

CITY COUNCIL AGENDA: DECEMBER 2, 2014

PUBLIC HEARING

SUBJECT: REQUEST FOR A CONDITIONAL USE PERMIT (PRC 2014-019-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 47 ON-SALE GENERAL FOR BONA FIDE PUBLIC EATING PLACE FOR APPLEBEE'S RESTAURANT LOCATED AT 892 W. HENDERSON AVENUE


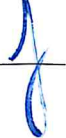
SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: On October 15, 2014, the applicant submitted an application to the Project Review Committee (PRC) to consider a Conditional Use Permit (PRC 2014-019-C) to allow for the sale of alcohol under a Type 47 On-Sale General for Bona Fide Public Eating Place license for Applebee's located at 892 W. Henderson Avenue within the Porterville Town Center. A Type 47 license would authorize the sale of beer, wine and distilled spirits for consumption on the licensed premises.

During the PRC meeting, the Police Department indicated that the location of Applebee's has sufficient exterior lighting to illuminate the parking lot and the entire site during business hours and maintaining this security lighting shall be a condition of approval. The PRC also acknowledged that the proposed location of the project and the conditions under which it will be operated or maintained would not be detrimental to the public health, safety, or welfare to properties or improvements in the vicinity.

Staff noticed a public hearing for the November 18, 2014, City Council meeting; however, it was noted that the public hearing notice incorrectly identified an application for a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license. In an abundance of caution staff requested the item be pulled, but to first take public comment. There were two members of the public who spoke regarding the item. One was opposed to the project and one was in favor. Staff renoticed the item for the December 2, 2014, City Council meeting for the appropriate Type 47 On-sale general for a bona fide eating place.

ANALYSIS: The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. The subject site is located within Census Tract 37.00; this tract contains 14 licenses for alcohol sales; seven (7) on-sale, six (6) off-sale and one (1) club licenses (Eagles Lodge). In Census Tract 37.00, four (4) on-sale and five (5) off-sale licenses are allowed without being deemed over-concentrated. Approval of this on-sale licenses would be the eighth (8th) on-sale licenses, five (5) above the allowable as determined by ABC. Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

DD  Appropriated/Funded N/A CM  Item No. 15

It is not anticipated that this use would have a negative impact on the surrounding properties. As a condition of approval, due to the close proximity of Trinity Lutheran Church and La Mision De Jesus, located at the northeast and southeast corner respectively of Henderson Avenue and Indiana Street (approximately 545 and 550 feet from property line to property line) alcohol advertising visible from the outside of the proposed building shall not be allowed. The applicant is conditioned to operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and to operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. Furthermore, at all times the facility shall be operated and maintained to comply with State Laws, the City of Porterville Development Ordinance, adopted Building Codes and all other applicable laws and ordinances.

The subject site is zoned PD (Planned Development), which requires consistency with the underlying General Plan designation. The project is indeed consistent with the General Plan land use designation for Commercial Mixed Use (CMX). The CMX designation is intended to provide for commercial, service, office and residential uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the General Plan Land Use Designation. The restaurant is a permitted use in the CMX land use designation, and alcohol sales may be permitted in that land use with the requested Conditional Use Permit.

