

PUBLIC HEARING

TITLE: MINOR CONDITIONAL USE PERMIT FOR BROADCASTING FACILITY
LOCATED AT 362 N. PORTER ROAD

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of a minor Conditional Use Permit (PRC 2014-007-M) to allow for a broadcasting facility within an existing building located at 362 N. Porter Road. The project site is identified as CG (General and Service Commercial) on both the General Plan Land Use Map and the Zoning Map.

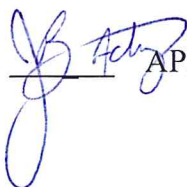
The project applicant does not propose any physical modifications to the location of the facility. Through the use of new technology, the broadcasting facility will be internet based, and the only mechanical equipment located at the project site would be a standard computer. Audio would be broadcast remotely from existing towers adjacent to the city. The broadcasting facility would be located in an existing tenant space within a commercial center on Porter Road, just south of Morton Avenue. The location meets all applicable requirements of the Porterville Development Ordinance as they relate to development standards as of the date the building was constructed.

Broadcasting Facilities are permitted within the CG zone with a minor conditional use permit. Additionally, they are required to operate in compliance with Section 301.20 Telecommunication Facilities where applicable. Conditions of approval have been incorporated relating to the operation of a broadcast facility to provide compliance with all applicable codes. On April 2, 2014, the Project Review Committee (PRC) reviewed and found that the project is consistent with the City of Porterville's Development Ordinance, and the General Plan Land Use Policies and Guidelines.

LEGAL NOTICE: On April 25, 2014, notice of the public hearing to consider the Conditional Use Permit was published in the Porterville Recorder, and mailed individually to all property owners within 300 feet of the subject site, to provide ten days of notice in advance of the public hearing as required by Government Code Sections 65090 and 65091.

ENVIRONMENTAL REVIEW: The Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act as a Class 1- Existing Facilities categorical exemption (§15301 of the California Code of Regulations). A Notice of Exemption will be filed with Tulare County if the Council approves the project.

