

CITY COUNCIL AGENDA: SEPTEMBER 3, 2013

PUBLIC HEARING

SUBJECT: MODIFICATION OF CONDITIONAL USE PERMIT 5-2008 SPECIFIC PLAN FOR GARDEN COURT VILLAS (PRC 2013-013)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENTS: The applicant is requesting approval of a modification to Conditional Use Permit 5-2008 to amend the Specific Plan for Garden Court Villas (Resolution 46-2008). Garden Court Villas included the construction of 43 homes with a variety of amenities and is generally located 550± feet east of Mathew Street on the north and south sides of Roby Avenue, extending east and west of Belmont Street.

The requested modification would amend the Specific Plan for the third and final phase of Garden Court Villas, to the portion located at the northeast and southeast corner of Belmont Street and Roby Avenue; Phases One and Two are already constructed. The modification includes changes to the approved Master Site Plan. The applicant is specifically requesting modifications to Common Lot C, lots 32 through 35 and lots 38 through 43. Further, the modification proposes to reduce the number of planned single family residential lots from 12 to 9 homes in Phase Three.

On July 22, 2013, the applicant consulted with the Garden Court Villas Homeowners' Association to receive testimony on the proposed modification. On July 22, 2013, via teleconference, the board unanimously approved the proposed changes pursuant to Section 4.20 of the Covenant, Conditions and Restrictions of Garden Court Villas.

The approval of the modification would require the applicant have a registered Civil Engineer or Land Surveyor prepare and submit a Parcel Merger and Lot Line Adjustment that will merge and reconfigure the subject property lines to the requirements of all applicable codes, approved revisions and Subdivision Map Act in order to incorporate the desired model homes proposed.

RECOMMENDATION: That the City Council review and adopt the draft resolution approving the modification to Conditional Use Permit 5-2008 Specific Plan for Garden Court Villas (PRC 2013-013) subject to conditions of approval.

ATTACHMENTS: Complete Staff Report

DD 

Appropriated/Funded N/A

CM 

Item No. 14

CITY COUNCIL AGENDA: SEPTEMBER 3, 2013

PUBLIC HEARING

SUBJECT: MODIFICATION OF CONDITIONAL USE PERMIT 5-2008 SPECIFIC PLAN FOR GARDEN COURT VILLAS (PRC 2013-013).

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

APPLICANT/AGENT:

GW Homes, Inc.
PO Box 950
Porterville, CA 93257

Jim Winton & Associates
150 West Morton Avenue
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting approval of a modification to Conditional Use Permit 5-2008 (Resolution 46-2008) to amend the Specific Plan for Garden Court Villas to the portion located at the northeast and southeast corner of Belmont Street and Roby Avenue for Phase Three of the development. Specifically, the applicant is requesting modifications to Common Lot C, lots 32 through 35 and lots 38 through 43. The proposed modifications remove model home plans 'A', 'B', and 'E' from the available options, and instead limit the remaining lots to be developed with approved model home plans 'C' and 'D'. Common Lot C ingress/egress (driveway) will be modified to accommodate revisions. Further, the modification proposes to reduce the number of planned single family residential lots from 12 to 9 homes.

Since the proposed project is considered a major amendment per Section 207.09 (b) (6) of the Development Ordinance, it must be considered in a public hearing before the City Council. The hearing was publicly noticed by mail to property owners within 300 feet and by publication in the Porterville Recorder on August 23, 2013.

SIZE OF PROJECT SITE: Phase Three of Garden Court Villas is approximately 0.90 acre.

GENERAL PLAN CLASSIFICATION: Medium Density Residential

ZONING CLASSIFICATION: PD (Planned Development)

SURROUNDING ZONING AND LAND USES:

North: CG (General and Service Commercial) - Vacant Lot and Golden State Paint & Body

West: RM-2 (Medium Density Residential) - Multi-family residential units

South: RS-2 (Low Density Residential) - Single family residential units

East: County island- Vacant Lot

ENVIRONMENTAL REVIEW: On August 21, 2013, the Environmental Coordinator made a preliminary determination that the project will meet the intended use for both a Special Situation and a Class 5 Categorical Exemption under the California Environmental Quality Act (CEQA),

as a project consistent with zoning and a minor alteration in land use limitations. (CCR Sections 15183 and 15305 of the CEQA Guidelines)

PROJECT HISTORY: On May 20, 2008, the City Council conducted a public hearing and approved Conditional Use Permit 5-2008 to approve a Specific Plan to allow the construction of Garden Court Villas, a 43-lot single family residential planned unit development on a 4.3± acre site, in three phases. During this public hearing, the City Council approved Zone Change 1-2008 which changed zoning for the subject site from R-2 (Four Family Residential) to PD (R-2) (Planned Unit Development-Four Family Residential). In addition to Conditional Use Permit 5-2008 and Zone Change 1-2008, the City Council also approved the Tentative Subdivision Map for Garden Court Villas. The final map was recorded on October 29, 2008, and consisted of forty-three (43) residential lots and three (3) common areas.

APPROVED PROJECT DETAILS: Garden Court Villas is a 43-lot single family residential Planned Unit Development, approved to be constructed in three phases. The architectural concept for the model units is a modern Spanish/Mediterranean style that is consistent throughout the development.

