed plan calls for no modifications to the two existing buildings on site, but does include a request to relocate fencing materials the applicant currently uses on his property located at 866 West Olive Avenue to the project property at 336 South E Street. The existing nonconforming chain link fencing would be replaced by this fencing of a similar material and located at the same fence line established on the subject site. Installation of new landscaping is also proposed as part of the project.

The applicant intends to use one of the storage buildings, the northeastern-most facility, for vehicle storage use for vehicles needing storage away from the weather. The building located closer to the street would be partially used for vehicle storage and partially used for the business's office. No modifications to the size or design of these buildings are proposed at this time. The location of two existing 7±-foot-high gates leading onto the property would not change with the proposed project. The existing 6±-foot high chain link fencing would be replaced at the same location as existing, with chain link fencing of the same height. Note: neither the razor wire nor damaged portions of fencing currently shown in the attached photo of the applicant's business would not be used on the South E Street site; the applicant intends to use a combination of lighting and trained dogs to provide security for the site as this new site is adjacent to residential development.

The Project Review Committee reviewed the proposed project at its meeting on October 9, 2013. The Committee recommended several conditions of approval intended to minimize impacts to adjacent residential properties developed when less intense adjacent development was planned for the site. Suggested conditions

were aimed at bringing the proposed plan into conformance with required Municipal, Building, Development and Public Safety-related codes and are intended to protect the public health safety and welfare. Suggested conditions are incorporated in the attached Draft Resolution.

A few design considerations brought forward by the PRC would be deferred to staff review to ensure timely close of escrow and installation of site improvements. These would include fencing, lighting, landscaping, and signage reviews:

For example, the applicant intends to relocate the existing fencing he has at 866 Olive Street, absent the razor wire shown as installed above the fencing, to the project site. Staff will review the fencing proposal to confirm compliance with the suggested conditions pertinent to prohibition on display or razor or barbed wire visible from the street and limiting reuse of fencing to those sections that are in good condition only. Mr. Childree also intends to relocate his existing sign from the Olive Avenue business location to the new South E Street location. A condition of approval requiring a separate sign permit has also been provided in the attached resolution. The sign will be reviewed based on regulations pertinent to the project site. This would not preclude use of the applicant's existing sign as long as it meets general sign design requirements, is located appropriately, and is in good condition. No lighting proposal has been submitted at this time indicating the applicant intends to use existing light standards for site security.

The Police Department has indicated that existing street and onsite lighting would meet their requirements. If, in the future, the applicant decides additional lighting is necessary to provide adequate site security, a building electrical permit will be required. Staff is suggesting a condition requiring submittal of a photometric plan with any future lighting modifications to ensure ambient light would not create glare or excessive spillover onto adjacent properties. In addition, while the site plan shows conceptual landscape design with specific landscape area requirements, the applicant will need to provide specific information, for staff review, regarding plant number and type.

The City Council is currently contemplating modifications to the Porterville Development Ordinance. Development Ordinance provisions in effect at the time of building permits, if any, would be applicable to the project. Improvements that will be reviewed to ensure compliance with current local, state, and federal regulations in place at the time of associated work, include landscaping, fencing, lighting, and signage.

General Plan Compliance

The current project site land use designation is Downtown Mixed Use. This designation is intended to provide for a mix of uses including residential, office and retail or other commercial uses. The following General Plan Policies relate to the proposed project:

LU-G10 Foster viable, pedestrian-oriented...development

LU-G-14 Ensure the availability of land and building to accommodate new industries and the expansion of existing businesses while accounting for market factors.

Summary: The intent of these policies is to encourage quality design mindful of Mixed Use standards while acknowledging market forces and the need to retain existing businesses in Porterville.

Development Ordinance Compliance

The project site land use designation is zoned D-MX (Downtown Mixed Use). In keeping with the goal of quality customer service and to encourage economic development, staff has assisted the applicant in drafting a conceptual site plan. However, this is an unusual and non-sustainable service. Some aspects of the submitted plans will be refined, subject to additional staff review. The following Development Ordinance regulations apply to the proposed project:

- Section 300 General Site Regulations:

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

The project, as conditioned, meets this Code requirement and therefore allows Council to adopt findings pertinent to the approval of a Conditional Use Permit (Code Section 604.04 noted above).

- Approval of the substitution of one nonconforming use for another may be permitted with a Conditional Use Permit but requires Council to adopt specific findings with the approval. These include those stipulated in Section (§) 308 (all) and specifically:

§ 308.07 Required findings:

(a) The proposed new use will be more compatible with the purposes of the district and surrounding uses than the nonconforming use it replaces;

The proposed use is a nonconforming use within the D-MX district. Nonconforming uses and structures are regulated by Development Ordinance Chapter 308. Section 308.07(c) of the Code and permits the City Council to allow the substitution of one nonconforming use for another nonconforming use of the same or less intense type of use class. Use classes are defined in Chapter 701; classification of uses (organization of uses by intensity and type) are addressed in Section 308.06 *Classification of Nonconforming Uses*.

The Code requirement for a Conditional Use Permit (CUP) permit is intended to allow Council to approve a non-permitted use despite its being

contrary to the overall intent of the district's zoning. This tool is used to ensure the decision is made at a public hearing and allows Council to impose conditions designed to ensure the use, as conditioned, would be more compatible to permitted uses in the district.

The proposed use will be more compatible than the existing use because the conditions required for operation of the towing yard use, e.g. improved fencing and landscaping, will make the use more compatible with adjacent residential uses than the previous fuel yard use was without these impact-reduces measures.

(b) The proposed new use will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, traffic generation, odors, dust, glare, vibrations, or other effects; and

The existing fuel yard use is considered a Class II use pursuant to Code Section 308.06(b)(1) whereas the proposed towing yard use is considered a Class I use, as conditioned, pursuant to Code Section 308.06(a)(2) and (4). The Code permits the substitution of a Class I use, a less intense use, for a Class II use. It should be noted that it is the conditions of approval that would allow the project to be considered a Class I use; absent the deletion of razor wire, visual blight and lighting impact reduction measures (solid fencing as required by Code section 300.09), and landscape installation requirements, the finding requiring that the project "not depress the value of nearby (residential) properties" could be difficult to make. However, the compliance with the conditions stipulated will ensure the use operates as a Class I use and thereby will not be detrimental to the health, safety, peace, comfort or general welfare of the surrounding area due to these measures intended to reduce anticipated impacts.

(c) The proposed new use will comply with all applicable standards or there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards.

As conditioned, the use will comply with all applicable City standards. The conditions of approval identify some aspects of the submitted plans which will be refined, subject to additional staff review, to ensure compliance with local, State and Federal Codes. For example, landscaping, intended to provide parking lot shading and to soften the appearance of the industrial-type use at its interface with the adjacent residential development, is proposed as part of the project. The existing nonconforming chain link fencing would be repaired/replaced by fencing of a similar material, but with solid materials inserted to minimize the

visual blight associated with an industrial-type yard and potential light spillage to adjacent residential properties.

Conditional Use Permit Review. Approval of a Conditional Use Permit requires Council to adopt specific findings with the approval. These include those stipulated in Section (§) 604 (all) and specifically:

§ 604.04 Required findings:

(a) *Approval of 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; and*

The project is consistent with the General Plan in that *the design, which includes the addition of landscaping at an intersection near a residential area while allowing a nonconforming business to locate where an existing nonconforming business exists addresses General Plan intent policies intended to encourage quality design mindful of Mixed Use standards while acknowledging market forces and the need to retain existing businesses in Porterville. These include General Plan Polices LU-G10 Foster viable, pedestrian-oriented...development and LU-G-14 Ensure the availability of land and building to accommodate new industries and the expansion of existing businesses while accounting for market factors.*

(b) *The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, the Development Ordinance and with any other applicable plan adopted by the City Council.*

As conditioned, the project would be substantively consistent with the Development Code's provisions for the D-MX district and other applicable plans. The project, as conditioned, complies with the requirements applicable to General Site Regulations and Substitution of Nonconforming uses set forth in Development Code Sections 300 and 308 as well as all local regulations.

SUMMARY: Conditions applicable to the proposed Conditional Use Permit will ensure the project does not impact the public health, safety, peace, comfort, or general welfare. Therefore, the proposed substitution of a nonconforming use meets the required findings.

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

It should be noted that the existing site is currently undergoing a hazardous materials clean up operation for the Silva Oil fuel yard use (a review of the property will show that there are two concrete pads on site that formerly supported oil tanks). The State Water Resources Board is overseeing cleanup operations. The applicant has indicated that close of escrow is contingent on confirmation that the clean up has been completed to the satisfaction of the State Water Board.

RECOMMENDATION: That the City Council adopt the draft resolution approving Conditional Use Permit 2013-037-C subject to conditions of approval.

ATTACHMENTS:

1. Draft Resolution of Approval
2. 300' Radius/Vicinity and Aerial Map
3. Zoning Map
4. General Plan Map
5. Site Plan (Showing existing and proposed conditions)
6. Photo of existing fencing on site
7. Photo of replacement fencing proposed

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF
CONDITIONAL USE PERMIT 2013-037-C ALLOWING SUBSTITUTION
OF A NONCONFORMING USE, FROM A FUELING YARD TO A
TOWING SERVICE, ON THE PROPERTY LOCATED AT 336 SOUTH E STREET.

WHEREAS: The existing use on the project site is a legally nonconforming fuel yard, which constitutes a Class II nonconforming use pursuant to the Porterville Development Ordinance (Code), Section 308.07; and

WHEREAS: The proposed use would substitute a nonconforming use, a towing service and yard (a Class I nonconforming use), for the existing legally nonconforming use. No building expansion or reconstruction is requested with the permit; and

WHEREAS: The proposed substitution of a nonconforming use requires approval of a Conditional Use Permit requiring consideration in a public hearing before the City Council; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of November 19, 2013, conducted a public hearing to consider Conditional Use Permit (2013-037-C), to allow for substitution of a nonconforming use, a towing service and yard, for an existing nonconforming use, a fuel yard, on the property located at 336 South E Street and received testimony from all interested parties related to the requested permit; and

WHEREAS: The City Council made the following findings:

1. Conditional Use Permit. Council found the project to be in compliance with Development Code Section (§) 604 (all) and specifically § 604.04 thereby allowing their approval of the requested Conditional Use Permit:
 - a. Approval of 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; and

The project is consistent with the General Plan in that the design, which includes the addition of landscaping at an intersection near a residential area and allows a non-conforming business to locate where an existing non-conforming business exists, addresses General Plan policies intended to encourage quality design mindful of Mixed Use standards while acknowledging market forces and the need to retain existing businesses in Porterville. These include, but are not limited to, General Plan Polices LU-G10 and LU-G-14.

- b. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan, the Development Ordinance and with any other applicable plan adopted by the City Council.

conditioned, pursuant to Code Section 308.06(a)(2) and (4). The Code permits the substitution of a Class I use, a less intense use, for a Class II use. It should be noted that it is the conditions of approval that would allow the project to be considered a Class I use; absent the deletion of razor wire, visual blight and lighting impact reduction measures (solid fencing as required by Code section 300.09), and landscape installation requirements, the finding requiring that the project “not depress the value of nearby (residential) properties” could be difficult to make. However, the compliance with the conditions stipulated will ensure the use operates as a Class I use and thereby will not be detrimental to the health, safety, peace, comfort or general welfare of the surrounding area due to these measures intended to reduce anticipated impacts.

(c) The proposed new use will comply with all applicable standards or there are special circumstances peculiar to the property and its relation to surrounding uses or to the district itself that would justify modification to applicable standards.

As conditioned, the use will comply with all applicable City standards. The conditions of approval identify some aspects of the submitted plans which will be refined, subject to additional staff review, to ensure compliance with local, State and Federal Codes. For example, landscaping, intended to provide parking lot shading and to soften the appearance of the industrial-type use at its interface with the adjacent residential development, is proposed as part of the project. The existing nonconforming chain link fencing would be repaired/replaced by fencing of a similar material, but with solid materials inserted to minimize the visual blight associated with an industrial-type yard and potential light spillage to adjacent to residential properties.

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

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

3. Pursuant to Categorical Exemption Class 15301 (Existing Facilities) of CEQA guidelines the project as proposed is categorically exempt. The activity meets the criteria of the Class 1 exemption as replacement of an existing facility. The requirement to comply with State Water Board pollution clean up standards will run with the property; and

4. Pursuant to Porterville Development Code Section 308.07, the Council finds that the proposed use, as conditioned, will:
 - a. Be more compatible with the purposes of the district and surrounding uses than the nonconforming use it replaces;
 - b. The proposed new use will not be detrimental to the health, safety, peace, comfort or general welfare of persons residing or working in the surrounding area or be detrimental or injurious to property and improvements of adjacent properties, the surrounding area, or the neighborhood because of noise, traffic generation, odors, dust, glare, vibrations, or other effects; and
 - c. The proposed new use will comply with all applicable standards and its relation to surrounding uses or to the district itself that would justify modification to applicable standards.

5. Pursuant to Porterville Development Code Section 604.04, the Council finds that the proposed Conditional Use Permit may be granted because the proposed use, as conditioned:
 - a. 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; and
 - b. Will ensure that the location, size, design, and operating characteristics of the proposed project are substantively consistent with the purposes of the district where it is located and conform in all significant respects with the General Plan, the Development Ordinance and with any other applicable plan adopted by the City Council.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (2013-037-C) subject to the following conditions:

1. At all times, the facility shall be operated and maintained to comply with applicable State and Federal laws, and the City of Porterville Development Ordinance.
2. Development shall conform substantially to the plans approved by the City Council (Exhibit A) and all construction, street improvements, landscaping and parking facilities shall be completed prior to the occupancy of the proposed structure unless modified as required by the Zoning Administrator to meet Porterville Development Ordinance requirements.
3. The proposed use, a towing and impound yard, would include an area to wash tow trucks, and is a nonconforming use that would substitute the nonconformity of an existing use. No vehicle repair service is proposed. The applicant further proposes to repair/replace existing nonconforming structures (fencing) with reused fencing

of a similar height and materials and which will be relocated from the business's former location.

4. Applicant has indicated that 5 (five) employees shall work on the site. Business hours for the office will be from 8:00 am to 5:00 pm Monday through Friday. Towing services resulting in impound may occur at any time, and tow trucks may enter and exit the property at any time of the day, seven days per week.
5. Parking areas for impounded vehicles shall be on hardscape surfaces and meet City Engineer minimum requirements as well as the requirements of the State Water Resources Board, the agency overseeing clean up operations on the site. In addition, where vehicles demonstrate fluid leakage, oil pans must be placed under the issuing tow truck(s) and/or impounded vehicle(s). In addition, Section 300.09 of the Porterville Development Ordinance *Outdoor Storage*, outdoor storage areas shall be paved.
6. Hazardous Materials. The applicant shall work cooperatively with the property owners and the State Water Board to meet State and/or Federal requirements for ongoing monitoring/maintenance on the site. This may include access to the existing buildings and the site in general. At this time, the applicant has indicated that fuel will not be stored onsite. This does not preclude normal fuel storage in or on the tow trucks or impounded vehicles.
7. Fencing. In order to minimize noise and night-time car lighting impacts to neighboring residential properties, a solid wall or fence shall be located on the western and southern property lines. If razor or barbed wire is desired for security purposes, it must be installed on the interior of the wall or solid fence with the entire structure(s) located sufficiently below top of fence/wall to not be visible from the street. Applicant shall consult with Building Division staff prior to fence repair/replacement work to show staff proposed repair/replacement materials and design and to confirm whether a building permit is required. Only non-damaged portions of fencing to be relocated may be used. Prior to installation of replacement fencing, property lines for the north property line facing the Locust Street right-of-way shall be confirmed with the City Engineer.
8. Lighting. No new lighting or modifications to existing lighting is proposed at this time. Lighting must be shielded and directed down onto the project site to limit spillage onto adjacent properties. If the applicant later determines that additional lighting may be needed for site security, a building electrical permit will be required and a photometric site plan may be required.
9. Landscaping. Applicant is encouraged to work with a local nursery and/or landscaper to develop landscape plans that provide at least the minimum information required as stipulated in Code Section 303.04 Landscape Plans. Landscaping is to include a variety of plant heights and types. The number of plants, plant names and sizes are to be shown on the plan and substantively reflect the landscape conceptual plan shown to Council for their review and attached as

Exhibit A. Irrigation type and location shall be shown on the plan. Landscape plan requirements can be found in Section 303.04 of the Development Code. A copy of this Code section is provided below for reference.

- Parking lot shall be landscaped with a variety of landscape installations for at least 10% of the parking area (which is roughly 2,670 square feet in area). No landscaping is required for the impounded vehicle parking areas. Therefore, a minimum of 267 square feet of landscaping is to be provided in the parking area. Parking lot landscaping plan must provide shade trees of at least 15 gallon size (of a variety that will provide for at least 50% shading of the parking area within 15 years). *The Sunset Western Garden Book* and the local nursery are good resources to help identify tree types that will meet this requirement.
 - In acknowledgement of the existing nonconforming development of the subject site and the lack of current applications for development of the properties to the south and east, perimeter landscaping shall only be required along the north property line, adjacent to Locust Street. At least one planter of a minimum width of 3 (three) feet and length of 14 feet (roughly 20% of the average building length) shall be installed. To maximize benefit to the surrounding community and the business's appearance, the applicant may elect to place this planter nearer to the corner adjacent to Building 2 parallel to Locust Street. For security purposes, this landscaped area does not need to include trees immediately adjacent to the fence.
 - Landscape/irrigation shall be maintained in good condition or replaced in kind immediately upon failure to thrive/work.
10. Parking. Existing nonconforming parking on the subject property is provided in the form of 4 (four) compact spaces with deteriorated striping. Current Code would have required 9 (nine) parking spaces for the towing/impound use with none of those spaces allowed to be compact size. While the applicant will not be required to bring the parking up to current Code, the lot must be restriped to provide a minimum of 4 (four) standard size spaces onsite. As the parking area is constrained by the existing building location, to maximize maneuvering aisle, wheel stops will not be required. Interior parking shall meet City Building Division and City Engineer requirements.
11. The vehicular gate at Locust Street must remain at the current gate location with the repair/replacement work of the fencing materials and meet City Engineer requirements.
12. A separate sign permit application shall be submitted for staff review and approval prior to replacement of existing signage on site. A temporary sign permit (for example for a "Grand Opening" banner) may be submitted if an interim sign is needed or the applicant wishes to further advertise the new business site.

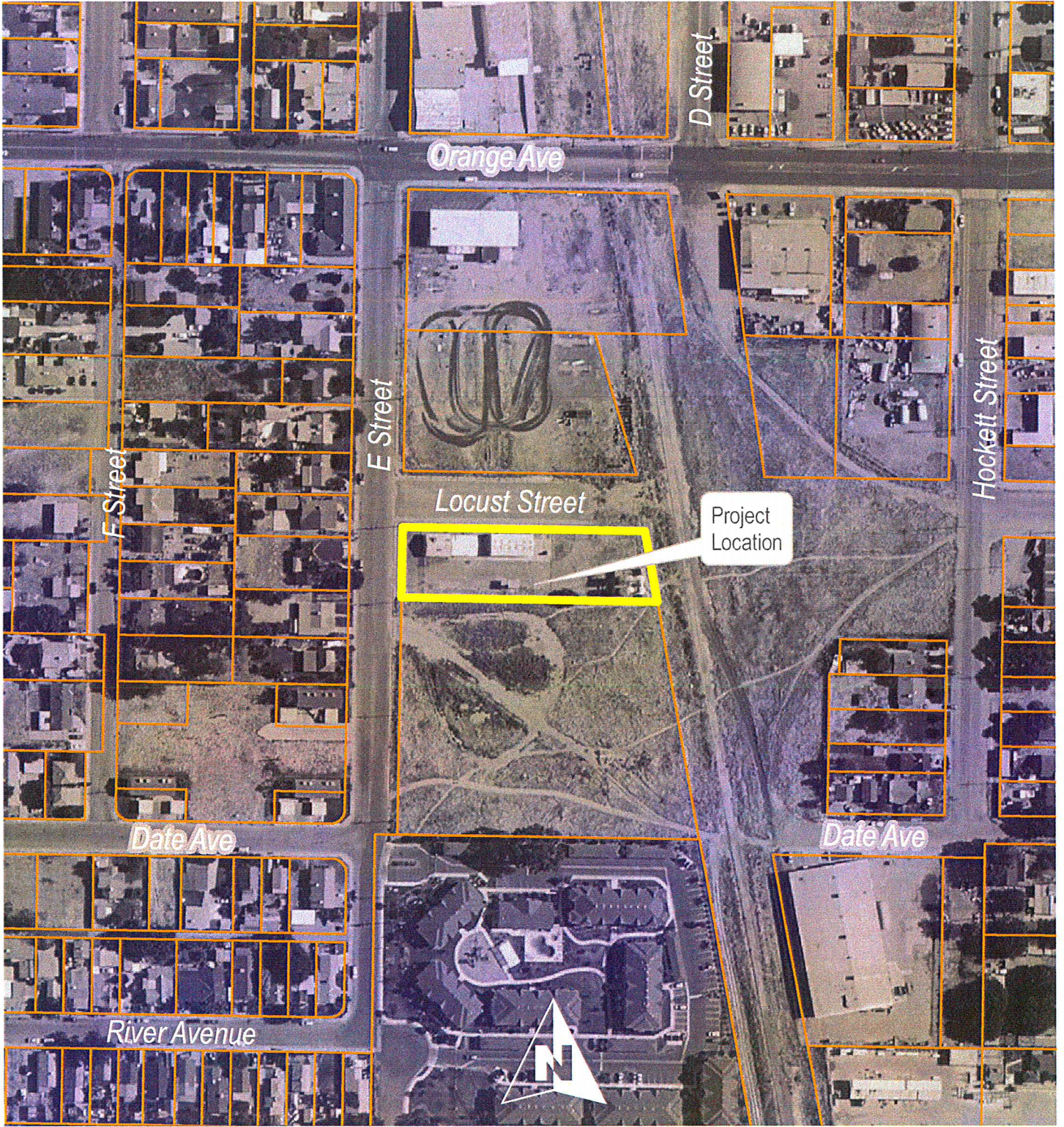
13. Developer/applicant shall execute an encroachment agreement with the City of Porterville, if the project includes the repositioning of the existing fence into the public right-of-way and/or it is determined that portions of the existing fence have encroached onto the public right-of-way.
14. The Building Official has designated the proposed change in nonconforming use of the property to be an "S-1" Occupancy Classification.
15. Based on the applicants submittal and PRC meeting discussions of October 9, 2013; there doesn't appear to be any proposed work that would require a building permit at this time. However, any alterations, additions, or modifications will require applicable building permits. It should be noted that replacement or addition of lighting standards (all types) require building permits prior to work being performed.
16. A back-flow device is required on the water meter. The device shall require landscape shielding subject to staff review.
17. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
18. The project must comply with latest applicable codes.
19. A Knox box will be required. A "Grand Master" key that opens *all* locked areas will also be required and placed inside the Knox Box. If there are gates that restrict access they will be required to have Knox gate locks on them.
20. All improvements required shall be constructed in accordance with the City of Porterville Standard Plans and Specifications and in accordance with the recommendations of the City Engineer.
21. The conditional use permit shall become null and void if not undertaken actively and continuously pursued within two (2) years.

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



Geographic
Information
Systems

A Division of the Community Development Department

**PRC 2013-037 - Change in
Non-Conforming Use:
@ 336 S E Street
Project Vicinity Map
1" = 200 ft**

**ATTACHMENT
ITEM NO. 2**

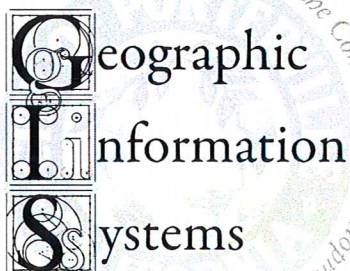


Geographic
Linformation
Systems

A Division of the Community Development Department

**PRC 2013-037 - Change in Non-Conforming Use:
@ 336 S E Street
Zoning Map
1" = 200 ft**

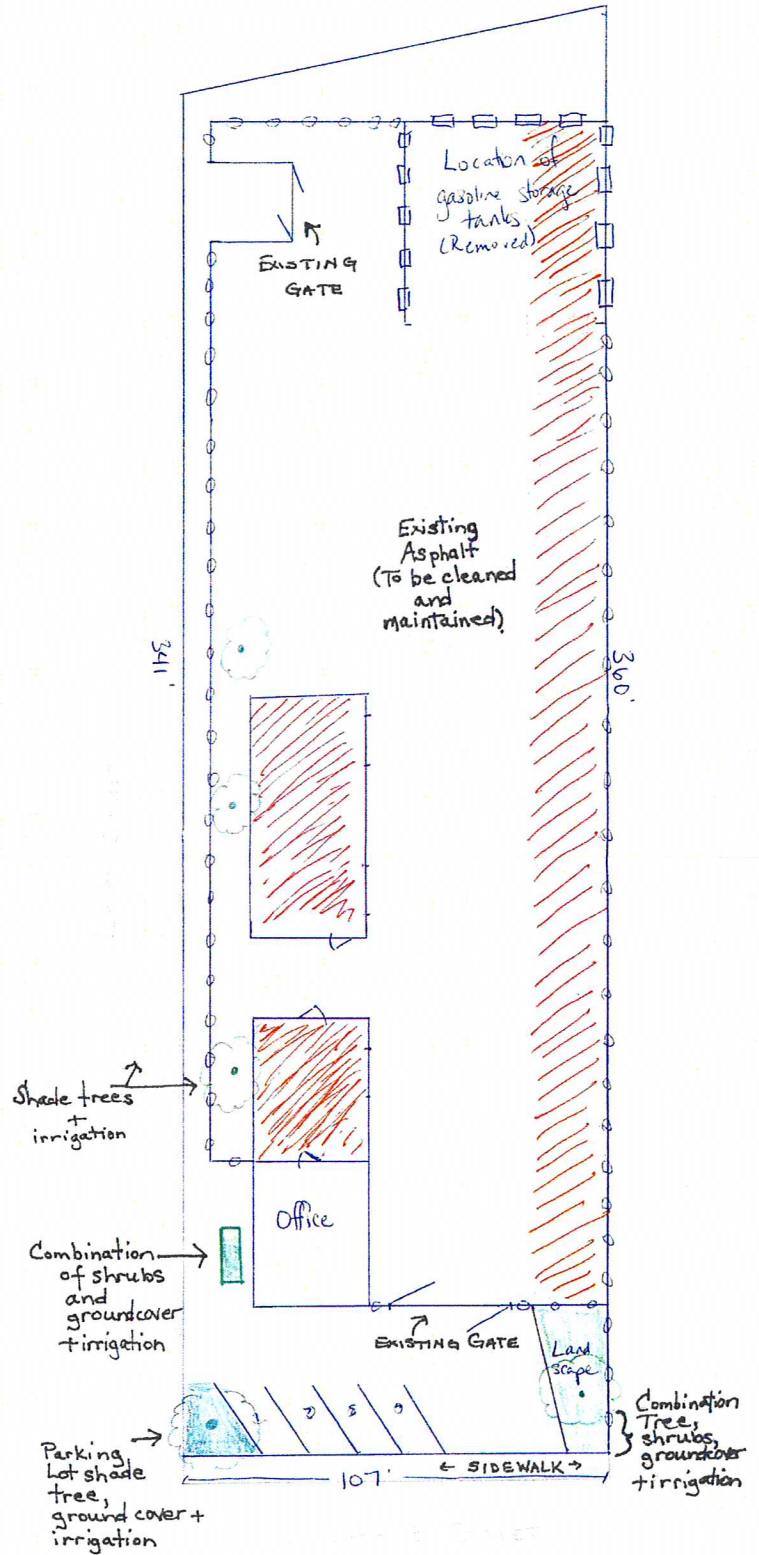
**ATTACHMENT
ITEM NO. 3**



A Division of the Community Development Department

PRC 2013-037 - Change in
Non-Conforming Use:
@ 336 S E Street
General Plan Land Use Map
1" = 200 ft

ATTACHMENT
ITEM NO. 4



Legend

- ⊖ Chain link fencing (Existing)
- ▨ Area of vehicle storage (Proposed)
- ⊞ Block wall (Existing)
- ▭ Landscaping

↔
1" = 30'

Crane's Towing
 Mike Childree, applicant
 Project site: 336 E St, Porterville

**ATTACHMENT
 ITEM NO. 5**



SECRET DOCUMENT



ATTACHMENT
ITEM 10.1