DD



APPROPRIATED/FUNDED

N/A

CM



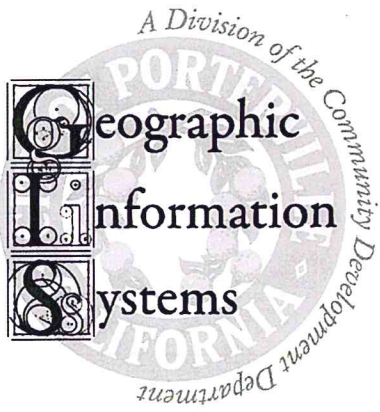
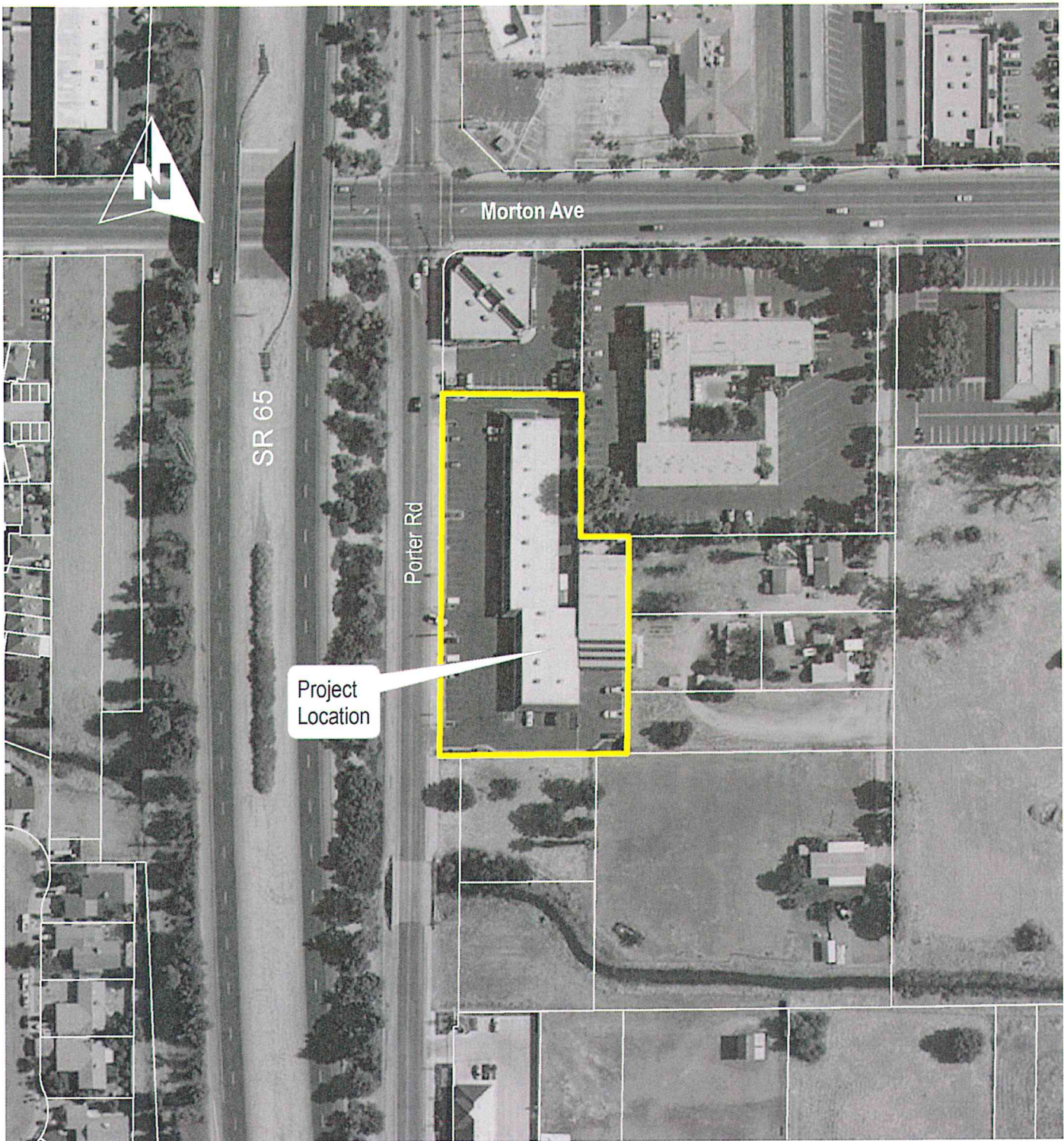
ITEM NO.

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RECOMMENDATION: That the City Council adopt the draft resolution approving the minor Conditional Use Permit for a broadcasting facility located at 362 N. Porter Road subject to conditions of approval.