The residential structures approved consist of Plan "A" through "E".

Plan "A": 1,250± square feet, two (2) stories, two (2) bedrooms and two (2) car garage with electric garage openers.

Plan "B": 1,506± square feet, two (2) stories, two (2) bedrooms with loft area and two (2) car garage with electric garage openers.

Plan "C": 1,315± square feet, one (1) story, two (2) bedrooms with a den/study and two (2) car garage with electric garage openers.

Plan "D": 1,553± square feet, two (2) stories, two (2) bedrooms and two (2) car garage with electric garage openers.

Plan "E": 1,512± square feet, two (2) stories, two (2) bedrooms with loft area and two (2) car garage with electric garage openers.

The typical side yard setbacks for the proposed units range from 0-12 feet; rear yard setbacks range from 5 to 11 feet and the front yard setbacks range from 3 to 12 feet, with the exception of those lots fronting on Roby Avenue. The front yard setbacks for those units are 14 feet from the back of sidewalk to the structure and 20 feet from the back of sidewalk to the garage door opening.

Common Area "A" (open space) is 17,254± square feet and is located on the southwest corner of Roby Avenue and Belmont Street. It consists of a swimming pool, a parking area, a bathroom and storage area, play area which includes playground equipment and is landscaped as per approved resolution. Common Area "A" was constructed within Phase One of the development and will not be affected by the proposed modification.

Common Area "B" (open space) is 14,941± square feet and is located on the northern alignment of Roby Avenue. This area is developed with landscaping, curb, gutter, sidewalks and driveways with common ingress/egress to Roby Avenue and was developed in the second phase of construction per approved resolution. Common Area "B" is within Phase Two of the development and will not be affected by the proposed modification.

Common Area "C" (open space) is 4,996± square feet and is located on the southeast corner of Roby Avenue and Belmont Street. A portion of Area "C" will be developed with a meditation garden located at the corner of Roby Avenue and Belmont Street. The remaining portion of this area will be developed with landscaping, curb, gutter, sidewalks and driveways with common ingress/egress to Roby Avenue. The ingress/egress (driveway) length will be affected by the proposed modification. The meditation garden shall remain as approved by Resolution 46-2008 and is not part of the affected or proposed modification area.

PROPOSED MODIFICATIONS: The applicant is specifically requesting modifications to Common Lot C, lots 32 through 35 and lots 38 through 43, all of which were in the third phase of development of the Garden Court Villas Specific Plan. These modifications are summarized in the table below.

Project Element	Currently approved per Resolution 46-2008	Proposed Modification
Common Lot C	4996± square feet at the southeast corner of Roby & Belmont <ul style="list-style-type: none"> • Meditation Garden • Landscaping along street frontages • Driveway east of lots 38-41 	2069± square feet at the southeast corner of Roby & Belmont <ul style="list-style-type: none"> • Mediation Garden • Landscaping along street frontages • Driveway no longer common
Lots 32 & 33	Lot 32- Plan 'A', Lot 33- Plan 'E' Setbacks: <ul style="list-style-type: none"> • Front Yard- 14 feet • Garage- 20 feet • Side yards- 4.2 feet outside, 0 feet inside • Rear yard- 11.2 feet 	One merged lot- Plan 'C' Setbacks: <ul style="list-style-type: none"> • Front Yard- 13 feet • Garage- 19 feet • Side yards- 4 feet outside, 6.63 feet inside • Rear yard- 11 feet
Lots 34 & 35	Lot 34- Plan 'E', Lot 35- Plan 'A' Setbacks: <ul style="list-style-type: none"> • Front Yard- 14 feet • Garage- 20 feet • Side yards- 4.2 feet outside, 0 feet inside • Rear yard- 11.2 feet 	One merged lot- Plan 'C' Setbacks: <ul style="list-style-type: none"> • Front Yard- 13 feet • Garage- 19 feet • Side yards- 6.82 feet outside, 5 feet inside • Rear yard- 11 feet
Lots 42 & 43	Lot 42- Plan 'E', Lot 43- Plan 'A' Setbacks: <ul style="list-style-type: none"> • Front Yard- 12.4 feet • Garage- 18 feet • Side yards- 8.2 feet outside (lot 	One merged lot- Plan 'C' Setbacks: <ul style="list-style-type: none"> • Front Yard- 14 feet • Garage- 20 feet • Side yards- 5 feet north side, 14

	<p>42), 5 feet outside (lot 43), 0 feet inside</p> <ul style="list-style-type: none"> • Rear yard- 11.2 feet 	<p>feet south side</p> <ul style="list-style-type: none"> • Rear yard- 6.66 feet
Lots 38 through 41	<p>All lots- Plan 'B'</p> <p>Setbacks:</p> <ul style="list-style-type: none"> • Front Yard- 0 feet • Garage- fronted to common lot 'C' on east side • Side yards- 5 feet outside (lots 38, 39, & 40), 8.3 feet outside (lot 41), 0 feet inside • Rear yard- 12.4 feet 	<p>Two merged lots- Plan 'C' & Plan 'D'</p> <p>Plan 'C' Setbacks:</p> <ul style="list-style-type: none"> • Front Yard- 22 feet • Garage- 28 feet • Side yards- 5 feet • Rear yard- 10 feet <p>Plan 'D' Setbacks:</p> <ul style="list-style-type: none"> • Front Yard- 13.73 feet • Garage- 20 feet • Side yards- 8.94 feet north side, 5 feet south side • Rear yard- 10.58 feet

The modification to Common Lot C would only remove the driveway east of the homes from the common areas, and instead dedicate that land to the lot resulting from the merger of lots 38 and 39. The amenities associated with Common Lot C at the southeast corner of Roby Avenue and Belmont Street would not be changed, and the meditation garden and landscaping would be consistent with the original approval.