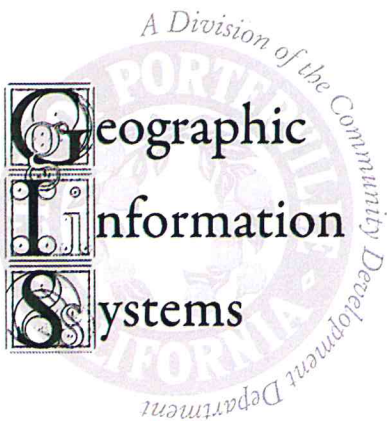
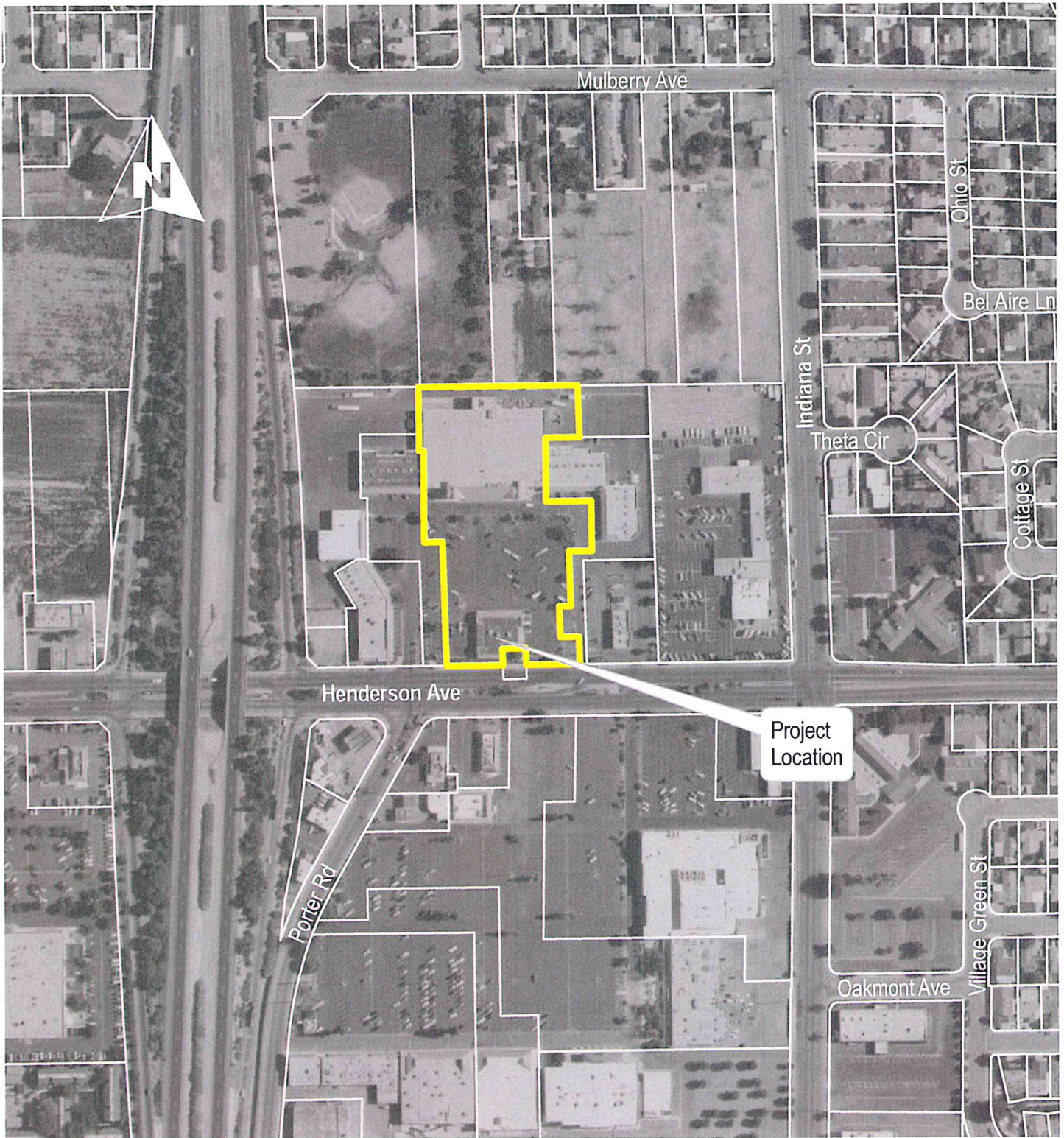
ENVIRONMENTAL REVIEW: On November 5, 2014, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines), under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2014-019-C) subject to conditions of approval; and
2. Authorize the mayor to sign the Letter of Public Convenience or Necessity.

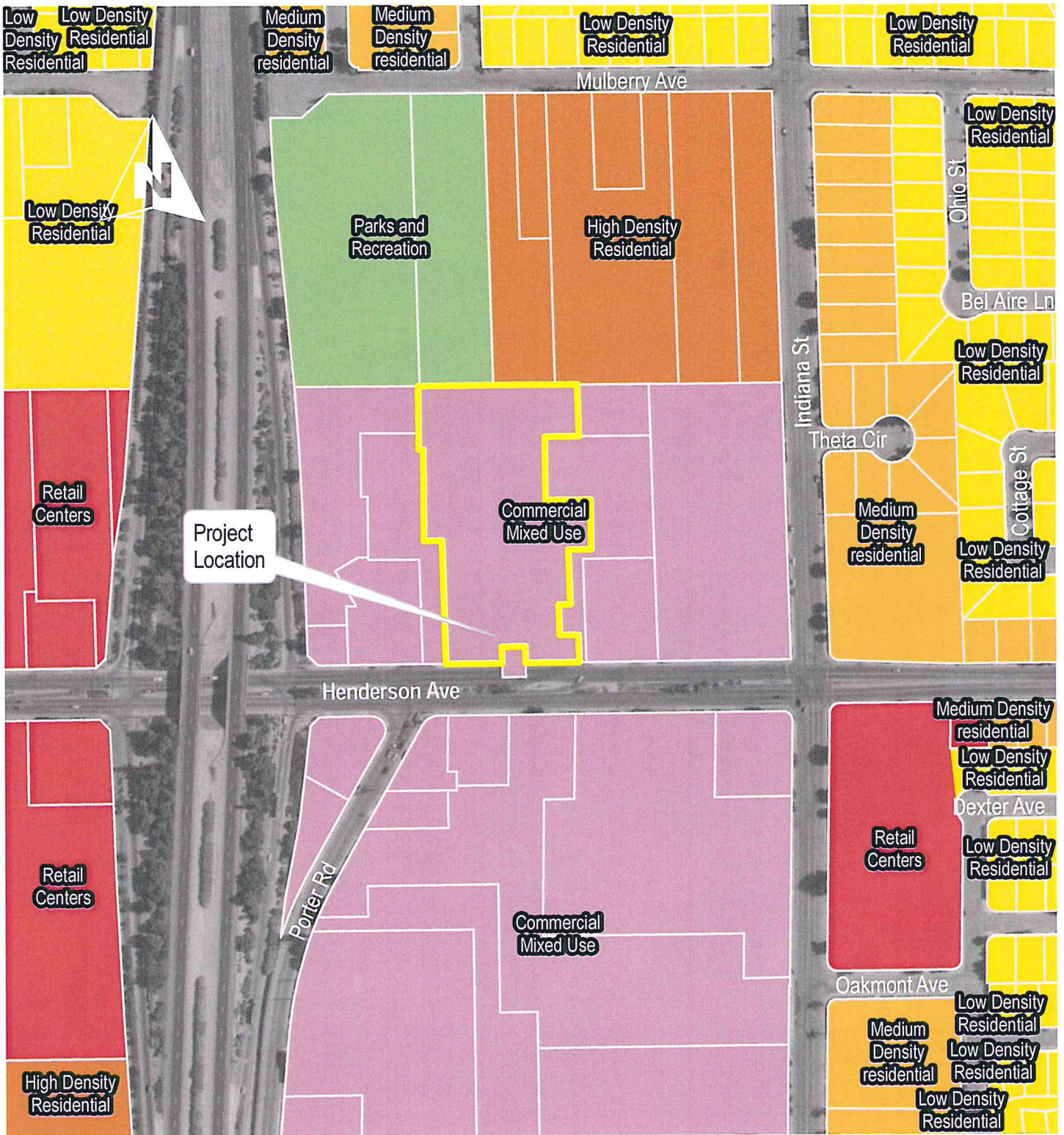
ATTACHMENTS:

1. Locator Map
2. General Plan Land Use Designation
3. Floor Plan
4. Existing licenses in Census Tract 37.00
5. Draft Resolution
6. Letter of Public Convenience or Necessity

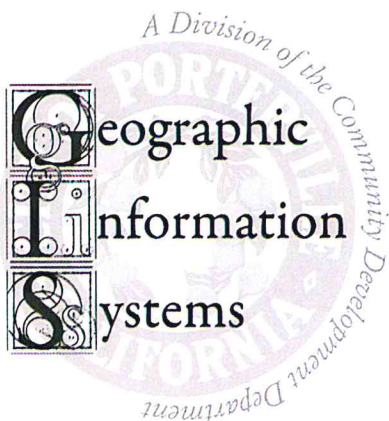


**ATTACHMENT
ITEM NO. 1**

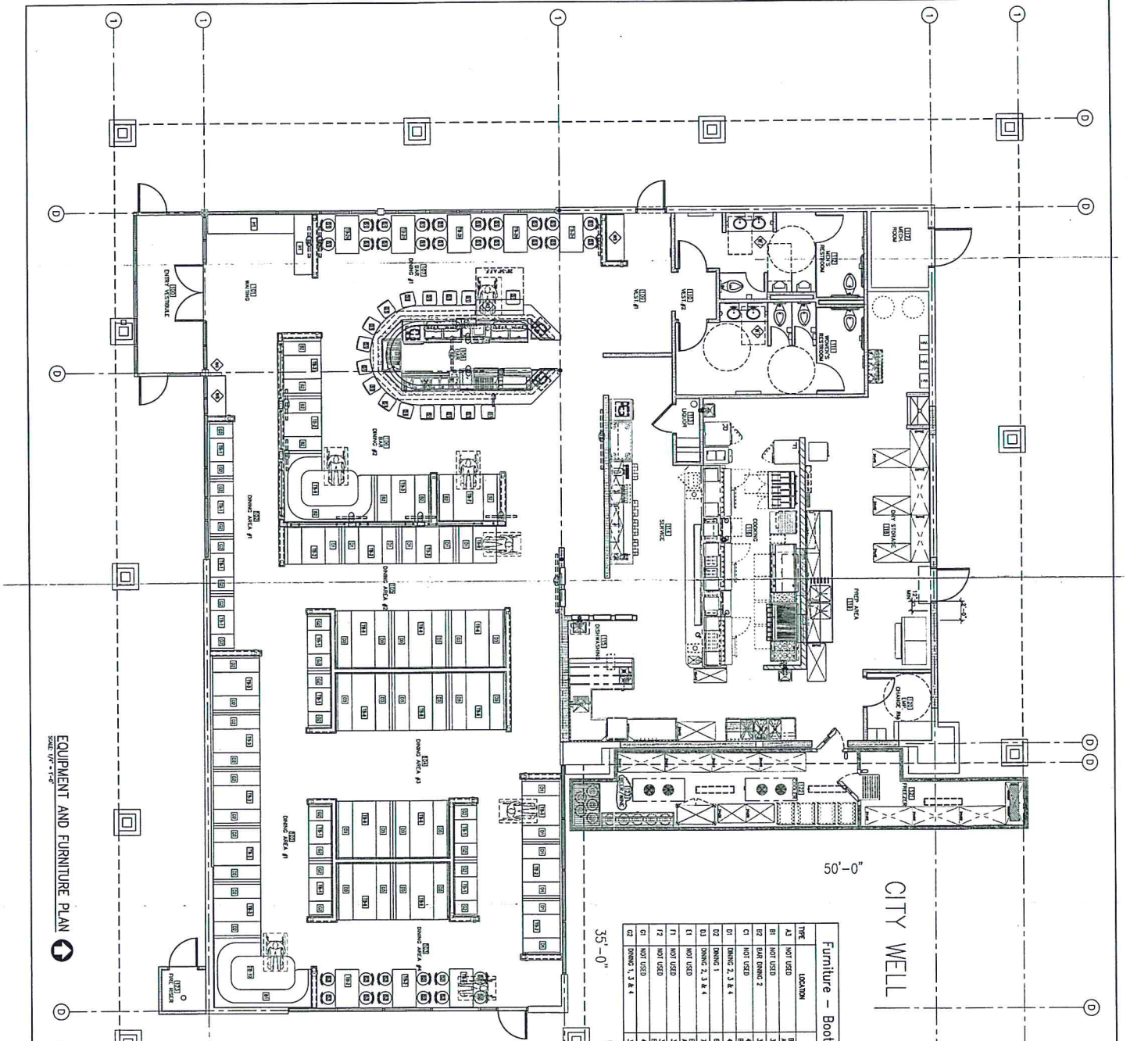
**PRC 2014-019
Applebees @ 892 W Henderson
Project Locator Map
1" = 300 ft.**



**ATTACHMENT
ITEM NO. 2**



PRC 2014-019
Applebees @ 892 W Henderson
General Plan Land Use Map
1" = 300 ft.



EQUIPMENT AND FURNITURE PLAN
SCALE: 1/4" = 1'-0"

CITY WELL

50'-0"

35'-0"

Furniture - Booth Schedule

TYPE	LOCATION	DESCRIPTION	FRAME FINISH	SEAT FINISH	BACK FINISH	BASE FINISH
A1	NOT USED	BOUNCE SEATING WITH UPHOLSTERED SEAT AND BACK ON INTEGRATED, BUNDED PLATFORM	1	2	3	11
B1	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	6
B2	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B3	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	7
B4	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B5	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B6	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B7	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B8	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B9	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B10	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B11	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B12	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B13	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B14	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B15	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B16	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B17	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B18	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B19	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B20	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B21	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B22	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B23	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B24	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B25	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B26	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B27	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B28	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B29	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B30	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B31	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B32	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B33	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B34	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B35	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B36	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B37	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B38	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B39	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B40	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B41	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B42	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B43	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B44	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B45	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B46	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B47	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B48	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B49	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12
B50	NOT USED	36" H BOOTH WITH REMOVABLE SEAT	1	2	3	12

Material Legend

- 1 STAR TO MATCH P-1
- 2 UNDERLAY - PERFECTS OR ORANGE
- 3 UNDERLAY - PERFECTS BROWN
- 4 UNDERLAY - PERFECTS BROWN
- 5 UNDERLAY - PERFECTS BROWN
- 6 UNDERLAY - PERFECTS BROWN
- 7 UNDERLAY - PERFECTS BROWN
- 8 UNDERLAY - PERFECTS BROWN
- 9 UNDERLAY - PERFECTS BROWN
- 10 UNDERLAY - PERFECTS BROWN
- 11 UNDERLAY - PERFECTS BROWN
- 12 UNDERLAY - PERFECTS BROWN
- 13 UNDERLAY - PERFECTS BROWN
- 14 UNDERLAY - PERFECTS BROWN
- 15 UNDERLAY - PERFECTS BROWN
- 16 UNDERLAY - PERFECTS BROWN
- 17 UNDERLAY - PERFECTS BROWN
- 18 UNDERLAY - PERFECTS BROWN
- 19 UNDERLAY - PERFECTS BROWN
- 20 UNDERLAY - PERFECTS BROWN
- 21 UNDERLAY - PERFECTS BROWN
- 22 UNDERLAY - PERFECTS BROWN
- 23 UNDERLAY - PERFECTS BROWN
- 24 UNDERLAY - PERFECTS BROWN
- 25 UNDERLAY - PERFECTS BROWN
- 26 UNDERLAY - PERFECTS BROWN
- 27 UNDERLAY - PERFECTS BROWN
- 28 UNDERLAY - PERFECTS BROWN
- 29 UNDERLAY - PERFECTS BROWN
- 30 UNDERLAY - PERFECTS BROWN
- 31 UNDERLAY - PERFECTS BROWN
- 32 UNDERLAY - PERFECTS BROWN
- 33 UNDERLAY - PERFECTS BROWN
- 34 UNDERLAY - PERFECTS BROWN
- 35 UNDERLAY - PERFECTS BROWN
- 36 UNDERLAY - PERFECTS BROWN
- 37 UNDERLAY - PERFECTS BROWN
- 38 UNDERLAY - PERFECTS BROWN
- 39 UNDERLAY - PERFECTS BROWN
- 40 UNDERLAY - PERFECTS BROWN
- 41 UNDERLAY - PERFECTS BROWN
- 42 UNDERLAY - PERFECTS BROWN
- 43 UNDERLAY - PERFECTS BROWN
- 44 UNDERLAY - PERFECTS BROWN
- 45 UNDERLAY - PERFECTS BROWN
- 46 UNDERLAY - PERFECTS BROWN
- 47 UNDERLAY - PERFECTS BROWN
- 48 UNDERLAY - PERFECTS BROWN
- 49 UNDERLAY - PERFECTS BROWN
- 50 UNDERLAY - PERFECTS BROWN

Furniture - Chair Schedule

TYPE	MARK	DESCRIPTION	QUANTITY
1	WINE CHAIR		2
2	BAR CHAIR		2
3	BAR CHAIR		2
4	BAR CHAIR		2
5	BAR CHAIR		2
6	BAR CHAIR		2
7	BAR CHAIR		2
8	BAR CHAIR		2
9	BAR CHAIR		2
10	BAR CHAIR		2
11	BAR CHAIR		2
12	BAR CHAIR		2
13	BAR CHAIR		2
14	BAR CHAIR		2
15	BAR CHAIR		2
16	BAR CHAIR		2
17	BAR CHAIR		2
18	BAR CHAIR		2
19	BAR CHAIR		2
20	BAR CHAIR		2
21	BAR CHAIR		2
22	BAR CHAIR		2
23	BAR CHAIR		2
24	BAR CHAIR		2
25	BAR CHAIR		2
26	BAR CHAIR		2
27	BAR CHAIR		2
28	BAR CHAIR		2
29	BAR CHAIR		2
30	BAR CHAIR		2
31	BAR CHAIR		2
32	BAR CHAIR		2
33	BAR CHAIR		2
34	BAR CHAIR		2
35	BAR CHAIR		2
36	BAR CHAIR		2
37	BAR CHAIR		2
38	BAR CHAIR		2
39	BAR CHAIR		2
40	BAR CHAIR		2
41	BAR CHAIR		2
42	BAR CHAIR		2
43	BAR CHAIR		2
44	BAR CHAIR		2
45	BAR CHAIR		2
46	BAR CHAIR		2
47	BAR CHAIR		2
48	BAR CHAIR		2
49	BAR CHAIR		2
50	BAR CHAIR		2

Television Legend

TYPE	MARK	DESCRIPTION	QUANTITY
1	TV		1
2	TV		1
3	TV		1
4	TV		1
5	TV		1
6	TV		1
7	TV		1
8	TV		1
9	TV		1
10	TV		1
11	TV		1
12	TV		1
13	TV		1
14	TV		1
15	TV		1
16	TV		1
17	TV		1
18	TV		1
19	TV		1
20	TV		1
21	TV		1
22	TV		1
23	TV		1
24	TV		1
25	TV		1
26	TV		1
27	TV		1
28	TV		1
29	TV		1
30	TV		1
31	TV		1
32	TV		1
33	TV		1
34	TV		1
35	TV		1
36	TV		1
37	TV		1
38	TV		1
39	TV		1
40	TV		1
41	TV		1
42	TV		1
43	TV		1
44	TV		1
45	TV		1
46	TV		1
47	TV		1
48	TV		1
49	TV		1
50	TV		1

Furniture - Table Schedule

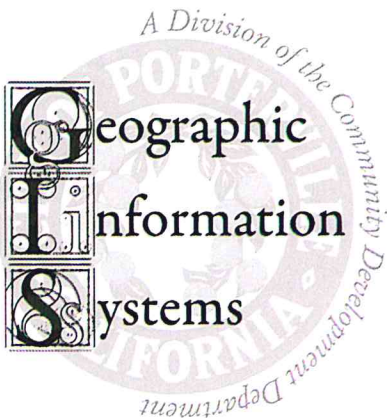
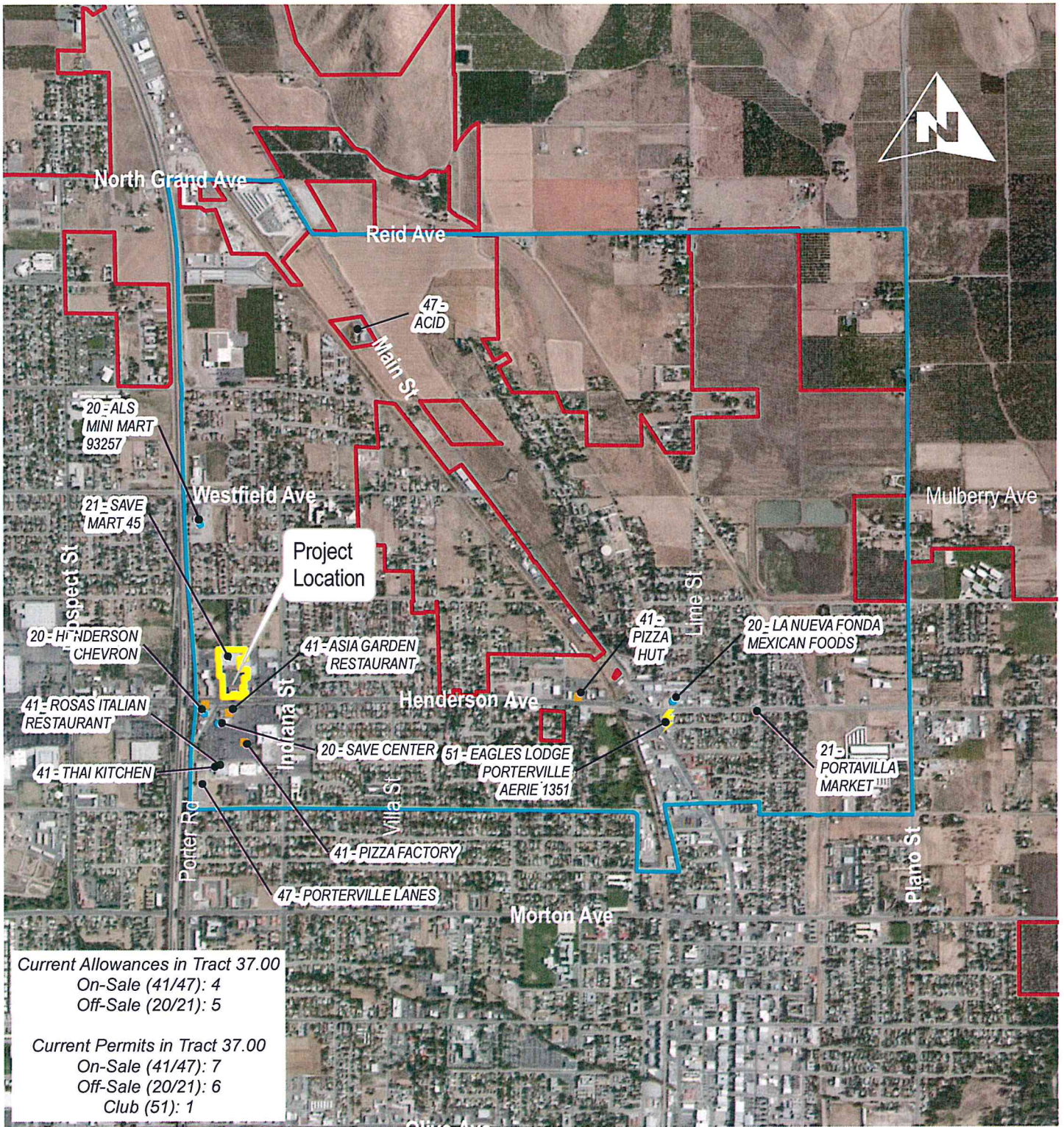
TYPE	LOCATION	DESCRIPTION	TABLE TOP MATERIAL
1	DRING 1 & 3	30" x 42" TABLE	WAVE BINDER
2	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
3	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
4	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
5	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
6	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
7	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
8	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
9	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
10	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
11	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
12	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
13	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
14	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
15	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
16	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
17	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
18	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
19	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
20	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
21	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
22	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
23	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
24	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
25	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
26	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
27	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
28	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
29	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
30	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
31	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
32	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
33	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
34	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
35	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
36	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
37	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
38	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
39	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
40	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
41	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
42	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
43	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
44	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
45	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
46	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
47	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
48	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
49	BAR DRING 2	30" x 42" TABLE	WAVE BINDER
50	BAR DRING 2	30" x 42" TABLE	WAVE BINDER

000000
APPLEBEE'S RESTAURANT
PORTERVILLE TOWN CENTER
PORTERVILLE, CA
DATE: 07-24-11



APPLEBEE'S RESTAURANT
PORTERVILLE TOWN CENTER
PORTERVILLE, CA

ATTACHMENT
ITEM NO. 3



PRC 2014-019
 Applebees @ 892 W Henderson
 Tract 37.00 ABC License Map

1" = 300 ft.

**ATTACHMENT
 ITEM NO. 4**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE
PERMIT (PRC 2014-019-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE
47 ON-SALE GENERAL FOR BONA FIDE PUBLIC EATING PLACE FOR APPLEBEE'S
RESTAURANT LOCATED AT 892 W. HENDERSON AVENUE

WHEREAS: On November 5, 2014, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation (CEQA Guidelines); and

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of December 2, 2014, conducted a public hearing to consider Conditional Use Permit (PRC 2014-019-C) to allow for the sale of alcohol under a Type 47 On-Sale General for Bona Fide Public Eating Place license for Applebee's Restaurant located at 892 W. Henderson Avenue; and

WHEREAS: The City Council of the City of Porterville authorized the mayor to sign the Letter of Public Convenience or Necessity because of the regional nature of the shopping center within which the restaurant is located; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. 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.

The CMX designation is intended to provide for commercial, service, office and residential uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the land use designation. The restaurant is a permitted use in the CMX land use, and alcohol sales may be permitted with a Conditional Use Permit.

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. The project is located within an existing building in a regional shopping center that has been well maintained since its original development. Further, all land owners within the city of Porterville are held to performance standards identified in Chapter 306 of the Development Ordinance. Specifically, Section 306.03 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.”

3. This project is Categorical Exempt pursuant to CEQA Guidelines §15061(b), (3) - General Rule: the approval of the alcohol sales creates no physical change to the environment.
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 37.00; this tract contains 14 licenses for alcohol sales; seven (7) on-sale, six (6) off-sale and one (1) club licenses (Eagles Lodge). In Census Tract 37.00, four (4) on-sale and five (5) off-sale licenses are allowed without being deemed over-concentrated. Approval of this on-sale licenses would be the eighth (8th) on-sale licenses, five (5) above the allowable as determined by ABC. Due to the over concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2014-019-C) subject to the following conditions:

1. The developer/applicant shall keep the beer and wine in a secure place with access only available to the employees, shown herein as the walk-in refrigeration and separate bar area in Exhibit “A.” Any future changes in operation which substantially alter the condition or nature of the subject business will require approval by the City Council if such modification involves expansion, relocation, or change in accessibility to the conditioned uses.
2. The facility shall be operated and maintained to comply with applicable State and Federal laws, and the City of Porterville Development Ordinance at all times.
3. The applicant shall maintain the security lighting on the exterior of the building and in the parking lot in a manner to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.
4. The applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Section 601.10 of the Porterville Development Ordinance.

5. The elements of the conditional use permit approving on-site alcohol sales will be subject to modification or revocation if the State of California imposes sanctions on the on-sale license.
6. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.
7. No alcohol advertising shall be displayed and/or viewed from the outside of the proposed building.
8. The consumption of alcoholic beverages shall be prohibited off-site or outside of the building.
9. Upon approval of the conditional use permit, any future violations of regulations of the codes relating to the sales or consumption of alcohol, and/or excessive service calls by the Police Department resulting from the sales of alcohol will result in revocation of the Conditional Use Permit.
10. Unless an extension of time is granted by the City Council, the conditional use permit shall expire two (2) years after the date of approval if the on-sale Type 47 Alcohol License for General Bona Fide Eating Place is not active or actively pursued. The alcohol license permits sale of beer and wine in conjunction with the serving of meals.
11. The hours of operation during which alcoholic beverages may be sold and served under the on-sale license shall be limited to only during business hours.
12. That a Letter of Public Convenience or Necessity shall be required.

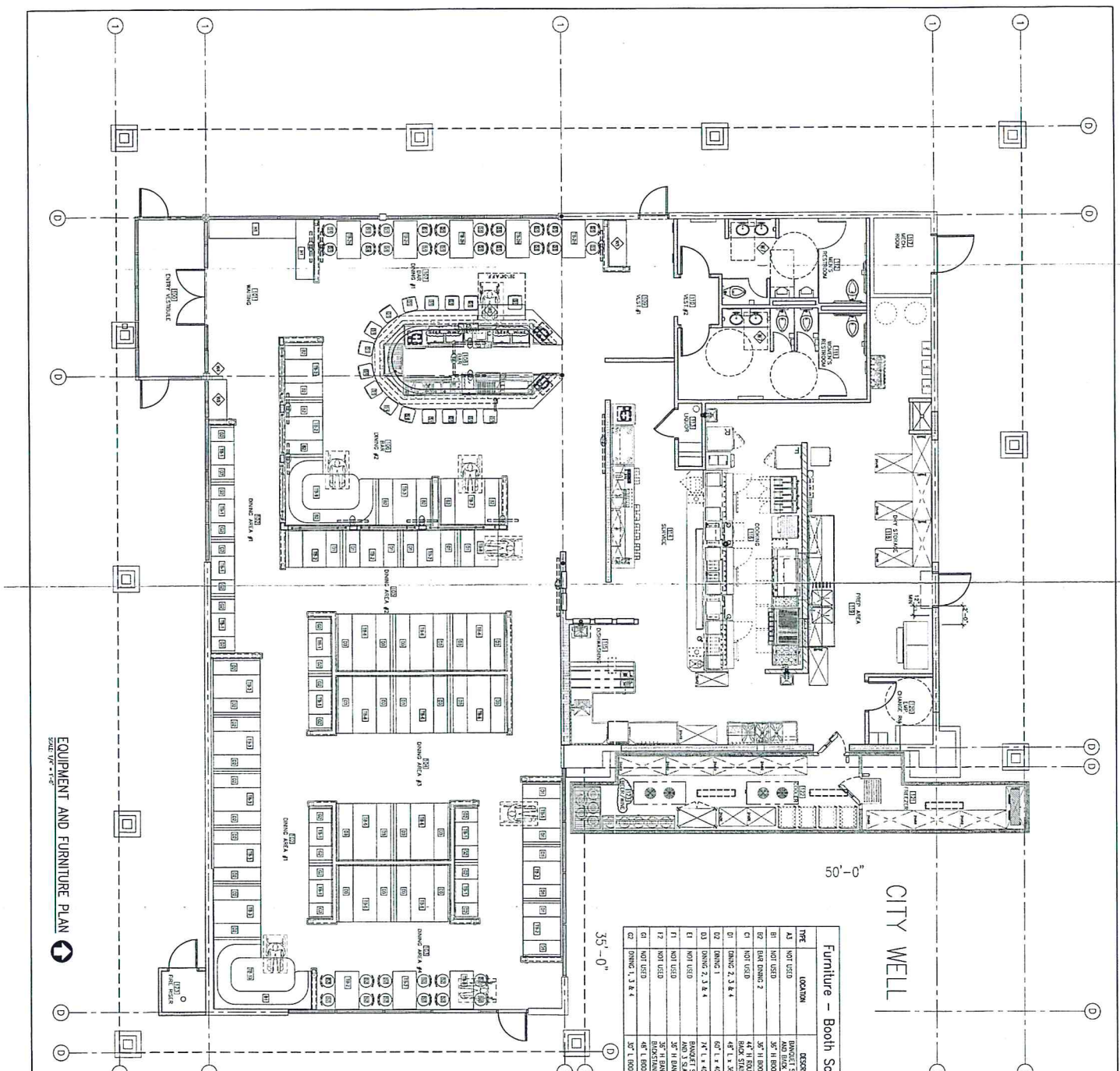
PASSED, APPROVED AND ADOPTED this 2nd day of December, 2014.

Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By _____
Patrice Hildreth, Chief Deputy City Clerk



CITY WELL

Furniture - Booth Schedule

TYPE	LOCATION	RECEPTION	FINISH	SEAT	BACK	QUANTITY
A1	NOT USED	BARSTools WITH UNREQUESTED SEAT	FINISH	2	5	11
B1	NOT USED	BARSTools WITH UNREQUESTED SEAT	FINISH	1	6	12
B2	BAR DINING 2	36" H BOOTH WITH REVERSE SEAT	FINISH	1	6	14
C1	NOT USED	44" H BOOTH WITH REVERSE SEAT	FINISH	4	7	12
D1	DINING 2, 3 & 4	44" H BOOTH WITH REVERSE SEAT	FINISH	4	7	13
D2	DINING 2, 3 & 4	44" H BOOTH WITH REVERSE SEAT	FINISH	4	7	13
D3	DINING 2, 3 & 4	44" H BOOTH WITH REVERSE SEAT	FINISH	4	7	13
D4	DINING 2, 3 & 4	44" H BOOTH WITH REVERSE SEAT	FINISH	4	7	13
F1	NOT USED	36" H BOOTH WITH REVERSE SEAT	FINISH	1	7	14
F2	NOT USED	36" H BOOTH WITH REVERSE SEAT	FINISH	1	7	15
G1	NOT USED	44" H BOOTH WITH REVERSE SEAT	FINISH	3	9	13
G2	DINING 1, 3 & 4	44" H BOOTH WITH REVERSE SEAT	FINISH	4	10	13

Material Legend

- 1 STAIN TO MATCH #1-1
- 2 UPGRADE - WHITE'S ORCHARD
- 3 UPGRADE - WHITE'S ORCHARD
- 4 UPGRADE - WHITE'S ORCHARD
- 5 UPGRADE - WHITE'S ORCHARD
- 6 UPGRADE - WHITE'S ORCHARD
- 7 UPGRADE - WHITE'S ORCHARD
- 8 UPGRADE - WHITE'S ORCHARD
- 9 UPGRADE - WHITE'S ORCHARD
- 10 UPGRADE - WHITE'S ORCHARD
- 11 UPGRADE - WHITE'S ORCHARD
- 12 UPGRADE - WHITE'S ORCHARD
- 13 UPGRADE - WHITE'S ORCHARD

Furniture - Chair Schedule

TYPE	DESCRIPTION	QUANTITY
HC-1	HIGH CHAIR	2
S-1	BAR SEAT	36
S-2	DINING ROOM CHAIR	12

Television Legend

TV	MANUFACTURE	MODEL	COMMENTS	QUANTITY
T1	SAMSUNG	UN55J6000FXZA	55" LED TV with mounted	0
T2	SAMSUNG	UN55J6000FXZA	55" LED TV with mounted	11
T3	SAMSUNG	UN55J6000FXZA	55" LED TV with mounted	2

Furniture - Table Schedule

TYPE	LOCATION	RECEPTION	TABLE TOP MATERIAL	QUANTITY
B-1	DINING 1 & 3	30" x 36" TABLE	WHITE BODER BLOCK	2
B-2	BAR DINING 2, DINING 2 & 4	30" x 48" TABLE	WHITE BODER BLOCK	11
B-3	BAR DINING 2, DINING 1	30" x 48" TABLE	WHITE BODER BLOCK	11
B-4	DINING 3	30" x 48" TABLE	WHITE BODER BLOCK	11
B-5	DINING 2 & 3	30" x 48" TABLE	WHITE BODER BLOCK	11
B-6	BAR DINING 2 & 4	30" x 48" TABLE	WHITE BODER BLOCK	11
B-7	BAR DINING 2	30" x 48" TABLE	WHITE BODER BLOCK	11
B-8	BAR DINING 2 & 4	30" x 48" TABLE	WHITE BODER BLOCK	11
B-9	BAR DINING 2	30" x 48" TABLE	WHITE BODER BLOCK	11
B-10	DINING 1	42" x 60" TABLE	WHITE BODER BLOCK	2

- A1.4 GENERAL NOTES**
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 2. MATERIALS, FINISHES AND METHODS SHALL BE AS SHOWN ON THE DRAWINGS AND AS APPROVED BY THE ARCHITECT.
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 5. THE WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.

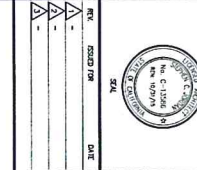
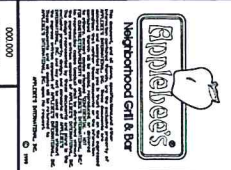
Cosework Schedule

NO.	TYPE	COMMENTS
1	BAR TOP	
2	BACK BAR COUNTER	
3	MEAT HOLDER	
4	WAIT STATION	
5	HIGHEST STAND	
6	RESTROOM LAVATORY COUPOLES	

APPLEBEE'S RESTAURANT
 PORTERVILLE TOWN CENTER
 892 WEST HENDERSON
 PORTERVILLE, CA

Exhibit **A**

0001000
 APPLETREE'S
 PORTERVILLE
 A-1.1.4
 DATE: 01-25-11





December 3, 2014

California Department of Alcoholic Beverage Control
Fresno District Office
3640 East Ashlan Ave
Fresno, CA 93726
ATTN: Christine Weldon

RE: Applebee's – 892 W. Henderson Avenue, Porterville, CA

Dear Ms. Weldon:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of an on-sale Type 47 (on-sale general for bona fide public eating place) license for Applebee's located at 892 W. Henderson Avenue. The shopping center within which the proposed restaurant will be located is a regional center, and has significant economic draw beyond the boundaries of the census tract.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the "Business and Professions Code," the subject site is located within Census Tract 37.00 which allows four (4) on-sale licenses. At the present time seven (7) on-sale licenses currently exist in this tract. Due to the over concentrated of on-sale licenses a Letter of Public Convenience or Necessity was required.
2. On December 2, 2014, the City Council conditionally approved Conditional Use Permit (PRC 2014-019-C), review attached resolution, to allow the on-sale of beer and wine located at 892 W. Henderson Avenue. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of an on-sale beer and wine license.

ATTACHMENT
ITEM NO. 6

Applebee's
December 3, 2014

Further issuance of an on-sale license allowing beer and wine sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The subject site is consistent with the General Plan Land Use Designation for Commercial Mixed-Use (CMX). The CMX designation is intended to provide for commercial, service, office and residential uses that meet local and regional demand. The proposed restaurant with alcohol sales would suit the purpose of the General Plan Land Use Designation. The restaurant is a permitted use in the CMX land use designation, and alcohol sales may be permitted in that land use with the requested Conditional Use Permit.

For these reasons, the City Council of the City of Porterville supports issuance of a Type 47 license which would allow the sale of beer, wine and distilled spirits for an Applebee's Restaurant located in the Porterville Town Center at 892 W. Henderson Avenue.

Sincerely,

Milt Stowe, Mayor

Attachment: Resolution