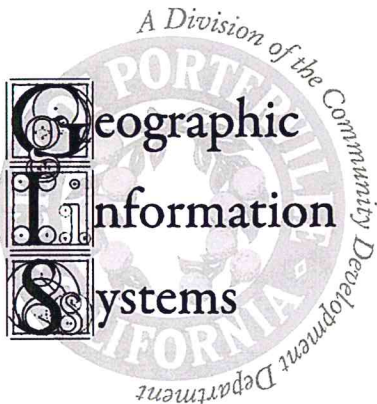
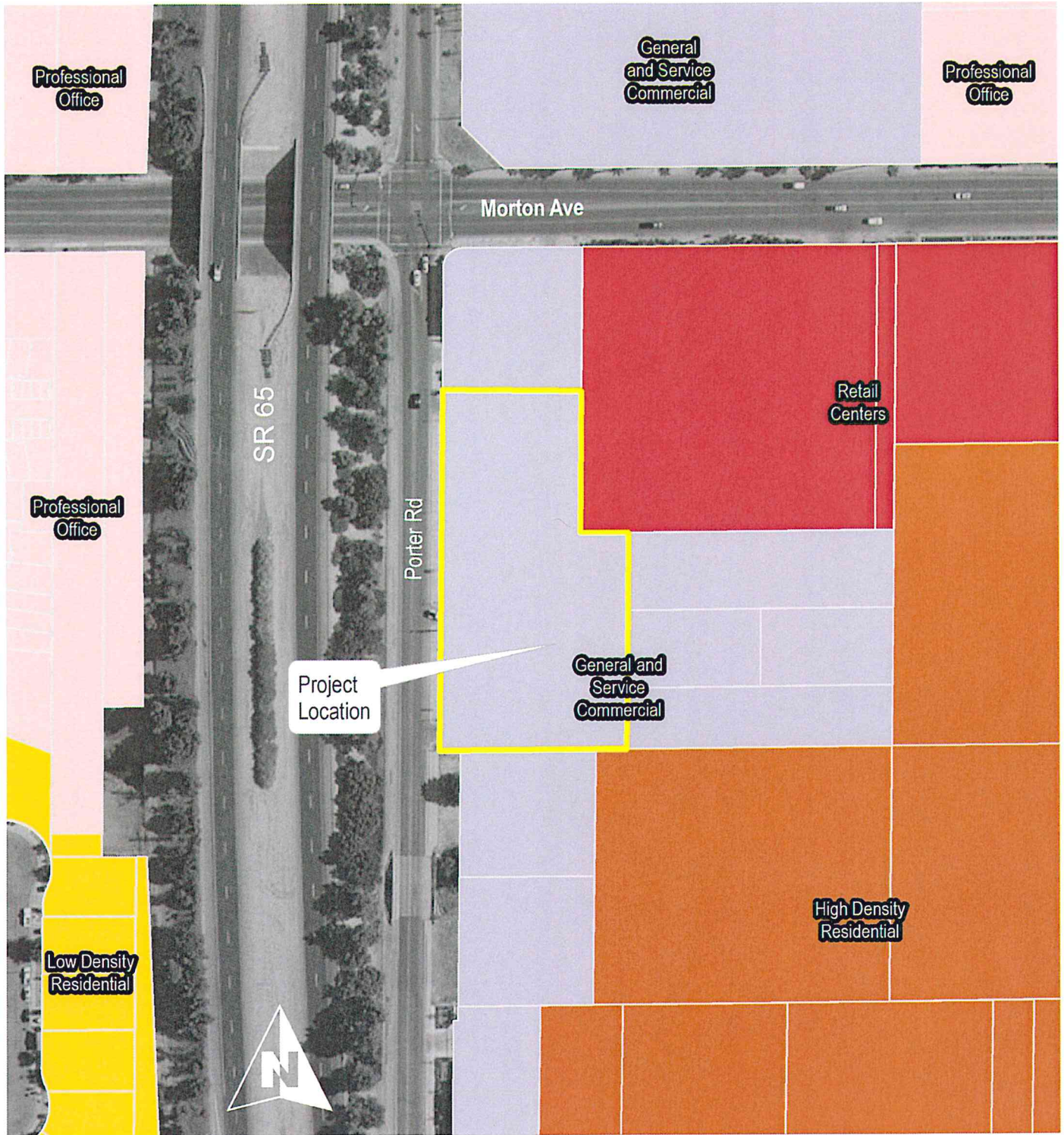
ATTACHMENTS:

1. Locator Map
2. General Plan Map
3. Zoning Map
4. Draft Resolution approving Minor Conditional Use Permit 2014-007-M for a broadcasting facility