Resolution 46-2008 illustrates model home Plan 'A' for lot 32 and model home Plan 'E' for lot 33. The applicant is requesting to merge these two parcels into one and replace the model homes on both lots with model Plan 'C'. Models 'A' and 'E' on lots 32 and 33 currently have a front yard setback of 14 feet from the back of sidewalk to the residential structure, 20 feet from back of sidewalk to the garage, 4.2 and 0 feet side yard setbacks, and 11.2 feet rear yard setback. Model home Plan 'C' proposes to have a front yard setback of 13 feet from the back of sidewalk to the residential structure, 19 feet from back of sidewalk to the garage, 4 and 6.63 feet side yard setbacks, and 11 feet rear yard setback. Front, side, and rear yard setbacks are compatible with the overall Garden Court Villas Specific Plan.

Similarly, Resolution 46-2008 illustrates model home Plan 'E' for lot 34 and model home Plan 'A' for lot 35. The applicant is requesting to merge these two parcels into one and replace the model homes on both lots with model Plan 'C'. Models 'A' and 'E' on lots 34 and 35 currently have a front yard setback of 14 feet from the back of sidewalk to the residential structure, 20 feet from back of sidewalk to the garage, 4.2 and 0 feet side yard setbacks, and 11.2 feet rear yard setback. Model home Plan 'C' proposes to have a front yard setback of 13 feet from the back of sidewalk to the residential structure, 19 feet from back of sidewalk to the garage, 6.82 and 5 feet side yard setbacks, and 11 feet rear yard setback. Front, side, and rear yard setbacks are compatible with the overall Garden Court Villas Specific Plan.

For Lots 42 and 43 the approved resolution represents Plan 'E' and Plan 'A', respectively. The applicant is requesting to merge these two parcels into one and replace the model homes on both lots with model Plan 'C'. Models 'A' and 'E' on lots 42 and 43 currently have a front yard setback of 12.4 feet from the back of sidewalk to the residential structure, 18 feet from back of

sidewalk to the garage, 8.2, 5, and 0 feet side yard setbacks, and 11.2 feet rear yard setback. Model home Plan 'C' proposes to have a front yard setback of 14 feet from the back of sidewalk to the residential structure, 20 feet from back of sidewalk to the garage, 5 and 14 feet side yard setbacks, and 6.66 feet rear yard setback. Front, side, and rear yard setbacks are compatible with the overall Garden Court Villas Specific Plan.

The approved resolution represents model home Plan 'B' for both Lots 38 through 41. The applicant is requesting to merge and reconfigure these four parcels into two lots and replace the model homes approved with model Plan 'C' for lots 40 and 41 and model Plan 'D' for lots 38 and 39. Merging and reconfiguring lots 38 through 41 will curtail the ingress/egress driveway length, and will incorporate the driveway from Common Lot C into the new parcel merged of lots 40 and 41. On these lots, Model 'B' currently has 0 foot front yard setbacks, 5 and 8.3 feet side yard setbacks and a 12.4 foot rear yard setback. Model home Plan 'C' proposes to have a front yard setback of 22 feet from property line to the residential structure, 28 feet from the ingress/egress to the garage, 5 feet side yard setbacks, and a 10 feet rear yard setback. Model home Plan 'D' proposes to have a front yard setback of 13.73 feet from ingress/egress to the residential structure, 20 feet from back of sidewalk to the garage, 8.94 and 5 feet side yard setbacks, and a 10.58 foot rear yard setback. Front, side, and rear yard setbacks are compatible with the overall Garden Court Villas Specific Plan.

RECOMMENDATION: That the City Council review and adopt the draft resolution approving the modification to Conditional Use Permit 5-2008 Specific Plan for Garden Court Villas (PRC 2013-013) subject to conditions of approval.

ATTACHMENTS:

1. Resolution No. 46-2008
2. Garden Court Villas Final Subdivision Map
3. Existing Garden Court Villas Master Site Plan
4. Proposed Revisions to Garden Court Villas Master Site Plan
5. Elevation Plan Models 'C' and 'D'
6. Garden Court Villas Homeowners' Association Minutes
7. Draft Resolution for City Council consideration of modification of Conditional Use Permit 5- 2008 Specific Plan

RESOLUTION NO. 46-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF CONDITIONAL USE PERMIT 5-2008 (SPECIFIC PLANS) TO ALLOW FOR THE CONSTRUCTION OF A 43 LOT SINGLE FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR THAT 4.3± ACRE VACANT SITE LOCATED GENERALLY ON THE NORTH AND SOUTH SIDES OF ROBY AVENUE EXTENDING EAST AND WEST OF BELMONT STREET

WHEREAS: On May 20, 2008 pursuant to Section 1705 of the Porterville Zoning Ordinance the Porterville City Council approved Zone Change 1-2008 which change the zoning for the subject site from R-2 (Four Family Residential) to PD (R-2) (Planned Unit Development-Four Family Residential) Zone to include the Conceptual Plan for the project as proposed; and

WHEREAS: In addition to Zone Change 1-2008, the Porterville City Council also approved a Tentative Subdivision Map for "Garden Court Villa". The tentative subdivision map consisting of 4.3± vacant acres proposed re-subdividing an existing eleven (11) lot subdivision (River View Estates Unit Three) into a forty-three (43) lot residential subdivision to include four (4) additional common areas for the subject site; and

WHEREAS: Pursuant to Section 1710 of the Porterville Zoning Ordinance upon approval of a Planned Unit Development zone district and requisite Conceptual Development Plan by the Porterville City Council, Specific Plans in conformity with the Conceptual Development Plan may be presented, considered and approved pursuant to Article 29 of the Porterville Zoning Ordinance via a conditional use permit; and

WHEREAS: Pursuant to Article 29 of the Porterville Zoning Ordinance, the City Council of the City of Porterville at its regularly scheduled meeting of May 20, 2008, conducted a public hearing to consider Conditional Use Permit 5-2008 (Specific Plan) to allow for construction of a 43 lot single family residential Planned Unit Development for that 4.3± vacant acre site located generally on the north and south sides of Roby Avenue extending east and west of Belmont Street; and

WHEREAS: The City Council received testimony from all interested parties relative to the proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. The Land Use Element of the General Plan 2030 designates the subject site as Medium Density Residential.

The General Plan for this density range will accommodate a variety of housing types, such as small-lot single-family homes, detached zero lot line developments, duplexes, townhouses, and garden apartments. Pedestrian-oriented design and clustered

development can support higher levels of density. The maximum residential density is 12 units per acre.

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

That the existing PD (R-2) - (Planned Unit Development - Multiple Family Residential) is consistent with the General Plan. The density as proposed for the project will be 10.1 units per acre.

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

All street improvements to include grading, curb, gutter, sidewalk, street lights, infrastructure and fire hydrates are existing. The site is generally level. The site has medium to coarse textured soils with a high water infiltration rate. Therefore, no barriers to development will occur.

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

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

5. That the standard of population density, site area dimensions, site coverage, yard spaces, height of structures, distance between structures, off-street parking facilities, and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.
6. That the project as proposed complies with all design standards pursuant to Article 17 (Planned Unit Development) of the Zoning Ordinance.
7. That the City Council on June 15, 1999 by Resolution No. 71-99 approved findings in support of a Negative Declaration for the modification to River View Estates 3, 4, and 5 to include the site map originally proposed for Conditional Use Permit 5-99.
8. That the City Council on June 15, 1999 by Resolution No. 73-99 approved findings in support of a Negative Declaration for Conditional Use Permit 5-99. The applicable mitigation measures were incorporated into these conditions of approval.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2008, subject to the following conditions:

1. That the project shall be constructed in accordance with the approved Conceptual Development Plan and Specific Development Plans and elevations, attached and incorporated herein by reference as Attachments 1 through 16 to the staff report.
2. That approval of this conditional use permit shall be contingent upon the approval of the zone change and tentative map for this project.
3. That the developer/applicant shall comply with the conditions of approval adopted for "Garden Court Villas" Tentative Subdivision.
4. That all improvements in the public right-of-way, including the fence around the swimming pool area and meditation area, shall require an encroachment permit.
5. Future construction of Phases 2 & 3 of "Garden Court Villas" Subdivision shall conform to the Conceptual and Specific Development Plans to include eleven plans, floor plans, to include colors, textures and elevations of proposed structures and residential units.
6. Parapets, associated with condominium subdivisions separating units and extending above the roof line shall be prohibited. Said separation will be as proposed on the attachment (BXUV.U376- Fire Resistant Ratings-ANSI 263). The purpose of this condition is to avoid any exterior appearance of a separation between units.
7. Any future minor modifications to the approved Specific Development Plans may be approved by the Zoning Administrator provided they are in keeping with the character of the development.
8. This project shall conform to the residential planned unit development standards contained in the Porterville Zoning Ordinance Section 1700.
9. At a minimum, the following items shall be included in the Covenants, Conditions and Restrictions for "Garden Court Villas" Tentative Subdivision as follows:
 - a. Rollup garage doors with openers will be required.
 - b. Residents will be required to utilize their garage for the parking of vehicles to optimize parking of four (4) cars per lot.
 - c. Residents will be required to remove refuse containers from designated areas once they have been emptied, on that same day and the refuse containers are not to be stored in the front yards.

10. Prior to recording the final map for "Garden Court Villa's", the Covenants, Conditions and Restrictions will have to be recorded.

The final draft of said Covenants, Conditions and Restrictions shall be reviewed and approved by the Zoning Administrator and City Engineer prior to recording the final map. Any future modifications to the CC&R's will require approval by the Zoning Administrator and City Engineer.

11. Inasmuch as the project is not designed to accommodate vehicle security gates, no vehicle security gates are allowed pursuant to the approval.
12. Modified setbacks are established through the Planned Unit Development process and are shown on the Conceptual Plan attached and incorporated herein by reference as Attachment 2 (Exhibit "B") to the staff report.
13. A patio slab as long as the entire framed opening and at least five feet wide, shall be installed adjacent to each exterior door. These slabs shall be shown on the plans submitted for building permits.
14. Each trash receptacle shall be stored so as not to be visible to public view. Said storage may be stored inside an over-sized garage, or in a back yard behind a fence. The location and access of the receptacles shall be clearly shown on the plans submitted for building permits. The Zoning Administrator shall approve receptacle storage locations prior to the issuance of building permits.
15. In the event that wood fences are constructed along the side and rear property lines on each of the individual lots, the wood fences shall include galvanized metal posts as the primary support fixture as opposed to 4 by 4 wood posts. These posts shall have metal flanges for attachment of the horizontal rails of the fence.
16. Landscaping plans for all of the commonly maintained areas, including the residence front yards, and the two open space amenity 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.
17. The site landscaping shall provide additional trees throughout the development and shall be in substantial compliance with the conceptual landscape plan shown as part of Attachment 4 (Specific Plans-Exhibit "A") incorporated herein by reference.
18. Pursuant to Section 2617 of the Porterville Zoning Ordinance, the developer is not required to install a six (6) foot high block wall. In its place a six (6) foot high wood fence may be installed.

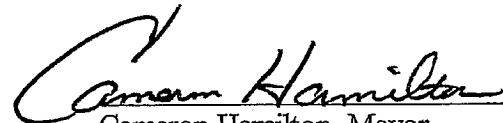
The developer has indicated that a six (6) foot high vinyl fence will be installed which will extended across the full length of the north end of the proposed subdivision.

19. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m. Monday through Saturday.
20. A Temporary Use Permit shall be secured from the Porterville City Council prior to installation or use of a lot sales office.
21. Unless otherwise noted herein, the developer/applicant shall comply with City Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Rev. 8-20-02), Porterville Circulation Element, and the California Manual on Uniform Traffic Control Devices.
22. 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.
23. The developer/applicant shall comply with Appendix J, "Grading" of the 2007 California Building Code by providing a soils engineering report and a grading and drainage plan signed by a civil engineer or architect.
24. 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.
25. The developer/applicant shall construct drainage facilities as required to serve the property (Ord. No. 1306). Staff is requesting that the parking lot be designed to convey water to the The City drainage system without crossing driveways.
26. The developer/applicant shall construct street paving (half-street, if necessary to match existing grades), curb, gutter, sidewalk, wheelchair ramp(s), water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer. All existing driveways along Roby Avenue that are in conflict with new driveways shall be removed up to the lip of gutter and replaced with full curb, gutter, and sidewalk.
27. Easements shall be in place that allow for mutual ingress, egress, and maintenance of the parking lot(s).
28. The developer/applicant is advised that he/she 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.

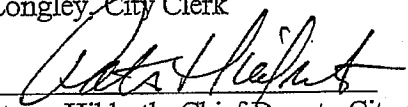
29. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. A dust control plan is required prior to building permit issuance. The developer/applicant shall provide a street sweeper as necessary to comply.
30. The developer/applicant shall paint curbs red or pay in lieu fee for community trash container locations approved by the Public Works Department. The developer/applicant shall provide one community trash container locations per common area lot (6 Total).
31. Approval from Tulare County Health Department prior to issuance of the swimming pool permit.
32. Restrooms and main entrance must comply with ADA access laws.
33. Signs require a separate permit.
34. Swimming Pool requires a separate permit.
35. The developer/applicant shall design and improve the parking lot in conformance with Section 2206 and 2211 (Exhibit A) of the Zoning Ordinance.
36. The developer/applicant shall comply with City standard for "backflow" prevention pursuant to Resolution No. 9615.

37. The developer/applicant shall design on-site water systems meeting the requirements of California Plumbing Code and Fire Code. It shall be noted that the City water system complies with Title 22 of the California Administrative Code and any assurance to effectively provide water pressure for multi-story buildings is a the sole responsibility of the owner/builder.
38. That the conditional use permit shall become null and void if not actively undertaken within two (2) years consistent with the life of the approved tentative subdivision map. Any additional time shall require a request for an extension of time for the conditional use permit and tentative map.


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 20th day of May, 2008.

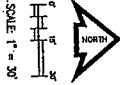
THAT said resolution was duly passed adopted by the following vote:

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

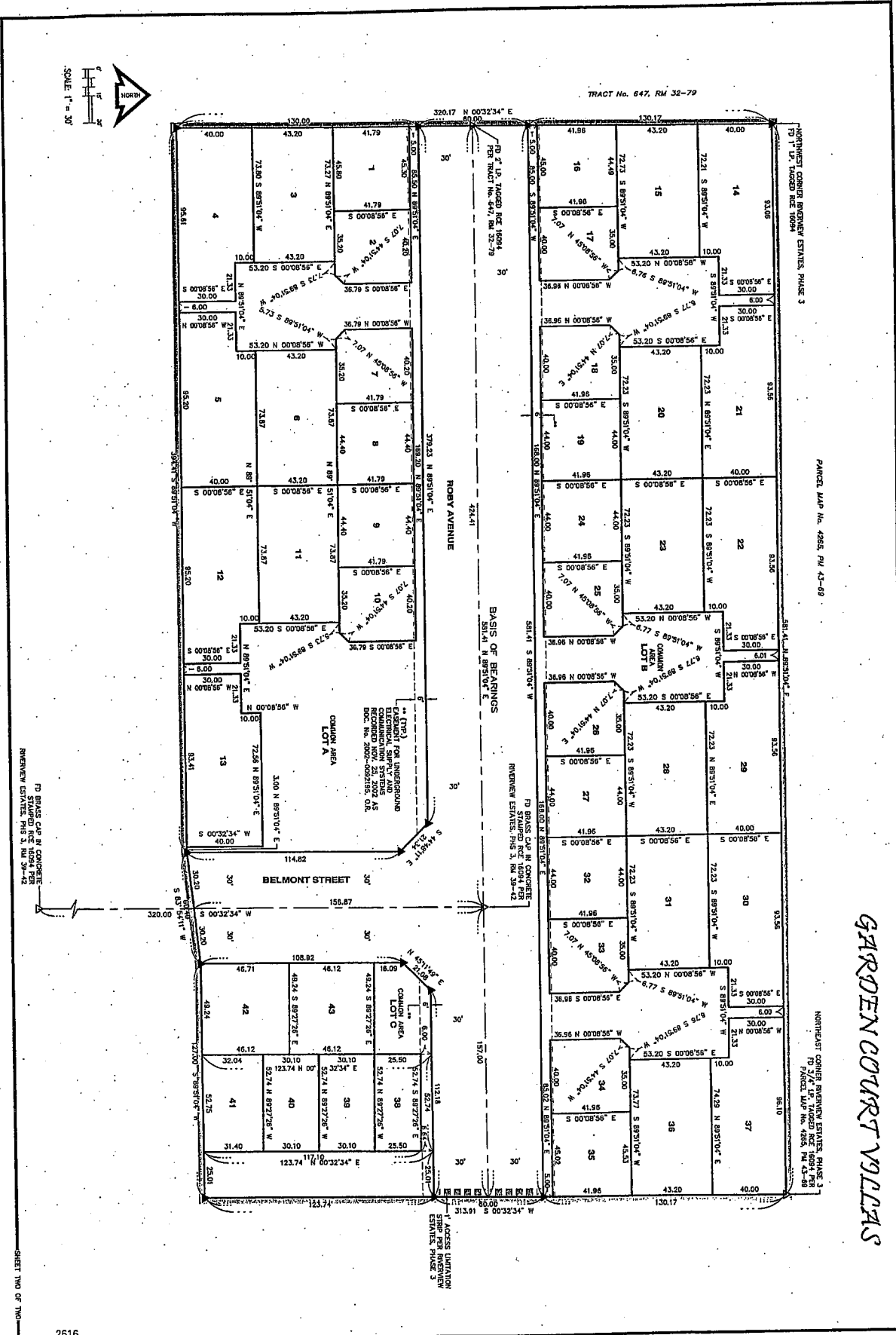
JOHN LONGLEY, City Clerk

Luisa Herrera

By: Luisa Herrera, Deputy City Clerk



TRACT No. 647, RM 32-79



NORTHWEST CORNER REVENUE ESTIMATES, PHASE 3
FD 1 U. T. TAGGED REC 10094

PARTIAL MAP No. 4285, RM 43-69

NORTHEAST CORNER REVENUE ESTIMATES, PHASE 3
FD 1 U. T. TAGGED REC 10094 FOR
PARTIAL MAP No. 4285, RM 43-69

GARDEN COURT VILLAS

ATTACHMENT
ITEM NO. 2


PD BRASS CURB IN CONCRETE
PD STAMPED REC 10094 PER
REVENUE SERVICES, PHS 3, RM 32-79

PD BRASS CURB IN CONCRETE
PD STAMPED REC 10094 PER
REVENUE SERVICES, PHS 3, RM 32-79

SHEET TWO OF TWO

2616

10-28-08



TOWNSEND
PLANNING & ENGINEERING
100 N. WASHINGTON STREET, SUITE 200
ROSELAND, NJ 07068
(908) 796-2000 FAX (908) 796-1520

A NEW PLANNED
DEVELOPMENT PROJECT
FOR:
**WOODARD
HOMES, INC.**
1033 WEST MADISON AVENUE
ROSELAND, NJ 07068

NO.	DATE	DESCRIPTION

REVISION

DATE: _____

BY: _____

FOR: _____

SCALE: _____

PROJECT NO.: _____

SHEET NO.: _____

TOTAL SHEETS: _____

MASTER

SITE PLAN

PROJECT NUMBER: 7126

DATE: _____

BY: _____

FOR: _____

SCALE: _____

PROJECT NO.: _____

SHEET NO.: _____

TOTAL SHEETS: _____

PRC-1

DATE: _____

BY: _____

FOR: _____

SCALE: _____

PROJECT NO.: _____

SHEET NO.: _____

TOTAL SHEETS: _____



MASTER SITE PLAN

- SITE PLAN KEY NOTES & LEGEND:**
- 1. - 10' Buffer
 - 2. - 10' Buffer
 - 3. - 10' Buffer
 - 4. - 10' Buffer
 - 5. - 10' Buffer
 - 6. - 10' Buffer
 - 7. - 10' Buffer
 - 8. - 10' Buffer
 - 9. - 10' Buffer
 - 10. - 10' Buffer
 - 11. - 10' Buffer
 - 12. - 10' Buffer
 - 13. - 10' Buffer
 - 14. - 10' Buffer
 - 15. - 10' Buffer
 - 16. - 10' Buffer
 - 17. - 10' Buffer
 - 18. - 10' Buffer
 - 19. - 10' Buffer
 - 20. - 10' Buffer
 - 21. - 10' Buffer
 - 22. - 10' Buffer
 - 23. - 10' Buffer
 - 24. - 10' Buffer
 - 25. - 10' Buffer
 - 26. - 10' Buffer
 - 27. - 10' Buffer
 - 28. - 10' Buffer
 - 29. - 10' Buffer
 - 30. - 10' Buffer
 - 31. - 10' Buffer
 - 32. - 10' Buffer
 - 33. - 10' Buffer
 - 34. - 10' Buffer
 - 35. - 10' Buffer
 - 36. - 10' Buffer
 - 37. - 10' Buffer
 - 38. - 10' Buffer
 - 39. - 10' Buffer
 - 40. - 10' Buffer
 - 41. - 10' Buffer
 - 42. - 10' Buffer
 - 43. - 10' Buffer

PROJECT DATA

PROJECT ADDRESS: _____

PROJECT NO.: _____

DATE: _____

BY: _____

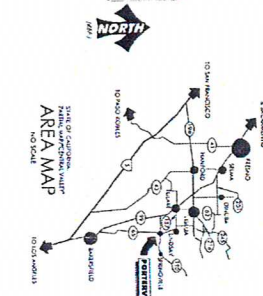
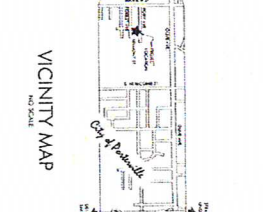
FOR: _____

SCALE: _____

PROJECT NO.: _____

SHEET NO.: _____

TOTAL SHEETS: _____



Garden Court Villas
Homeowners Association

Special Board Meeting

July 22, 2013

Teleconference
1820 S. Central, Suite C
Visalia, CA

Minutes

-Draft-

The meeting was called to order by President Greg Woodard at 3:30 p.m. Other Board members in attendance were Mary Allen and Cinda Woodard. All Board members called in via teleconference call. Susanne Thomas represented Armstrong Property Management.

A quorum of the Board was achieved.

Special Business

- o Modifications to Phase 3 – Greg explained that they have eliminated the twin units (A and E plans) and have replaced them with the C plan model. Instead of there being 14 units in Phase 3, there will only be 9. There will be a total of six (6) C models and three (3) D models. Mary Allen made a motion to approve the modification. It was seconded by Cinda Woodard and passed unanimously.
- o Mary Allen inquired about the meditation garden in Phase 3. Greg indicated that at the present time, the plan is to landscape and install trellises and that the area will be fenced.

Owner Forum

None

The meeting was adjourned at 3:51 p.m.

Minutes as taken by Armstrong Property Management.

st

**ATTACHMENT
ITEM NO. 6**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF MODIFICATION TO
CONDITIONAL USE PERMIT 5-2008 SPECIFIC PLANS (PRC 2013-013)
TO AMEND THE SPECIFIC PLAN FOR GARDEN COURT VILLAS
FOR PHASE THREE OF THE DEVELOPMENT

WHEREAS: On May 20, 2008, the City Council approved Zone Change 1-2008 which changed the zoning for the subject site from R-2 (Four Family Residential) to PD (R-2) (Planned Unit Development-Four Family Residential) Zone to include the Conceptual Plan for the project as proposed; and

WHEREAS: On May 20, 2008, the City Council at its regularly scheduled meeting of May 20, 2008, conducted a public hearing to consider Conditional Use Permit 5-2008, a Specific Plan to allow for the construction of a 43-lot single family residential Planned Unit Development for that site located generally on the north and south sides of Roby Avenue extending east and west of Belmont Street, known as Garden Court Villas; and

WHEREAS: On July 22, 2013, the applicant consulted with the Garden Court Villas Homeowners' Association to receive testimony on the proposed modification. On that date, the Board unanimously approved the proposed changes pursuant to Section 4.20 of the Covenants, Conditions, and Restrictions of Garden Court Villas; and

WHEREAS: The proposed modification to Conditional Use Permit 5-2008 is considered a major amendment per Section 207.09 (b) (6) of the City of Porterville Development Ordinance (Amendments of Approved Plans; Major Amendments) and, therefore, required consideration in a public hearing before the City Council; and

WHEREAS: On August 21, 2013, the Environmental Coordinator made a preliminary determination that the project will meet the intended use for both a Special Situation and a Class 5 Categorical Exemption under the California Environmental Quality Act (CEQA), as a project consistent with zoning and a minor alteration in land use limitations. (CCR Sections 15183 and 15305 of the CEQA Guidelines); and

WHEREAS: The City Council, at its regularly scheduled meeting of September 3, 2013, conducted a public hearing to consider a modification to Conditional Use Permit 5-2008 (PRC 2013-013), to amend the Specific Plan for Garden Court Villas related to Phase Three of the development, located at the northeast and southeast corner of Belmont Street and Roby Avenue; and

WHEREAS: The City Council received testimony from all interested parties at its regularly scheduled meeting of September 3, 2013, related to the requested modification to an approved plan; and

WHEREAS: The City Council made the following findings:

1. That the proposed modification is consistent with the General Plan and Garden Court Villas Specific Plan, including the density and intensity limitations that apply.

The General Plan for this density range will accommodate a variety of housing types, such as small-lot single-family homes, detached zero lot line developments, duplexes, townhouses, and garden apartments. Pedestrian-oriented design and clustered development can support higher levels of density. The maximum residential density is 12 units per acre and the project proposes 10 units per acre in the subject phase.

2. That the site for the proposed development is adequate in size and shape to accommodate the proposed use and all setbacks, open spaces, walls and fences, parking areas, loading areas, landscape, will be consistent with the overall Garden Court Villas Specific Plan.

Model home 'C' and 'D' were approved as a component of Garden Court Villas Specific Plan. Setbacks proposed are compatible with the Specific Plan approved by Resolution 46-2008.

3. That adequate transportation facilities and public services exist to serve the proposed development and the approval of the development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.

The Porterville Transit facility provides a safe, affordable, reliable and efficient transit service that effectively meets the needs of Porterville residents who have limited mobility options or those who choose transit for some, or all, of their local needs. The nearest transit station is located within a walkable distance, approximately one-half mile of the project. The modification as proposed reduced the number of residential units from 43 to 40 homes, which will not result in the reduction of traffic levels of service.

4. That the proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with existing and planned land use character or the surrounding areas.

The modification will be consistent and compatible with the Specific Plan approved for Garden Court Villas. 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.

5. That the improvements required and the manner of development adequately address all natural and man-made hazards associated with the proposed modifications and the project site, including, but not limited to, flood, fire, and seismic or soils hazards.

All street improvements to include grading, curb, gutter, sidewalk, street lights, infrastructure and fire hydrants are existing. The site is generally level. The site has medium to coarse textured soils with a high water infiltration rate. Therefore, no barriers to development will occur.

6. That the proposed development provides a more efficient use of the land and superior architecture and site design compared to that which could be achieved through the application of the zoning district regulations that otherwise would apply.

Garden Court Villas is a Specific Plan development which promoted a variety of model homes, common open space, and amenities, which would otherwise not be available under the current zoning district.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve modification to Conditional Use Permit 5-2008, a Specific Plan for Garden Court Villas (PRC 2013-013), subject to the following conditions:

1. That the project shall be constructed in accordance with Specific Plan for Garden Court Villas located at the northeast and southeast corners of Belmont Street and Roby Avenue for Phase Three of the development as amended per attached Exhibits A, B and C.
2. That the project shall comply with all local, State, and Federal laws.
3. That the developer/applicant shall comply with the conditions of approval adopted in Resolution 46-2008, unless otherwise modified herein.
4. That the developer/applicant shall have a registered Civil Engineer or Land Surveyor prepare and submit appropriate parcel mergers and lot line adjustments to merge and reconfigure the property lines to meet the requirements of all applicable codes.
5. That the parcel mergers and lot line adjustments shall be recorded prior to the issuance of any building permits.
6. Any future minor modifications to the approved Specific Plans may be approved by the Zoning Administrator provided they are in keeping with the character of the development.
7. That Garden Court Villas shall conform to the Planned Development regulation of the Porterville Development Ordinance Chapter 207.

8. Modified setbacks are established throughout Phase Three of the Garden Court Villas Specific Plan and are shown on the plan attached as Exhibit "A" of this Resolution.
9. Construction activities shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Saturday.
10. A Temporary Use Permit shall be secured from the Porterville City Council prior to installation or use of a sales office.
11. Unless otherwise noted herein, the developer/applicant shall comply with City Master Plans, Standard Specifications for Public Works Construction (2009 Edition), 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.
12. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law.
13. That the Specific Plan shall adhere to the Declaration of Covenants, Conditions and Restrictions of Garden Court Villas.
14. That Conditional Use Permit 5-2008, a Specific Plan for Garden Court Villas as amended for Phase Three of the development shall become null and void if not actively undertaken within two (2) years of the date of the approval of modifications.

PASSED, APPROVED AND ADOPTED this _____ day of September 2013.

By: _____
Virginia R. Gurrola, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk