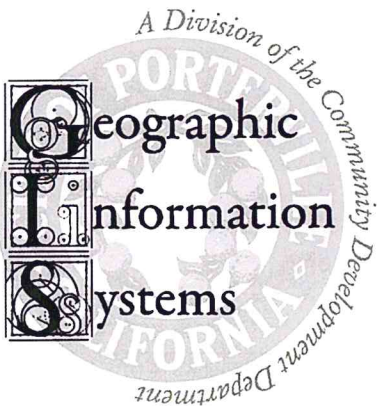
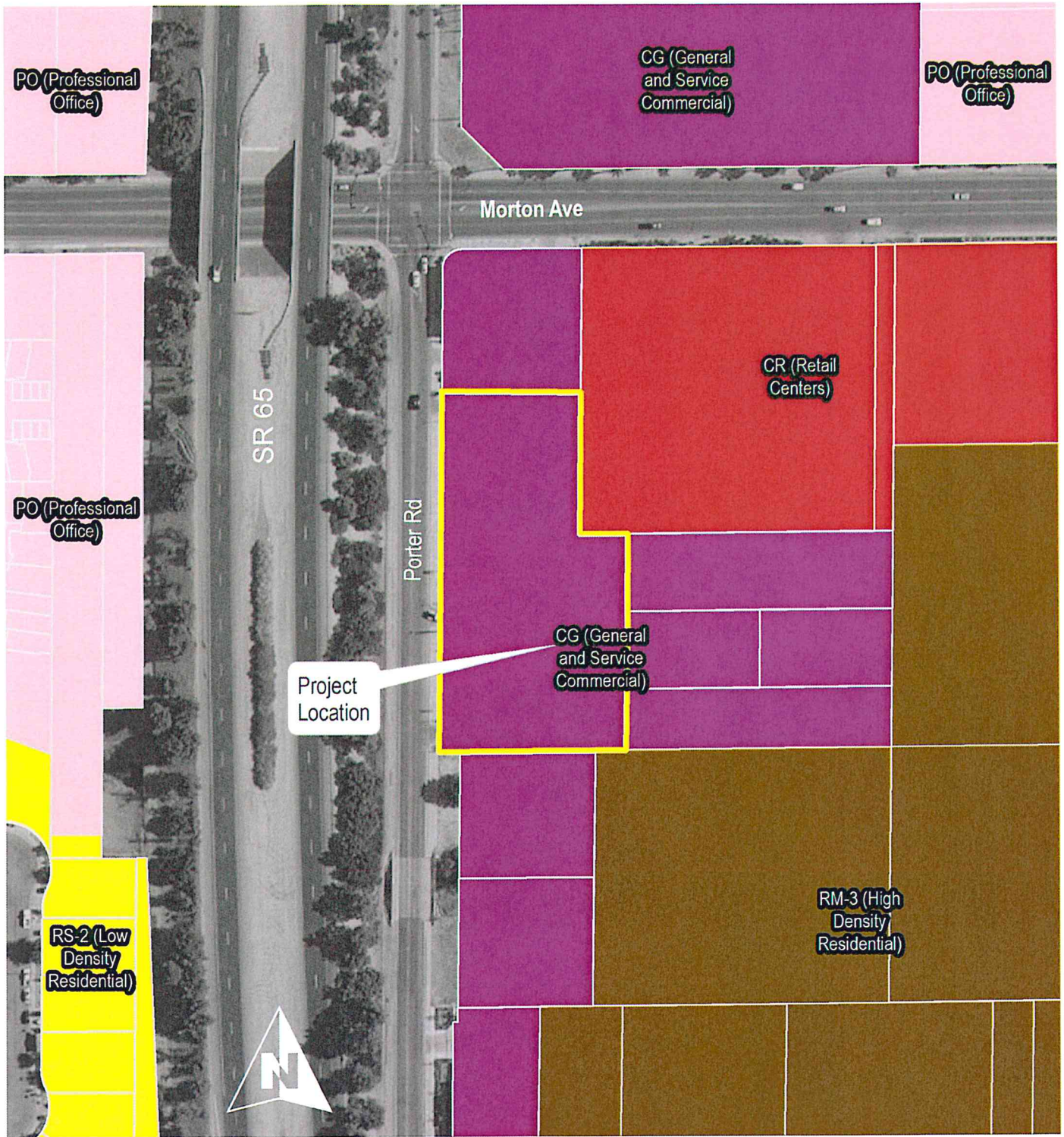
**PRC 2014-007
Broadcasting Facility CUP
Locator Map
1" = 150 ft.**

**ATTACHMENT
ITEM NO. 1**



PRC 2014-007
Broadcasting Facility CUP
General Plan Land Use Map
1" = 150 ft.

ATTACHMENT
ITEM NO. 2



PRC 2014-007
Broadcasting Facility CUP
Zoning Map
1" = 150 ft.

ATTACHMENT
ITEM NO. 2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A
MINOR CONDITIONAL USE PERMIT (2014-007-M)
FOR A BROADCASTING FACILITY LOCATED AT 362 N. PORTER ROAD

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of May 6, 2014, conducted a public hearing to consider approval of a minor Conditional Use Permit to allow a broadcasting facility located at 362 N. Porter Road within an existing building on property zoned General and Service Commercial (CG); and

WHEREAS: On April 22, 2014, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act as a Class 1- Existing Facilities categorical exemption per §15301 of the California Code of Regulations; and

WHEREAS: The proposed Conditional Use Permit is supported by the General Plan and Development Ordinance in that the proposed development is consistent with the Porterville Development Ordinance (Chapter 21 of the Porterville Municipal Code), in that the building currently exists and the proposed business location meets all applicable requirements as of the date the building was constructed; and

WHEREAS: Broadcasting Facilities are permitted within the CG zone with a minor conditional use permit. Additionally, they are required to operate in compliance with Section 301.20 Telecommunication Facilities where applicable. Conditions of approval have been incorporated relating to the operation of a broadcast facility to provide compliance with all applicable codes; and

WHEREAS: On April 2, 2014, the Project Review Committee (PRC) reviewed and found that the project is consistent with the City of Porterville's Development Ordinance, and the General Plan Land Use Policies and Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville does hereby make the following findings:

1. The proposed telecommunication facility will comply with all applicable state and Federal standards and requirements. The Federal Communications Commission has granted the applicant a permit to operate, and will monitor the facility to ensure compliance with State and Federal laws related to telecommunication.
2. The proposed telecommunication facility will conform with the specific purposes of this chapter and any special standards applicable to the proposed facility. The proposed facility is unique in that it does not propose or involve any physical telecommunication devices. In the event the applicant requests to

add such equipment, this entitlement would require further review by the City Council.

3. The applicant has made good faith and reasonable efforts to locate a telecommunication facility on a support structure other than a new monopole or lattice tower or to accomplish co-location. The applicant is using pre-existing antenna on existing structures not within this jurisdiction.
4. The City Council may waive or modify requirements of this chapter upon finding that strict compliance would result in noncompliance with applicable federal or state law. However, the project as currently proposed does not require waiver or modification of any of the subject requirements.
5. The City Council is the decision-making body for the project.

BE IT FURTHER RESOLVED: That the City Council does hereby approve the minor Conditional Use Permit for a broadcasting facility located at 362 N. Porter Road as represented and incorporated herein subject to the following conditions:

1. The proposed broadcasting facility shall comply with all Federal Communications Commission (FCC) rules, policies and procedures, including all applicable State and other Federal standards and requirements.
2. The proposed broadcasting facility shall conform to the specific purpose of Series 301.20 (Telecommunication Facilities) of the Porterville Development Ordinance, as applicable.
3. Upon approval of the minor Conditional Use Permit, any future change in operation which substantially alters the conditions or nature of the broadcasting facility will require approval by the City Council if such modification involves the nature of the telecommunication facility.
4. Upon approval of the minor Conditional Use Permit, any future violations of regulations of the codes relating to the broadcasting facility will result in revocation of the minor Conditional Use Permit.
5. 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.
6. Upon approval of the minor Conditional Use Permit, 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 broadcasting facility. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the minor

Conditional Use Permit as provided in Section 601.10 of the Porterville Development Ordinance (PDO).

7. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner.

PASSED, APPROVED AND ADOPTED this 6th day of May 2014.

By: _____
Cameron J. Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk