CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
MARCH 16, 2004 6:00 P.M.

Call to Order
Roll Call

CLOSED SESSION:

A. Closed Session Pursuant to:

7:00 P.M. RECONVENE OPEN SESSION AND REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Richard Stadtherr
Invocation

PRESENTATIONS
  • Presentation about West Nile Virus/Mosquito Abatement by Cynthia Bartlett/RN
  • CAFR
  • City Manager Featured Projects

ORAL COMMUNICATIONS
  This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time.
CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. Approval of City Council Minutes of March 2 and 9, 2004

2. Claim - Robert Whitley
   Re: Claim for Personal Injuries allegedly arising from a wrongful termination which occurred on July 11, 2003. The amount being claimed is $3,000,000 within the jurisdiction of the Tulare County Superior Court.

3. Claim - Marina Marrero
   Re: Claim for Damages allegedly a result of the City sewer main becoming blocked at 434 N. Villa. Amount being claimed is $350.00.

   Re: Authorization to amend revenue and expenditure estimates relating to the Off Highway Vehicle Park Operations Grant in the amount of $28,294.

5. Authorization to Advertise for Bids - VELB Mitigation Water Well Project
   Re: Approval of the plans and project manual and authorization to advertise the bid for the construction of a water well to irrigate the Valley Elderberry Longhorn Beetle (VELB) habitat generally located between Hwy. 190 and the Tule River east of the southerly prolongation of Page Street.

6. Award of Contract - Memory Lane Widening
   Re: Award the contract to Central Valley Asphalt in the amount of $10,852.00.

7. Authorization to Negotiate Project Management Services - Neighborhood Community Center
   Re: Authorization to solicit proposals from qualified applicants and negotiate an agreement to undertake the Project Management for the Neighborhood Community Center Project.

8. Authorization to Enter into Service Agreement for Inspector Services - Neighborhood Community Center
   Re: Approving the agreement with Per-Spec Inspection for an amount not to exceed $50,000 for building inspection services, and approval to negotiate a service agreement for masonry inspection for an amount not to exceed $45,000.

9. Request to Purchase Airport Industrial Site - Russken Holdings, LLC
   Re: Authorization to sell a 1.720 acre industrial site to Russken Holdings, LLC for $81,666.29.

10. Extension of Contract for City Auditor
    Re: Proposed one year contract extension for J. Steven Pressley, CPA at a rate of $28,870.
11. **Summer Aquatics Program**  
Re: Consideration of authorizing staff to obtain permits and operate an aquatics program at Granite Hills High School for the early summer of 2004 during the construction of the Municipal pool facility.

12. **Support of AB 2479 Which Will Amend Government Code 53155**  
Re: Approval of a resolution supporting AB 2479 as relates to the ability of public agencies to seek reimbursement for the costs they incur to provide emergency response assistance to alcohol and drug related motor vehicle, boat and aircraft accidents.

13. **Fire Grant Application 2004**  
Re: Approval to submit an application for funding to FEMA for the purchase of firefighter safety equipment.

*A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible*

**PUBLIC HEARING**

14. **City of Porterville 2003-2008 Housing Element**  
Re: Approval of General Plan Amendment 3-2004 to adopt the 2003-2008 Housing Element for the purposes of 1) providing an assessment of current and future housing needs and an inventory of resources and constraints to meeting those needs, and 2) stating the City’s goals, objectives, and strategies for the development of housing to meet identified needs including the need for housing affordable to lower-income households.

**SCHEDULED MATTERS**

15. **Proposed Changes to Chapter 12 of the City of Porterville Municipal Code**  
Re: Amendment of Chapter 12 of the City Code as relates to Warming/Recreational fires and provisions in Article II, Fireworks.

Re: Consideration of five Ad Hoc Committee recommendations to improve and facilitate traffic safety along the non-conforming, heavily used North Main Arterial.

17. **Vendors and Peddlers**  
Re: Consideration of drafting revisions to Chapter 15, Business Licenses, of the City Code to clarify the types and nature of temporary and mobile businesses and to establish any additional restrictions as desired for in state and federal law.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

**PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

Roll Call: Redevelopment Agency
WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS

SCHEDULED MATTER
PRA-1 Authorization to Negotiate Property Management Services - 287 N. Hockett Street
   Re: Authorization for staff to solicit proposals from qualified property management professionals
   for the property management and landscape maintenance for the property located at 287 N. Hockett
   Street.

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
OTHER MATTERS

CLOSED SESSION
   Any Closed Session Items not completed prior to 7:00 p.m. will be considered at this time.

ADJOURNMENT - to the Adjourned meeting of March 30, 2004

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you
need special assistance to participate in this meeting, or to be able to access this agenda and documents
in the agenda packet, please contact the Deputy City Clerk at (559) 782-7442. Notification 48 hours
prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this
meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda
packet.
CITY MANAGER’S FEATURED PROJECTS FOR
MARCH 16, 2004

1. Fire Act Grant Project
2. Fire Command Trailer
3. CAFR Distribution
4. OHV Park Step Entry
PORTERVILLE CITY COUNCIL MINUTES
REGULAR MEETING - MARCH 2, 2004
COUNCIL CHAMBERS - 7:00 P.M.

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation by Pastor John Eby, First Baptist Church
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PROCLAMATIONS
“Arbor Day” - March 9, 2004
“Educational Partnership Week 2004” - March 8 to March 12, 2004

PRESENTATION
Employee of the Month - Rene Villarreal

ORAL COMMUNICATIONS
• Felipe Martinez, 195 W. Putnam, spoke regarding water issues and possible USDA funding to improve water systems.
• Dorothy Broome, 863 S. Crystal, spoke regarding the change in Council meeting time.
• Cathy Capone, 1076 Westfield, spoke regarding placing the complete City Council agenda on the Internet, and Rocky Hill and the need for a discussion on planning for that area.
• Pete McCracken, 657 Village Green, spoke regarding the agenda on the Internet.
• Donnette Silva-Carter, Chamber of Commerce, 93 N. Main St., spoke regarding the First Friday Coffee Invitation. She stated that the Paint the Town meeting was postponed until May 29.

CONSENT CALENDAR

1. CLAIM - SOUTHERN CALIFORNIA GAS COMPANY

Recommendation: That the Council reject said claim, and refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Documentation: Minute Order 01-030204
Disposition: Approved

2. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE BREAKFAST ROTARY CANCER RUN, MAY 1, 2004

Recommendation: That the Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event application form.

Documentation: Minute Order 02-030204
Disposition: Approved
3. RESOLUTION CONFIRMING THE FUNDING FOR THE NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council approve a resolution for the use of Section 108 funds including the authorization for the issuance of the Note, execution of the Contract, and authorization for the Mayor to execute all documents necessary to accomplish the transaction.

Documentation: Resolution 19-2004
Disposition: Approved

5. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 245-390-011 – GENARO VAZQUEZ MARTINEZ AND MAGENCIO VAZQUEZ VAZQUEZ – HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Genaro Vazquez Martinez and Magencio Vazquez Vazquez in the amount of $6,040.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 20-2004
Disposition: Approved

6. UPDATE OF THE CIEDB LOAN PROCESS AND ON THE WASTE DISCHARGE REQUIREMENT (WDR) PROJECTS

Recommendation: For information only

7. PROJECT SUPPLEMENT TO THE LOCAL AGENCY – STATE MASTER AGREEMENT – CONSTRUCTION OF CURB, GUTTER AND SIDEWALK FOR CORE AREAS 1, 2, 3 AND 4

Recommendation: That City Council:
1. Approve the subject program supplements by passing a resolution authorizing the Mayor to sign the subject program supplements; and
2. Direct staff to return the signed program supplements to Cal Trans

Documentation: Resolution 21-2004
Disposition: Approved
8. APPOINTMENT TO CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE

Recommendation: That the City Council appoint Mr. Ruben Fuentes to a one year term on the CDBG Citizens’ Advisory and Housing Opportunity Committee.

Documentation: Minute Order 03-030204
Disposition: Approved


COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to approve items 1, 2, 3, 5 through 8, and 9a. The motion carried unanimously.

Disposition: Approved

4. AWARD OF CONTRACT – NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council approve Option 1 and authorize the Mayor to sign all necessary documents.

City Manager Longley requested that this item be removed from the agenda at this time and that a special meeting be scheduled for March 9, 2004 at 6:00 p.m., at which time this matter can be reviewed with additional analysis.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to schedule a special meeting for March 9, 2004 at 6:00 p.m. to review Item No. 4. The motion carried unanimously.

Disposition: Approved

9. REQUEST FOR ENCROACHMENT PERMIT – THE PRESS SHOP

Recommendation: That the City Council:
1. Approve the encroachment request subject to the terms of the encroachment agreement and in compliance with all applicable City building codes and ordinances; and

2. Authorize the Mayor to sign Encroachment Agreement No. 21-2004

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to accept staff’s recommendation.

M.O. 05-030204

AYES: West, Irish, Martinez, Stadtherr
NOES: None
ABSTAIN: Hamilton
ABSENT: None

Disposition: Approved

SECOND READING

10. ORDINANCE 1649, ZONING ORDINANCE AMENDMENT 1-2004

Recommendation: That Council give Second Reading to Ordinance No. 1649, then waive further reading, and adopt said ordinance.

The City Manager presented the item and read the ordinance by title.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Hamilton to give Second Reading to Ordinance No. 1649, then waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ORDINANCE NO. 1198, BEING THE ZONING ORDINANCE OF THE PORTERVILLE MUNICIPAL CODE, PERTAINING TO CONSIDERATION OF GENERAL PLAN AMENDMENTS. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

11. ESTABLISHMENT OF A BANNER POLICY

Recommendation: That the City Council:

1. Authorize the use of the Affinity credit card funds for replacement of banners, setting up a reservation of fund balance for accumulating unexpended funds; and

2. Authorize staff to include banner replacement in the next budget update, based upon availability of funding from the Affinity program, and if funding is not
adequate for replacement to continue review for replacement of banners in subsequent budgets; and,

3. Authorize the removal of torn and faded banners, consolidating the remaining banners, subject to the availability of personnel, along Main Street and areas next to the Highway 65 off-ramps at Olive and Henderson Avenues; and

4. Establish a policy for banners to include the frequency of banner replacement, and design of banner.

Council Member Hamilton stated that if the City is going to continue promoting Porterville as an All-American City then it needs to be done in the best likeness possible.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to allocate $4,000 from the Affinity credit card funds to be budgeted in Fiscal Year 2004, and to consider including banner replacement in the next budget updates for 2005. The motion carried unanimously.

Disposition: Approved

12. AUTHORIZATION TO NEGOTIATE PLANTING AND IRRIGATION WORK WITH SEQUOIA OFFICE OF THE CALIFORNIA CONSERVATION CORPS – VELB MITIGATION

Recommendation: That City Council authorize staff to negotiate an agreement with the California Conservation Corps to undertake the construction work on the VELB Mitigation site known as the Headgate Property.

Mayor Stadtherr asked if the current status of the Conservation Corps have any effect on this, to which Community Development Director Brad Dunlap answered that it would not be affected.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Hamilton to approve staff’s recommendation. The motion carried unanimously.

Disposition: Approved

13. SHOPPING CART REPORT – SCHEDULE A PUBLIC HEARING FOR A SHOPPING CART ORDINANCE

Recommendation: That City Council set April 2, 2004, as the date for the hearing of the Shopping Cart Ordinance.

Council Member requested that the three days allowed to pick up the property be changed to three working days.
Council Member Hamilton expressed his concern that the people who steal the carts are not mentioned in the policy, and that the store owners are being asked to pay to pick up their stolen property.

Mayor Stadtherr stated that the City has become a collection service for the stores.

City Manager Longley asked that Police Chief Rodriguez come forward to speak about this topic.

Chief Rodriguez stated that shopping cart stealing can be considered a misdemeanor, but certain criteria would need to apply.

Council Member Irish asked if a meeting between the larger retailers and staff could be arranged to discuss the problem.

COUNCIL ACTION: MOVED BY Council Member Hamilton, SECONDED by Council Member Irish to schedule a meeting to include larger retail outlets and staff prior to a public hearing being scheduled to discuss this problem and possible solutions; staff to present a report at the first meeting in April.
M.O. 08-030204 The motion carried unanimously.

Disposition: Approved

14. HILLSIDE/EASTSIDE WATER DEVELOPMENT PLAN

Recommendation: That City Council:
1. Direct staff to research funding sources for these projects; and
2. Accept the Eastside/Hillside Water Development Plan as presented.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to approve staff’s recommendation. The motion carried unanimously.
M.O. 09-030204

Disposition: Approved

15. CONSIDERATION OF NOMINATING A REPRESENTATIVE FOR THE INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE

Recommendation: Nominate a member of the City Council to serve on the Indian Gaming Local Community Benefit Committee. The nomination will be sent to the Tulare County Board of Supervisors and the Tule River Tribal Council for consideration of appointment.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West to approve nomination of Council Member Cameron Hamilton.
M.O. 10-030204
AYES: West, Hamilton, Irish, Stadtherr
NOES: None
ABSTAIN: Martinez
ABSENT: None

Disposition: Approved

16. CONSIDERATION OF REQUEST REGARDING CITY COUNCIL REORGANIZATION

Recommendation: None.

Mayor Stadtherr asked Council Member Irish why he felt reorganization was necessary at this time.

Council Member Irish stated that he did not want the representation of Council to continue in the direction it has been.

Mayor Pro Tem Martinez asked for elaboration from the City Attorney about the Charter.

The City Attorney stated that the Charter states that the Mayor or Mayor Pro Tem may be removed at any time by a majority vote of the Council.

Council Member Hamilton stated that he was not comfortable with Mayor Stadtherr going to KTIP radio and, what he felt, attacking a fellow Council Member.

Mayor Stadtherr asked if he was not allowed to express his opinion as an elected official.

Council Member Hamilton stated that it was not appropriate to insinuate that other Council Members participated in backroom politics.

Council Member Irish stated that it was not only directed toward himself, but past Council Members and past staff.

Council Member Hamilton stated that the Mayor’s remarks were offensive and not a sign of good leadership.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Hamilton to consider a City Council reorganization.

M.O. 11-030204

AYES: Hamilton, Irish, Martinez
NOES: West, Stadtherr
ABSTAIN: None
ABSENT: None

Disposition: Approved
COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to nominate Pete Martinez as Mayor. The motion carried unanimously.

Disposition: Approved

Council Member Hamilton nominated Ron Irish for Mayor Pro Tem.

Council Member Stadtherr nominated Kelly West for Mayor Pro Tem.

Mayor Martinez nominated Cameron Hamilton for Mayor Pro Tem.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Hamilton to approve Council Member Irish as Mayor Pro Tem.

M.O. 13-030204

AYES: Hamilton, Irish, Martinez
NOES: West
ABSTAIN: Stadtherr
ABSENT: None

Disposition: Approved

ORAL COMMUNICATIONS

• Boyd Leavitt, 457 E. Oak, spoke regarding waterless urinals; having the Council agenda on the City website; and, Frank’s Stop & Go Market having alcohol sale advertisements on their building during a suspension of their alcohol sales.

• Cathy Capone, thanked Richard Stadtherr for his job as Mayor and bringing ideas to Council.

• Felipe Martinez, spoke regarding the representation of the City by the Council, and their working together.

OTHER MATTERS/COUNCIL COMMENTS

• Council Member Stadtherr, asked about the questionnaire update from the Visalia City Manager.

• Council Member Stadtherr asked for a Study Session on Solar in relation to a site visit to the Sewage Facility Plant by the contractor who constructed the solar facility in Oroville.

• Council Member Stadtherr asked about a Roundabouts Study Session.

• Council Member Stadtherr spoke about preparing a City Council Member coordination list of speakers and subjects.

• Council stated that study sessions were to be prioritized by Council/staff.

CLOSED SESSION

9a. CLOSED SESSION PURSUANT TO: 1 – GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 302-100-013; APN 302-110-059. AGENCY NEGOTIATOR: JOHN LONGLEY. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND ROBERT

The Council adjourned to Closed Session at 8:38 p.m. and then reconvened at 8:59 p.m.

ADJOURNMENT

The Council adjourned at 8:59 p.m. to the meeting of March 9, 2004 at 6:00 p.m. for Item 4, Award of Contract - Neighborhood Community Center.

Georgia Hawley, Deputy City Clerk
By Luisa Herrera

SEAL

Pedro R. Martinez, Mayor
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - MARCH 9, 2004
COUNCIL CHAMBERS - 6:00 P.M.

Call to Order: 6:00 p.m.
Roll Call: West, Irish, Hamilton, Stadtherr, Martinez

Mayor Martinez stated that the Closed Session would be conducted first, followed by the regular session.

CLOSED SESSION

A. Closed Session pursuant to Government Code § 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case

Council adjourned to the closed session at 6:02 p.m. The Council then reconvened at 6:40 p.m. No action was reported.

ORAL COMMUNICATIONS

Kurt Zumwalt, Zumwalt Construction, 5520 E. Lamona Avenue, Fresno, spoke regarding their bid and stated that they would do a good job for the City.

SCHEDULED MATTER

1. AWARD OF CONTRACT – NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That City Council approve Option 1 and authorize Mayor to sign all necessary documents.

The Community Development Director presented the staff report with three options for consideration:

1. Upon close of escrow for the property, award the Neighborhood Community Center Project to Zumwalt Construction in the amount of $2,701,000, authorize progress payment up to 90% of the contract amount, and authorize a 10% contingency to cover unforeseen construction costs, and authorize staff to work with the architect to process change orders as feasible to reduce the overall costs; or

2. Upon close of escrow for the property, award the Neighborhood Community Center Project to Zumwalt Construction in the amount of $2,701,000, authorize progress
payment up to 90% of the contract amount, and authorize a 10% contingency to cover unforeseen construction costs; or

3. Reject all bids and authorize the design of the Santa Fe School parking lot as a separate project while the architect revises plans to scale back the cost of the project.

Council Member Hamilton stated that he appreciated the contractors who had bid this project, and with the information that has been provided, he was satisfied with the bid proposed. He recommended that upon close of escrow for the property, they award the Neighborhood Community Center Project to Zumwalt Construction in the amount of $2,701,000. He read into the record that the irregularities were not substantial and did not provide an unfair advantage. Also, they found that the irregularities were clerical in nature and did not affect the amount of the bid and did not provide an advantage nor did they discourage competitive bidding, and also they found that the irregularities did not affect the City’s ability to compare the bids. Council Member West seconded the motion.

The Public Works Director clarified that the errors noted were of a minor nature that did not change the bottom line or the nature of the individual items of work to be done. He did state the Zumwalt bid proposal was process was the sloppy and they would have a discussion on that at a later time, but overall it was something they had dealt with in the past, and this was very consistent with that practice of dealing with irregularities that are without substance.

Council questioned the name of the architect and the timing of the project estimates.

The Acting City Attorney recommended that the Council make the additional finding that “The award was consistent with past practice.”

COUNCIL ACTION

MOTION made by Council Member Hamilton, SECONDED by Council Member West that upon close of escrow for the property, the City Council award the Neighborhood Community Center Project to Zumwalt Construction in the amount of $2,701,000, authorize progress payment up to 90% of the contract amount, and authorize a 10% contingency to cover unforeseen construction costs, and authorize staff to work with the architect to process change orders as feasible to reduce the overall costs; with the Council findings that the irregularities were not substantial and did not provide an unfair advantage, that Council found that the irregularities were clerical in nature and did not affect the amount of the bid and did not provide an advantage nor did they discourage competitive bidding, and Council found that the irregularities did not affect the City’s ability to compare the bids, and the award was consistent with past practice. The motion carried unanimously.

Disposition: Approved.
ADJOURNMENT

The Council adjourned at 6:50 p.m. until March 16, 2004 at 6:00 p.m.

______________________________
Georgia Hawley, Deputy City Clerk

SEAL

______________________________
Pedro R. Martinez, Mayor
SUBJECT: CLAIM - ROBERT WHITLEY

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Robert Whitley has filed a claim against the City for personal damages. Mr. Whitley is alleging that he was wrongfully terminated by the City on July 11, 2003.

The amount being claimed as of the date of this claim is $3,000,000.00 within the jurisdiction of the Tulare Superior Court.

RECOMMENDATION: That the Council reject said claim, and refer the matter to the City's insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Attachment: Claim Form

Item No. 2
CLAIM AGAINST CITY OF PORTERVILLE

Claimant's Name: ROBERT WHITNEY  S.S. #: 558-33-4784

Claimant's Date of Birth: APRIL 30, 1974  Telephone #: (559) 784-0259

Claimant's Address: 140 BEL AIRE CIRCLE, PORTERVILLE, CA. 93257

Address where Notices about Claim are to be sent, if different from above: 4856 N. CEDAR AVE. O.E.3 PUBLIC EMPLOYEE UNIV./FRESNO, CA. 93726

Date of Incident/Accident/Arrest: JULY 11, 2003

Date Injuries, Damages or Losses were discovered: AUGUST 15, 2003

Location of Incident/Accident/Arrest: PORTERVILLE CITY HALL

What did Entity or Employee do to cause this Loss, Damage or Injury? THE CLAIMANT WAS WRONGFULLY TERMINATED BY THE CITY OF PORTERVILLE. THE CITY OF PORTERVILLE ALSO FAILED TO PROVIDE DOCUMENTATION TO

What are the Names of the Entity's Employees who caused this Injury, Damage or Loss (if known)?

JOHN LONGLEY - CITY MANAGER

DARREL PYLE - ADMINISTRATIVE SERVICES DIR.

What specific Injuries, Damages or Losses did Claimant receive? LOSS OF INCOME, UNEMPLOYMENT STRESS, LOSS OF FAMILY, DIVORCE, EMOTIONAL TRAUMA

What amount of money is claimant seeking, or if amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a "limited civil case" [see Government Code 910(f)]

$3,000,000.00 / TULARE SUPERIOR COURT

How was this amount calculated (please itemize)? $1,000,000.00 DISABILITY LOSS OF INCOME 20 YEARS SERVICE REMAINING IS TO

Date Signed: 7/13/04  Signature: [Signature]

If signed by Representative:

Representative's Name: DOUG GORMAN

Address: 4856 N. CEDAR AVE. FRESNO, CA. 93726

Telephone #: 559-729-4083

Relationship to Claimant: BUS. AGENT - P.C.E.A.
General Diagram

THE CLAIMANT THAT WOULD ALLOW THE CLAIMANT TO PROPERLY DEFEND HIMSELF IN HIS APPEAL PROCESS.

COVER DAMAGES TO THE CLAIMANT FOR EMOTIONAL TRAUMA DUE TO THE LOSS OF FAMILY AND DIVORCE CAUSED BY THE CITY'S ACTIONS.

Street Incidents

↑
North
SUBJECT: CLAIM - MARINA MARRERO

SOURCE: Administrative Services Department/City Clerk Division

COMMENT: Marina Marrero has filed a claim against the City for property damage. Ms. Marrero is claiming that the City sewer main became blocked at 434 N. Villa, which caused her sewer line to back up on December 16, 2003.

The amount being claimed as of the date of this claim is $350.00, based on repair estimates.

RECOMMENDATION: That the Council reject said claim, and refer the matter to the City's insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Attachment: Claim Form

Item No. 3
CLAIM AGAINST City of Porterville

Claimant’s Name Marina Marrero S.S. #: 564-17-8549

Claimant’s Date of Birth 4-14-61 Telephone # (559) 784-0109
Claimant’s Address 122 Oakwood CT Porterville CA 93257

Address where Notices about Claim are to be sent, if different from above:

Date of Incident/Accident/Arrest: 12-16-03

Date Injuries, Damages or Losses were discovered: 12-16-03

Location of Incident/Accident/Arrest: 434 N Villa

What did Entity or Employee do to cause this Loss, Damage or Injury?

Sewer back up
City main line plugged

(Use Back of this Form or Separate Sheet if necessary to answer this Question in Detail.)

What are the Names of the Entity’s Employees who caused this Injury, Damage or Loss (if known)?

City employees were called out to unplug line

What specific Injuries, Damages or Losses did Claimant receive? Rooter service to 434 N. Villa

See attach Invoice

(Use back of this form or separate sheet if necessary to answer this question in detail.)

What amount of money is claimant seeking, or if amount is in excess of $10,000, which is the appropriate court of jurisdiction. Note: If Superior and Municipal Courts are consolidated, you must represent whether it is a “limited civil case” [see Government Code 910(f)]

$ 350.00 See attach Invoice

(Use back of this form or separate sheet if necessary to answer this question in detail.)

How was this amount calculated (please itemize)? See attach Invoice

(Use back of this form or separate sheet if necessary to answer this question in detail.)

Date Signed: 12-22-03 Signature: Marina Marrero

If signed by Representative:

Representative’s Name

Address ____________________________

Telephone # _________________________

Relationship to Claimant ____________________________
INVOICE

Paul Mc Donald Inc.
P.O. Box 8145
Porterville, Ca. 93258

Lic#756728

INVOICE DATE 12-17-03

CUSTOMER'S ORDER NO.

781-3371

SOLD TO:
Marquis-Marcos
122 Olive Wood Ct
Porterville, Ca. 93257

SHIP TO:

SALESPERSON

SHIPPED VIA

TERMS

F.O.B.

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<td>354</td>
<td>Rooter service to 434 N. Villa Pille</td>
<td></td>
<td>350</td>
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</tbody>
</table>

Three spent trying to unstop line. City main plugged

350  

INVOICE
COUNCIL AGENDA: MARCH 16, 2004

SUBJECT: BUDGET ADJUSTMENTS FOR THE 2003-04 FISCAL YEAR

SOURCE: Administrative Services

COMMENT: During the course of the fiscal year, additional budget information becomes available that more accurately identifies revenue projections and project costs. Once known, budget modifications are necessary to complete projects and record revenues. To address budget adjustments in an orderly fashion, all adjustments will be presented as one agenda item for Council's consideration.

RECOMMENDATION: That the Council approve the attached budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.
<table>
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<tr>
<th>FUND</th>
<th>NO.</th>
<th>DESCRIPTION</th>
<th>FUNDING SOURCE</th>
<th>DOLLAR AMOUNT</th>
<th>REVISED E.O.Y\nFUND CASH BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td>7</td>
<td>To increase the revenue estimate in the General Fund from the State of California for the Off-Highway Vehicle Park improvement grant in the 2003-2004 fiscal year.</td>
<td>OHV Grant</td>
<td>$28,294</td>
<td>$754,511</td>
</tr>
<tr>
<td>General Fund</td>
<td>8</td>
<td>To increase the appropriation in the General Fund, Department of Parks and Leisure Services, OHV Division to allow for the expenditure of grant funds on improvements.</td>
<td>OHV Grant</td>
<td>$28,294</td>
<td>$726,217</td>
</tr>
</tbody>
</table>

Modification No: 09-03/0
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS - VELB MITIGATION WATER WELL PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT - Engineering

COMMENT: The Plans and Project Manual have been prepared for the construction of a water well that will irrigate the Elberberry bushes and other associated plant habitat for the Valley Elderberry Longhorn Beetle (VELB). The mitigation site is located on what is called the City's Headgate Property, which is generally located between Highway 190 and the Tule River, east of the southerly prolongation of Page Street.

The Plans and Project Manual are available for review in Public Works Department - Engineering Division.

The estimated probable cost for this project is $60,000. Funding will be drawn from all the Capital Improvement Projects and COP Street Projects that have been impacted by the VELB habitat issue. Steel costs are fluctuating rapidly, making it difficult to generate a reliable estimate. There are a lot of steel products/material associated with this project which could greatly impact the given estimate.

Test hole data is not available or financially feasible for the proposed well location. Typically staff will utilize the aquifer locations within the test hole data to determine well depth. Staff has designed the well to be deeper than what is expected to be the ultimate depth. Should no unforeseen conditions emerge, staff feels the cost of this well project will be approximately 10% to 25% lower than the contract amount. The basis of the well design was obtained from nearby older well data.

Recommendation: That City Council:

1. Approve the Plans and Project Manual; and

2. Authorize staff to advertise for bids on the project.

Attachment: Locator Map
Estimate of Probable Cost

BSR Y:\Engineering\Council Items\Mitigation Well Advertise for Bids.wpd

Dir ___ Appropriated/Funded ___ CM ___

Item No. 5
## Estimate of Probable Cost

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>EXTENSION PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization</td>
<td>$ 1500</td>
<td>$ 1500</td>
</tr>
<tr>
<td>2.</td>
<td>300</td>
<td>L.F.</td>
<td>Logs and records in accordance with the &quot;Water Well&quot; Section of these Specifications</td>
<td>$ 10</td>
<td>$ 3000</td>
</tr>
<tr>
<td>3.</td>
<td>50</td>
<td>L.F.</td>
<td>20-inch diameter x 1/4-inch thick conductor pipe including 32-inch diameter bore hole, pipe guides, 1/4-inch thick steel plate ring, casing clamps and grout</td>
<td>$ 100</td>
<td>$ 5000</td>
</tr>
<tr>
<td>4.</td>
<td>250</td>
<td>L.F.</td>
<td>18-inch diameter bore hole below conductor pipe</td>
<td>$ 40</td>
<td>$ 10000</td>
</tr>
<tr>
<td>5.</td>
<td>100</td>
<td>L.F.</td>
<td>6-inch x 1/4-inch thick blank casing, including casing guides, cover plate and ring assembly</td>
<td>$ 25</td>
<td>$ 2500</td>
</tr>
<tr>
<td>6.</td>
<td>1</td>
<td>L.S.</td>
<td>1/4-inch thick round bottom plate</td>
<td>$ 500</td>
<td>$ 500</td>
</tr>
<tr>
<td>7.</td>
<td>200</td>
<td>L.F.</td>
<td>6-inch x 1/4-inch thick perforated outer casing including casing guides</td>
<td>$ 45</td>
<td>$ 9000</td>
</tr>
<tr>
<td>8.</td>
<td>1</td>
<td>L.S.</td>
<td>2-inch schedule 40 steel sounding tube to the surface of the well complete with sweep &quot;L&quot;</td>
<td>$ 1500</td>
<td>$ 1500</td>
</tr>
<tr>
<td>9.</td>
<td>15</td>
<td>C.Y.</td>
<td>gravel envelope, including all labor and materials</td>
<td>$ 100</td>
<td>$ 1500</td>
</tr>
<tr>
<td>10.</td>
<td>5</td>
<td>C.Y.</td>
<td>Grout seal between the conductor pipe and 6-inch casing including all labor and material</td>
<td>$ 200</td>
<td>$ 1000</td>
</tr>
<tr>
<td>ITEM</td>
<td>QUANTITY</td>
<td>UNIT</td>
<td>DESCRIPTION</td>
<td>UNIT PRICE</td>
<td>EXTENSION PRICE</td>
</tr>
<tr>
<td>------</td>
<td>----------</td>
<td>------</td>
<td>-----------------------------------------------------------------------------</td>
<td>------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>11.</td>
<td>110</td>
<td>L.F.</td>
<td>3-inch, 12-gauge steel pipe gravel chute, including all labor and materials</td>
<td>$ 8</td>
<td>$ 880</td>
</tr>
<tr>
<td>12.</td>
<td>1</td>
<td>L.S.</td>
<td>Mobilization and demobilization of development pumping</td>
<td>$ 2500</td>
<td>$ 2500</td>
</tr>
<tr>
<td>13.</td>
<td>72</td>
<td>HRS.</td>
<td>Development and test pumping, Including all labor and materials</td>
<td>$ 125</td>
<td>$ 9000</td>
</tr>
<tr>
<td>14.</td>
<td>1</td>
<td>L.S.</td>
<td>Alignment test per AWWA A100 specifications</td>
<td>$ 750</td>
<td>$ 750</td>
</tr>
<tr>
<td>15.</td>
<td>1</td>
<td>L.S.</td>
<td>Submersible Pump &amp; Pump Control Cabinet</td>
<td>$ 3520</td>
<td>$ 3520</td>
</tr>
<tr>
<td>16.</td>
<td>1</td>
<td>L.S.</td>
<td>COMPLETE BASE BID pumping facility, including all discharge piping, valving, Chain link well enclosure, concrete and gravel surfacing, 200 gallon hydropneumatic tank and all other appurtenances as set forth on the plans and in these specifications not including Items 1 through 16</td>
<td>$ 7850</td>
<td>$ 7850</td>
</tr>
</tbody>
</table>

**TOTAL BASE BID** $ 60,000

Estimate of Probable Cost

Michael R. Reed, City Engineer

Public Works Director

Baldomero Rodriguez

City Manager

John Longley
COUNCIL AGENDA: MARCH 16, 2004

SUBJECT: AWARD OF CONTRACT - MEMORY LANE WIDENING PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On March 4, 2004, staff received (8) bids for the Memory Lane Widening Project. This project consists of the construction of curb, gutter, sidewalk, curb return with handicap ramp, and paveout at the northwest corner of Memory Lane and Newcomb Street.

On January 20, 2004 Council authorized staff to advertise for bids with an estimated probable cost for this project of $10,700. The engineers estimate is attached for review. Funding was approved from Local Transportation Fees in the 2003/2004 Annual Budget.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Central Valley Asphalt, Lindsay</td>
<td>$10,852.00</td>
</tr>
<tr>
<td>2. Halopoff &amp; Sons, Inc., Porterville</td>
<td>$14,918.76</td>
</tr>
<tr>
<td>4. Lockwood General Engr., Inc., Visalia</td>
<td>$21,406.45</td>
</tr>
<tr>
<td>5. BDS Construction, Chowchilla</td>
<td>$23,331.40</td>
</tr>
<tr>
<td>6. R. Serna Construction, Clovis</td>
<td>$23,585.90</td>
</tr>
<tr>
<td>7. Seal Rite Paving Company, Clovis</td>
<td>$33,193.62</td>
</tr>
<tr>
<td>8. Garcia Paving Company, Inc., Fresno</td>
<td>$34,407.21</td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

RECOMMENDATION: That City Council:

1. Award the Memory Lane Widening Project to Central Valley Asphalt in the amount of $10,852.00;

2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen construction costs.

ATTACHMENT: Locator Map
Engineers Estimate

Y:\Engineering\Council Items\Award of Contract - Memory Lane Widening.wpd

Dir ___ Appropriated/Funded ___ CM ___ Item No. 6
TO THE PURCHASING AGENT
City of Porterville
291 N. Main Street
Porterville, CA  93257

We, the undersigned bidder, having carefully examined the location of hereinafter described work and the plans and project manual thereof, thereby propose to furnish, all in strict accordance with said plans and project manual, all the materials, labor and equipment necessary for the completion of this project for the price set forth in the following bid, to wit:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>QTY.</th>
<th>UNIT</th>
<th>DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>L.S.</td>
<td>L.S.</td>
<td>CLEARING AND GRUBBING</td>
<td>$1,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>2.</td>
<td>105</td>
<td>LF</td>
<td>CITY STD. CURB AND GUTTER</td>
<td>$18.00</td>
<td>$1,890</td>
</tr>
<tr>
<td>3.</td>
<td>385</td>
<td>SF</td>
<td>CITY STD. SIDEWALK</td>
<td>$4.00</td>
<td>$1,540</td>
</tr>
<tr>
<td>4.</td>
<td>1</td>
<td>EA</td>
<td>CURB RETURN WITH RAMP</td>
<td>$2,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>5.</td>
<td>156</td>
<td>LF</td>
<td>SAWCUT EXISTING PAVEMENT</td>
<td>$5.00</td>
<td>$780</td>
</tr>
<tr>
<td>6.</td>
<td>17</td>
<td>CY</td>
<td>STREET EXCAVATION</td>
<td>$40</td>
<td>$680</td>
</tr>
<tr>
<td>7.</td>
<td>12</td>
<td>CY</td>
<td>AGGREGATE BASE</td>
<td>$35</td>
<td>$420</td>
</tr>
<tr>
<td>8.</td>
<td>12</td>
<td>TONS</td>
<td>ASPHALT CONCRETE PAVING</td>
<td>$45</td>
<td>$540</td>
</tr>
<tr>
<td>9.</td>
<td>61</td>
<td>LF</td>
<td>REMOVE AND REPLACE 6' HIGH WOOD FENCE INCLUDING 20' WIDE GATE</td>
<td>$20.00</td>
<td>$1,220</td>
</tr>
<tr>
<td>10.</td>
<td>90</td>
<td>SF</td>
<td>CITY STD. DRIVE APPROACH</td>
<td>$7.00</td>
<td>$630</td>
</tr>
</tbody>
</table>

TOTAL $10,700.00

Engineer's Estimate Prepared by: Nathan Delk, Assistant Engineer, City of Porterville

Reviewed By: Baldomero Rodriguez, Public Works Director

Date 3/9/04

John Longley, City Manager

Date
SUBJECT: AUTHORIZATION TO NEGOTIATE PROJECT MANAGEMENT SERVICES – NEIGHBORHOOD COMMUNITY CENTER

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On March 9, 2004, the City Council awarded the contract for the construction of the Neighborhood Community Center. Construction of the project is anticipated to be completed within 270 days from commencement. Project management, consisting of overseeing the day-to-day operations, conducting wage determination interviews, and communicating on a regular basis with representatives from City staff, the project architect, and Porterville Unified School District is estimated to be a total of 1,620 hours, based on an estimate of 6 hours per day.

In an effort to most efficiently utilize personnel and financial resources, staff is requesting authorization from Council to negotiate services for a Project Manager. The desired Project Manager would have a background in construction supervision and would work closely with the Public Works and Community Development Directors, or their designees. Project management would be funded through the Housing and Urban Development Section 108 Loan Guarantee.

Upon completion of the negotiations with a Project Manager, Staff will bring the item back to the Council as a consent calendar item for approval.

RECOMMENDATION: That City Council authorize staff to negotiate an agreement to undertake the Project Management for the Neighborhood Community Center project.

DD_____ Appropriated/Funded_____ CM_____ Item No. 7
CITY COUNCIL AGENDA: MARCH 16, 2004

SUBJECT:    AUTHORIZATION TO ENTER INTO SERVICE AGREEMENTS FOR INSPECTOR SERVICES – NEIGHBORHOOD COMMUNITY CENTER

SOURCE:    COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On March 9, 2003, the City Council awarded the contract for construction of the Neighborhood Community Center. The Neighborhood Community Center will house the Santa Fe Elementary School Library, and therefore must be constructed to the Department of State Architect (DSA) standards for school buildings. As such, a DSA certified inspector is required to conduct the inspection services for the building. City Building Inspectors are not DSA certified. Staff has reviewed the plans and determined that a part-time, certified inspector could satisfy the requirements of DSA.

Building inspection services are estimated to be approximately $50,000 and will be funded through the Housing and Urban Development Section 108 Loan Guarantee. Staff has been in negotiations with John Stewart, DBA Per-Spec Inspection, to undertake the building inspection services for the Neighborhood Community Center.

Additionally, a DSA Masonry Inspector is required to oversee the masonry portion of the construction. Staff has been in contact with several firms that offer masonry inspection services. It is estimated that the masonry inspection services would not exceed $45,000.

RECOMMENDATION:    That City Council:

1) Approve the Service Agreement with Per-Spec Inspection for amount not to exceed $50,000 for building inspection services at the Neighborhood Community Center;
2) Authorize staff to negotiate a service agreement for masonry inspection services for an amount not to exceed $45,000; and
3) Authorize the Mayor to sign all documents.

ATTACHMENT: 1) Per-Spec Inspection Service Agreement
2) Masonry Inspection Service Agreement Template

DD Appropriated/Funded CM Item No. 8
SERVICE AGREEMENT FOR BUILDING INSPECTION SERVICES

DATE: March 16, 2004

PARTIES: City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and John Stewart, DBA Per-Spec Inspection, hereinafter referred to as "INSPECTOR".

RECITALS:

CITY has undertaken a project on which it is seeking assistance from INSPECTOR. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: Library/Neighborhood Community Center

Description of Project: Construction of a one-story, 10,037 square foot Library/Neighborhood Community Center; landscaping/irrigation; fencing and gates; gazebo; concrete walkways; fire lane; and parking lots.

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: INSPECTOR hereby agrees to provide the following services:

1) Provide inspection, reporting and record keeping services as described in Title 24, California Code of Regulations as outlined in the Administrative Code of the California Building Code.

2) All special inspection, as required by the Test and Inspection requirements, will be performed by an independent testing agency.

3) The CITY, either by agreement with the successful bidder or by their own means, shall supply conditioned office space adequate to house furniture and equipment.

ATTACHMENT 1
necessary to maintain a field inspectors office, reasonable sanitary facilities and phone service, for the use of INSPECTOR.

SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay INSPECTOR on a time-expended basis, not to exceed Fifty thousand dollars ($50,000). The rate for the above mentioned work will be at the rate of fifty dollars ($50.00) per hour with a two hour minimum per day.

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. INSPECTOR should receive payment within 30 days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by INSPECTOR will be commenced upon execution of this agreement and all "work directives" shall be completed within thirty-five (35) days following the filing of “Notice of Completion”

SECTION 4. FAMILIARITY WITH PROJECT: INSPECTOR certifies and agrees that he will become fully familiar with all of the details of the project required to perform services. INSPECTOR agrees he will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information and offers the aforementioned opinions and representations in writing.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that INSPECTOR is entering into this contract and will provide all services required hereunder as an independent contractor and not as an employee of CITY. INSPECTOR specifically warrants that it will have in full force and effect, valid insurance covering:

(i) Bodily injury and property damage insurance in the amount not less than One Million Dollars ($1,000,000) per occurrence. CITY will reimburse INSPECTOR the full cost of the bodily injury and property damage insurance; and

(ii) Automotive liability in the amount not less than One Million Dollars ($1,000,000) per occurrence, fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all
claims arising from the negligence of INSPECTOR and any injuries to third parties, including employees of CITY and INSPECTOR. INSPECTOR agrees to indemnify, defend (at CITY’S election), and hold harmless the CITY against any claims, actions or demands against CITY, and against any damages, liabilities for personal injury or death or for loss or damage to property, or any of them arising out of negligence of INSPECTOR or any of its employees or agents.

SECTION 6. WORKMANSHIP: Every part of the work herein described shall be executed in a professional manner. Finished or unfinished material prepared under the agreement, prepared by INSPECTOR, shall become property of CITY. INSPECTOR hereby warrants that any materials prepared under this agreement shall be fit for the intended use contemplated by the parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has entered into this contract with the express understanding that all work will be performed by INSPECTOR. INSPECTOR shall not, without the written consent of CITY, assign, transfer or sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION: INSPECTOR will not discriminate against any employee, or applicant for employment because of race, color, religion, gender, marital status, or national origin.

SECTION 9. CONFLICT OF INTEREST CODE: INSPECTOR agrees to comply with the regulations of CITY’S “Conflict of Interest Code”. Said code is in accordance with the requirements of the Political Reform Act of 1974.

INSPECTOR covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of interest" under the California Fair Political Practices Act and the City of Porterville Conflict of Interest Code, as that term is applied to INSPECTOR.
SECTION 10. TERMINATION: This contract may be terminated by either party for just cause by giving seven (7) days written notice to the other party. Upon termination by CITY, CITY shall be relieved of any obligation to pay for work not completed including profit and overhead. INSPECTOR shall be entitled to just and equitable compensation for satisfactory work completed, except CITY can withhold damages incurred as a result of the termination.

SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys' fees and costs.

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. INSPECTOR hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

SECTION 13. CONTACTS: All correspondence between the CITY and the INSPECTOR will be assumed delivered if sent by mail to:

CITY:

CITY OF PORTERVILLE
ATTN: Community Development Director
291 N. Main Street
Porterville, CA 93257

INSPECTOR:

PER-SPEC INSPECTION
ATTN: John Stewart
P.O. Box 6730
Visalia, CA 93290

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

Pedro R. Martinez, Mayor

Date________________________

INSPECTOR

John Stewart

Date________________________
SERVICE AGREEMENT FOR MASONRY INSPECTION SERVICES

DATE:  
(Insert Date of Agreement)

PARTIES:  
City of Porterville, a California municipal corporation, hereinafter referred to as "CITY"; and (INSERT NAME OF INSPECTOR), hereinafter referred to as "INSPECTOR".

RECITALS:

CITY has undertaken a project on which it is seeking assistance from INSPECTOR. Said project which will hereinafter be referred to as "project" is described as follows:

Project Name: Library/Neighborhood Community Center

Description of Project: Construction of a one-story, 10,037 square foot Library/Neighborhood Community Center; landscaping/irrigation; fencing and gates; gazebo; concrete walkways; fire lane; and parking lots.

AGREEMENTS:

IN CONSIDERATION OF MUTUAL COVENANTS AND AGREEMENTS HEREINAFTER set forth the parties hereto do contract and agree as follows:

SECTION 1. CONTRACT SERVICES: INSPECTOR hereby agrees to provide the following services for the masonry portion of the Project.

1) Provide inspection, reporting and record keeping services as described in Title 24, California Code of Regulations as outlined in the Administrative Code of the California Building Code.

2) All special inspection, as required by the Test and Inspection requirements, will be performed by an independent testing agency.

3) The CITY, either by agreement with the successful bidder or by their own means, shall supply conditioned office space adequate to house furniture and equipment.
necessary to maintain a field inspectors office, reasonable sanitary facilities and phone service, for the use of INSPECTOR.

SECTION 2. PAYMENT: In consideration for said services and materials, CITY shall pay INSPECTOR on a time-expended basis, not to exceed Fifty thousand dollars ($45,000). The rate for the above mentioned work will be at the rate of fifty dollars ($50.00) per hour with a two hour minimum per day.

TIME OF PAYMENT: Progress payment requests shall be submitted by the 25th of each month. INSPECTOR should receive payment within 30 days of the date the bill is received.

SECTION 3. COMPLETION DATE: The services to be performed by INSPECTOR will be commenced upon execution of this agreement and all "work directives" shall be completed within thirty-five (35) days following the filing of "Notice of Completion".

SECTION 4. FAMILIARITY WITH PROJECT: INSPECTOR certifies and agrees that he will become fully familiar with all of the details of the project required to perform services. INSPECTOR agrees he will not rely upon any opinions and representations of CITY unless CITY is the only available source of said information and offers the aforementioned opinions and representations in writing.

SECTION 5. INDEPENDENT CONTRACTOR: It is expressly understood that INSPECTOR is entering into this contract and will provide all services required hereunder as an independent contractor and not as an employee of CITY. INSPECTOR specifically warrants that it will have in full force and effect, valid insurance covering:

(iii) Bodily injury and property damage insurance in the amount not less than One Million Dollars ($1,000,000) per occurrence. CITY will reimburse INSPECTOR the full cost of the bodily injury and property damage insurance; and

(iv) Automotive liability in the amount not less than One Million Dollars ($1,000,000) per occurrence, fully protecting CITY, its elected and appointed officers, employees, agents and assigns, against all
claims arising from the negligence of INSPECTOR and any 
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INSPECTOR. INSPECTOR agrees to indemnify, defend (at
CITY’S election), and hold harmless the CITY against any claims,
actions or demands against CITY, and against any damages,
liabilities for personal injury or death or for loss or damage to
property, or any of them arising out of negligence of INSPECTOR
or any of its employees or agents.

SECTION 6. WORKMANSHIP: Every part of the work herein described shall be executed in a
professional manner. Finished or unfinished material prepared under the agreement, prepared
by INSPECTOR, shall become property of CITY. INSPECTOR hereby warrants that any
materials prepared under this agreement shall be fit for the intended use contemplated by the
parties.

SECTION 7. ASSIGNMENT OF CONTRACT: It is acknowledged by the parties that CITY has
entered into this contract with the express understanding that all work will be performed by
INSPECTOR. INSPECTOR shall not, without the written consent of CITY, assign, transfer or
sublet any portion or part of this work, nor assign any payments to others.

SECTION 8. AFFIRMATIVE ACTION INSPECTOR will not discriminate against any
employee, or applicant for employment because of race, color, religion, gender, marital status,
or national origin.

SECTION 9. CONFLICT OF INTEREST CODE: INSPECTOR agrees to comply with the
regulations of CITY’S “Conflict of Interest Code”. Said code is in accordance with the
requirements of the Political Reform Act of 1974.

INSPECTOR covenants that it presently has no interest, and shall not have any interest,
direct or indirect, which would conflict in any manner with the performance of service required
hereunder. The term "conflict" shall include, as a minimum, the definition of a "conflict of
interest" under the California Fair Political Practices Act and the City of Porterville Conflict of
Interest Code, as that term is applied to INSPECTOR.
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SECTION 11. ENTIRE CONTRACT: It is understood and agreed that this Service Agreement represents the entire Agreement between the parties. Should it be necessary to institute legal proceedings to enforce any and all of the covenants and conditions of this Agreement, the prevailing party shall be entitled to recover attorneys’ fees and costs.

SECTION 12. DISPUTES; VENUE: If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. INSPECTOR hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.

SECTION 13. CONTACTS: All correspondence between the CITY and the INSPECTOR will be assumed delivered if sent by mail to:

CITY:

CITY OF PORTERVILLE
ATTN: Community Development Director
291 N. Main Street
Porterville, CA 93257

INSPECTOR:

IN WITNESS WHEREOF, the parties have executed this Service Agreement on the date and year first above written.

CITY OF PORTERVILLE

Pedro R. Martinez, Mayor

Date________________________

INSPECTOR

Date________________________
CITY COUNCIL AGENDA: MARCH 16, 2004

SUBJECT: REQUEST TO PURCHASE AIRPORT INDUSTRIAL SITE – RUSSKEN HOLDINGS, LLC

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – ECONOMIC DEVELOPMENT

COMMENT: Endurequest designs and manufactures plastic products in a 10,000 square foot building located at the Airport Industrial Park. Endurequest has been in operation since 1991 and currently employs 26 people. City staff has been in discussions with company representatives over the course of several years as Endurequest has evaluated their expansion needs.

On April 6, 1999, Council approved Endurequest’s request for a first right of refusal for a 0.55-acre site located south of their current location. After further evaluation, Endurequest determined that site would be insufficient for the proposed project and Council approved the sale of a 1.72 acre lot to the east of their facility and participation in the City’s Business Assistance Program at the December 5, 2000 meeting. Due to restructuring of the company and changes in the prevailing wage law associated with the Business Assistance Program, Endurequest did not proceed with the purchase of the property.

In 2002, Russken Holdings, LLC was formed by the stockholders of the Endurequest Corporation. The newly restructured company desired to proceed with their expansion plans and on January 21, 2003, Council approved the sale of the 0.55-acre site to Russken Holdings, LLC to expand their operations.

On January 27, 2004, Russken Holdings, LLC submitted a written request to the City to purchase the 1.72 acre vacant lot east of their facility for the addition of a new 10,000 square foot building. The new facility is necessary for improvements in material flow and storage. Russken Holdings, LLC requests the following:

1) That escrow open on April 1, 2004, with a non-refundable deposit, made by Russken Holdings, LLC, of $15,000.
2) Purchase price of the lot to be $1.09 per square foot.
3) Escrow to close anytime in 2004. If escrow does not close by December 31, 2004, the deposit is forfeited to the City, less any fees due to the escrow holders, and escrow is cancelled.

DD______ Appropriated/Funded______ CM______ Item No. 9
To date, the City has sold nine (9) of the ten (10) lots fronting Thunderbolt Drive. The price for lots on Thunderbolt Drive has been determined to be $1.09 per square foot, which is based on the bare land value plus all public improvements. Based on an approximate size of 74,923.2 square feet, the purchase price for the subject site is estimated to be $81,666.29. Russken Holdings, LLC will be responsible for all applicable fees for any improvements to the property.

RECOMMENDATION: That the City Council:

1) Authorize and approve the sale of the subject 1.720 acre industrial site, estimated to be 74,923.2 square feet, in the Airport Industrial Park to Russken Holdings, LLC, and authorize staff to begin escrow;

2) Authorize the Mayor to sign all documents and agreements necessary to complete the project; and

3) Authorize staff to record all documents with the County Recorder.

ATTACHMENTS: 1) Letter of Request from Russken Holdings, LLC
2) Locator Map
3) Purchase Agreement
RUSSKEN HOLDINGS, L.L.C.  
1813 THUNDERBOLT DRIVE  
PORTERVILLE, CALIFORNIA  
93257

MR. FRANK GUYTON, FIRE CHIEF  
CITY OF PORTERVILLE  
40 W. CLEVELAND AVE.  
PORTERVILLE, CALIFORNIA 92357

JANUARY 27, 2004

SUBJECT: PURCHASE OF LOT WEST OF OUR PLANT @ 1813 THUNDERBOLT

DEAR FRANK:

FURTHER TO OUR SEVERAL SUBJECT DISCUSSIONS, WE WOULD LIKE TO  
FORMALIZE OUR INTENTION TO ACQUIRE THE ADJACENT LOT TO THE EAST.

AS YOU ARE AWARE, WE ARE IN THE MIDST OF A SIGNIFICANT EXPANSION  
ON THE 1813 THUNDERBOLT DRIVE PROPERTY, AND HAVE PURCHASED  
AND IMPROVED THE .55 AC. LOT SOUTH OF THAT FACILITY. WE ARE  
FULLY UTILIZING 100% OF THAT SPACE AT OUR PRESENT LEVEL OF  
ACTIVITY. WITH THE ADDITION OF A NEW 10000 SQUARE FOOT  
BUILDING, THERE WILL BE SOME IMPROVEMENTS IN MATERIAL FLOW AND  
COMPONENT STORAGE DENSITY, BUT THE FACILITY WILL STILL BE FULLY  
UTILIZED.

WE HAVE BEEN IN THE PRESENT FACILITY FOR EIGHT YEARS AND HAVE  
EXPERIENCED REVENUE GROWTH OF 400% IN THAT TIME PERIOD. WE  
HAVE REASON TO EXPECT CONTINUED GROWTH IN THE COMING YEARS,  
AND, THEREFORE, WISH TO ACQUIRE THE LOT FOR ANY NECESSARY  
FUTURE EXPANSION.

WE WOULD PROPOSE THE FOLLOWING TERMS:

1. OPEN ESCROW APRIL 1, 2004, WITH A NON-REFUNDABLE  
   DEPOSIT OF $15,000.00.

2. PURCHASE PRICE OF THE LOT TO BE $1.09/SQ FT. ACTUAL  
   AREA OF THE LOT TO BE DETERMINED. (1.5 - 1.8 ACRES?)

3. ESCROW TO CLOSE ANYTIME IN 2004, BUT, IF NOT, THE  
   DEPOSIT IS FORFEITED AND ESCROW IS CANCELLED.

ATTACHMENT
ITEM NO. P.
4. AT THE TIME OF PERMITTED LOT IMPROVEMENT, WE WILL
PERFORM AT OUR EXPENSE LANDSCAPING, FENCING, ETC.
AT OUR EXPENSE, TO CITY STANDARDS.

THANK YOU FOR YOURS COURSESIES IN THIS TRANSACTION. WE LOOK
FORWARD TO MAKING THIS ACQUISITION.

SINCERELY,

KEN DEWING, MEMBER
THIS AGREEMENT is made and entered into as of this ___ day of ______________, 20__, by and between the CITY OF PORTERVILLE (hereinafter the "Seller"), a municipal corporation and RUSSKEN HOLDINGS, LLC (the "Buyer").

RECITALS

A. Seller is the owner in fee simple of a 1.720 acres parcel of land, located in the City of Porterville, County of Tulare, State of California, the legal description of which is:

LEGAL DESCRIPTION AS PROVIDED IN EXHIBIT "A"

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties hereto agree as follows:

I PURCHASE AND SALE

1.1 Purchase and Sale. Buyer hereby agrees to acquire and purchase from Seller and Seller hereby agrees to sell and convey to Buyer that certain real property located in the City of Porterville, County of Tulare, California, described in Exhibit A attached and incorporated into this Agreement by this reference, together with all rights, privileges and easements appurtenant thereto including all development rights and air rights. Seller retains rights to and ownership of all minerals, oil, gas and other hydrocarbon substances thereon including water, water rights, and water stock relating thereto.

1.2 Purchase Price. The purchase price (the "Purchase Price") of the property shall be the sum of $81,666.29. City Acreage Fees including Water Acreage Fees, Sewer Acreage Fees and Storm Drainage Acreage Fees are included in the purchase price. Building permit fees, inspection fees, transportation impact fees, school impact fees, and all other fees not specifically covered under the purchase agreement are not included in the purchase price.

1.3 Payment of Purchase Price. The Purchase Price shall be payable as follows: Upon opening of escrow Buyer shall deposit a nonrefundable deposit of $15,000.00. Prior to the closing (as defined below), Buyer shall deposit into Escrow (as defined below) the balance of the Purchase price subject to adjustments as a result of any applicable prorations as described below. In the event that escrow does not close by December 31, 2004, the deposit is forfeited to the Seller, less any costs due and payable to the Escrow Company.

1.4 Landscape Maintenance District: If applicable, Buyer shall be responsible for payment of all annual assessments for the existing Landscape Maintenance District for the subject parcel.
II CONDITIONS TO CLOSING; ACTIONS PENDING CLOSING

2.1 The following is a condition precedent to the Closing and to Buyer's obligation to purchase the Property: At the Closing (as defined below), Seller shall convey to Buyer marketable fee simple title to the Property, by duly executed and acknowledged grant deed (the "Grant Deed"). Evidence of delivery of marketable fee simple title shall be the issuance of a CLTA Standard Coverage Policy of Title Insurance (1973) (the "Owner's Policy"), in the full amount of the Purchase Price by a mutually agreed upon title company (the "Title Company"), insuring fee simple title to the Property in Buyer, subject only to the following (the "Permitted Exceptions"): (i) the standard printed exceptions in the Owner's Policy, (ii) current real estate taxes not delinquent, and (iii) matters affecting title which will not substantially or unreasonably interfere with Buyer's intended development of the Property, as reasonably determined by Buyer. Seller shall cause any liens which secure an obligation to pay money other than the lien of current real estate taxes not delinquent to be discharged on or before the Closing. Pending the Closing, Seller shall not take any action or commit or suffer any acts which would give rise to a variance from the current legal description of the Property, or cause the creation of any exception or encumbrance against or respecting the Property.

2.2 In addition to the condition precedent set forth in Section 2.1, the Closing and Buyer's obligation to perform hereunder are conditioned upon the fulfillment of each and all of the following, any of which Buyer may waive in whole or in part:

2.2.1 Performance by Seller of all of its obligations hereunder and the truthfulness of each representation and warranty by Seller contained in this Agreement at the time the same is made and at the Closing Date.

2.2.2 The commitment and ability to issue, by Title Company a CLTA Standard Coverage Policy of Title Insurance, dated as of the Closing Date, with liability in the amount of the Purchase Price, showing title to the Property vested in Buyer, subject only to the Permitted Exceptions.

2.2.3 That no moratorium, statute, regulation, ordinance or federal, state, county or local legislation, or order, judgement, ruling or decree of any governmental agency or of any court is enacted, adopted, issued, entered or pending which would materially and adversely affect the Property or buyer's proposed use thereof.
III ESCROW INSTRUCTIONS

3.1 Opening of Escrow

3.1.1 Concurrently with the execution of this Agreement, an escrow (the "Escrow") shall be opened by both parties with Chicago Title Company, 801 W. Morton Avenue, Porterville, California, 93257.

3.1.2 The terms and conditions set forth in this Agreement shall constitute both an agreement between the parties hereto and escrow instructions for the Escrow Holder. If the Escrow Holder requires separate or additional escrow instructions, both parties agree to execute promptly and deliver to the Escrow Holder, after request for same from Escrow Holder, such separate or additional escrow instructions (The "Additional Instructions"). In the event of any conflict or inconsistency between this Agreement and the Additional Instructions, this Agreement shall prevail and govern as the Additional Instructions shall so provide. The Additional Instructions shall not modify or amend the provision of this Agreement unless otherwise expressly set forth by mutual consent of Buyer and Seller. "Opening of Escrow", as used herein, shall mean the delivery of a fully executed copy, or counterparts, of this Agreement to Escrow Holder and acceptance thereof by Escrow Holder, and escrow shall be deemed opened as of the date of such delivery and acceptance. "Closing", as used herein, shall mean the recordation of the Grant Deed in the official records of Tulare County, California.

3.1.3 The Closing shall be held not later than December 31, 2004. Escrow Holder is hereby directed to hold the closing upon the direction of the Buyer, but in no case after December 31, 2004, if it has received in a timely manner all the materials required to be delivered into Escrow by Buyer and Seller, and it has received a commitment from the Title Company to insurance title to the Property subject only to the Permitted Exceptions.

3.2 Prior to the Closing Date, Seller shall deposit the Grant Deed with Escrow Holder.

3.3 Prior to the Closing Date, Buyer shall deposit with Escrow Holder funds in accordance with the provisions of Section I above.

3.4 Seller and Buyer shall each deposit with Escrow Holder prior to the Closing Date fully executed and acknowledged copies of such instruments and funds as are reasonably required by the Escrow Holder or otherwise required to close the Escrow and consummate the purchase of the Property in accordance with the terms hereof. Buyer may waive compliance on Seller's part under any of the items being provided by Seller (except the Grant Deed) by an instrument in writing.
3.5 Closing of Escrow. When escrow is in the condition to close required by Sections 3.2, 3.3, and 3.4 above, Escrow Holder shall:

3.5.1 Deliver to Buyer: the Grant Deed by depositing the same with the County Recorder of the County of Tulare, California, with instructions to record the same and thereafter to mail the same to Buyer and the Owner's Policy (as soon as it is available from the Title Company); and

3.5.2 Deliver to Seller: funds in the amount of the Purchase Price, less or plus the net debit or credit to Seller by reason of the prorations and allocation of expenses herein provided.

3.6 Escrow Charges.

3.6.1 Closing Costs Borne by Seller. Seller shall bear and Escrow Holder shall discharge on Seller's behalf out of the sums payable to Seller hereunder all costs and expenses associated with the Owner's Policy, the documentary transfer tax required in connection with the transfer of the Property to Buyer, one-half of Escrow Holder's fee and any additional costs and charges customarily charged to sellers in accordance with common escrow practices in Tulare County.

3.6.2 Closing Costs Borne by Buyer. Buyer shall bear and Escrow Holder shall discharge on Buyer's behalf out of the sums deposited by Buyer the fee for recordation of the Grant Deed, one-half of Escrow Holder's fee and any additional charges customarily charged to buyers in accordance with common escrow practices in Tulare County.

3.7 Prorations. Escrow Holder shall prorate real estate taxes as of the Closing on the basis of the most recent tax statement for the Property. Prorations shall be as of 12:01 a.m. on the Closing Date on the basis of a 365 day year.

3.8 Miscellaneous Escrow Instructions.

3.8.1 All notices or other communications required or permitted hereunder shall be in writing, and may be personally delivered or sent by United States registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

To Seller: City of Porterville
291 N. Main Street
Porterville, CA 93257
Attn: City Clerk
To Buyer: Russken Holdings, LLC  
1813 Thunderbolt Drive  
Porterville, CA 93257  
Attn: Ken Dewing

subject to the right of a party to designate a different address for itself by notice similarly given. Any notice so given by United States mail shall be deemed to have been given on the second business day after the same is deposited in the United States mail as above provided. Any notice not so given by registered or certified mail shall be deemed given upon receipt of the same by the party to whom the same is given.

3.8.3 Failure to insist upon strict compliance with any of the terms, covenants or conditions hereof shall not be deemed a waiver of such terms, covenant or condition, nor shall any waiver or relinquishment of any rights or powers hereunder at any one time or more times be deemed a waiver or relinquishment of such other right of power at any other time or times by any party hereto.

3.9 If the Escrow Holder is not in a position to consummate the Closing by December 31, 2004, then Escrow Holder shall deliver to the Buyer the deposit previously placed in Escrow by the Seller. No such return shall relieve either party of liability for any failure to comply with the terms of this Agreement and shall be in addition to any other rights such party may have at law or in equity.

3.10 Possession of the Property shall be delivered to Buyer upon Closing.

IV REPRESENTATIONS AND WARRANTIES OF SELLER

Seller hereby makes the following representations and warranties to and agreements with Buyer, which are true as of the date hereof, which shall be true as of the Closing, which are not intended to replace or limit in any manner any express or implied warranty provided under the applicable law and which, except to the extent they relate to events or circumstances occurring or arising after the Closing, shall survive the Closing. Buyer shall be entitled to rely upon said representations and warranties notwithstanding Buyer’s inspections and investigations:

4.1 Seller has complied with all applicable federal, state or local laws, regulations, ordinances or orders and has completed all proceedings or other actions necessary to complete the sale of the Property to Buyer and all of the transactions contemplated by this Agreement and the Purchase Price reflects the fair market value of the Property as of the date of this Agreement and as of the closing.

4.2 There are no unrecorded liens or encumbrances affecting the Property and no person or entity has any right, title or interest in or to the Property other than Seller.
4.3 Seller has not received notice of, nor does Seller have any knowledge of, any pending or threatened action of governmental proceeding in eminent domain, zoning change or other proposed change, which would directly or indirectly affect the Property (save and except such notices of violation which have been disclosed to Buyer and complied with by Seller), nor does Seller know of any fact which might give rise to any such proceeding, nor does Seller know of any other type of existing or intended use of any adjacent or nearby real property which might adversely affect the use of value of the Property for industrial building purposes.

4.4 There are not presently pending any assessments by any governmental entity or public utility (other than for annual ad valorem real property taxes and the existing Landscape Maintenance District) of any nature with respect to the Property or any part of the Property. No property tax with respect to the Property is delinquent, and all requirements of all insurance policies with respect to the Property have been, and are being, fully complied with.

4.5 As of the Closing, there shall be no easements, licenses, leases or tenancies of any type on the Property or any portion of the Property except those approved by Buyer in accordance with this Agreement.

4.6 There are no encroachments upon the Property or any portion of the Property or any easement, appurtenance or other interest in the Property except those identified in the title report for utilities. No portion of the Property encroaches upon any property adjacent to the Property or upon any easement, building setback line, appurtenance or other interest in real property.

4.7 Seller has good merchantable and insurable fee simple title to the Property.

4.8 There are no liens or encumbrances against the Property for work performed or commenced, or material supplied with respect to the Property nor can there be claimed against the Property any such lien.

4.9 There is no suit or arbitration, bond issuance or proposal for bond issuance, proposals for public improvement assessment, pay-back agreement, paving agreement, road expansion or improvement agreement, utility moratorium, use moratorium, improvement moratorium, rental increase moratorium, or legal, administrative or other proceeding or governmental investigation or requirement, formal or informal, existing or pending or threatened which affects the Property or which adversely affects Buyer's ability to develop the Property for industrial building purposes, or which imposes any other charge or expense upon, or relating to, the Property, which has not been disclosed to Buyer in writing prior to the date of this Agreement, or, in the case of any such requirement, fully complied with.
This Agreement is a valid obligation of Seller and is binding upon Seller in accordance with its terms.

This Agreement, when executed by Seller, shall have been duly and properly executed and neither the execution of this Agreement nor the consummation of the transactions contemplated by this Agreement will constitute:

(i) a default or an event which with notice or the passage of time or both would constitute a default under, or a violation or breach of, any indenture, license, lease, franchise, mortgage, deed of trust or other instrument or agreement to which Seller is a party or by which Seller, or Seller's property, including without limitation, the Property, may be bound, or

(ii) an event which would permit any party to any agreement or instrument affecting the Property or affecting Seller's ability to perform its obligations under this Agreement to terminate it, or permit the holder of any indebtedness to accelerate its maturity, or

(iii) a violation of any statute, order, rule or regulation applicable to Seller or any portion of the Property.

After the date of this Agreement, Seller shall not undertake any work on the Property which may result in the creation of a mechanic's lien on the Property or any portion of this Property.

Existing water and sewer lines are available for the use of the Property and the Project and are located at the boundary of the Property.

Seller has no knowledge of any adverse geological or soil condition affecting the Property.

The Property is presently zoned Airport Development (AD/AS) under the zoning laws of the City in which the Property is located.

No portion of the Property lies within a flood plain designated by the federal, state or local government.

V REPRESENTATIONS AND WARRANTIES OF BUYER

Buyer represents and warrants to Seller that Buyer is conducting business as a corporation and is in good standing under the laws of the State of California and that Buyer has taken all action required by law to approve the execution of this Agreement.
VI MISCELLANEOUS PROVISIONS

6.1 Legal Fees. In the event that an action shall be instituted by either party hereto for the enforcement of any of its rights or remedies in or under this Agreement, the party in whose favor judgment shall be rendered therein shall be entitled to recover from the other party all costs and expenses incurred by said prevailing party in said action, including reasonable attorney's fees as fixed by the court therein.

6.2 Representations of Authority. Each party and each individual executing this Agreement on behalf of each party represents and warrants to the other party that the party and each such individual has full power and authority to execute and deliver this Agreement in the manner contemplated hereby and that this Agreement is binding upon the party in accordance with its terms.

6.3 Brokers. Each party represents and warrants to the other party that it has not hired, retained or dealt with any real estate broker, firm or salesman in connection with the transaction contemplated by this Agreement, and each party will defend, indemnify and hold the other party harmless from and against any and all claims for brokerage fees or other commissions which may at any time be asserted against the indemnified party founded upon a claim that the aforesaid representation and warranty of indemnifying party is untrue, together with any and all losses, damages, costs and expenses (including reasonable attorney's fees and disbursements) relating to such claims or arising therefrom or incurred by the indemnified party in connection with the enforcement of this indemnification provision. The provisions of this paragraph shall survive the Closing and any termination of this Agreement.

6.4 Entire Agreement. This Agreement contains the entire integrated agreement between the parties respecting the matters herein set forth and supersedes all prior agreements between the same respecting such matters. In that connection, Buyer specifically acknowledges that it has not received any promises, representations or assurances from Seller or any of Seller's agents or employees which are not contained herein. No addition or modification of any term or provision hereof shall be effective unless set forth in writing, signed by both Seller and Buyer.

6.5 Severability. If any term, covenant, condition or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the terms, covenants, conditions or provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.
6.6 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.

6.7 Further Assurances. Each party hereby agrees that it shall, upon request of the other, execute and deliver such further documents (in form and substance reasonably acceptable to the party to be charged) and do such other acts and things as are reasonably necessary and appropriate to effectuate the terms and conditions of this agreement, without cost, including (without limitation) the execution and delivery of such documents, and the doing of such acts or things as may be required to satisfy the requirements of the Title Company to issue title insurance in accordance with this Agreement and for Buyer to fully and adequately perform its investigations of the Property.

6.8 Heirs and Assignment This agreement shall bind and inure to the benefit of the heirs, executors, successors, or assigns of Buyer or any other person or firm that may now be or hereafter an owner of the real property or any part thereof, set forth in Exhibit A of this agreement.

If either party initiates an action to enforce the terms hereof or declare rights hereunder, the parties agree that the venue thereof shall be the County of Tulare, State of California. CONSULTANT hereby waives any rights it might have to remove any such action pursuant to California Code of Civil Procedure Section 394.
IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

APPROVED AS TO FORM:

__________________________________________
Lynn Beckers
Acting City Attorney

SELLER:

CITY OF PORTERVILLE
A Municipal Corporation

By: ________________________________
Pedro R. Martinez, Mayor

BUYER:

RUSSKEN HOLDINGS, LLC.

By: ________________________________        By: ________________________________
Kenneth Dewing, President                   Russel Sarno, Stockholder
EXHIBIT ‘A’

LEGAL DESCRIPTION

Parcel 1 of Parcel Map No. 4498 in the City of Porterville, County of Tulare, State of California, per map filed as Document No. 2001-0064359, on August 28, 2001 in Book 46 of Parcel Map, at page 3, in the office of the County Recorder of said County.
EXHIBIT 'B'

AIRPORT INDUSTRIAL DEVELOPMENT CONDITIONS

➢ 50-foot minimum front-yard setbacks
➢ 20-foot minimum side-yard setbacks
➢ No access to Hope Drive from parcels
➢ No driveways shall be allowed within 50 feet of intersecting property lines of corner lots
➢ Hope Drive will be developed with 6-foot high masonry wall along the front property line - both sides - by the City
➢ All lots will be developed with a 3-foot high masonry block wall across the full frontage except at driveway locations - by the City
➢ Developer/owners may construct maximum 3-foot high fences along side lot lots in the 50-foot front-yard setback area
➢ The 50-foot front yard setback area must contain either landscaping or asphalt/concrete surface parking only - no structures
➢ Drainage will be pursuant to City design approval (no onsite storm drainage storage shall be allowed except on two-acre or larger parcels)
➢ All onsite areas not occupied by structures or required front yard landscaping shall be covered by either asphalt paving or concrete
➢ Signing shall be mounted on a 3-foot high masonry block wall across front yard and shall be a maximum of 18 inches high - mounted 6 inches from the top of said wall - all subject to City approval
➢ No storage tank facilities will be allowed above or below ground
➢ No truck parking or storage shall be allowed on street or in the 50-foot front-yard setbacks
➢ All utilities shall be underground
➢ All parcels shall have 6 foot high chain link fencing along the rear and side property lines behind the required 50-foot yard setback area. Said fencing shall be filled in with permanent and durable metal slats on those sides facing City streets.
EXHIBIT "C"

MEMORANDUM OF REPURCHASE OPTION

This MEMORANDUM OF OPTION (the "Memorandum") is made and entered into as of the ___ day of ________, 20___, by and between RUSSKEN HOLDINGS, LLC (the "Optionor"), and the CITY OF PORTERVILLE (the "Optionee"), a municipal corporation.

1. Optionor is the owner in fee simple of approximately 1.720 acres of land located in the City of Porterville, County of Tulare, State of California (see attached description).

2. Pursuant to an unrecorded purchase agreement (the "Purchase Agreement") between Optionor and Optionee of even date herewith, Optionor hereby grants, and Optionee accepts, an option (the "Option") for Optionee to purchase and for Optionor to sell, grant, convey and deliver the property.

3. The Option may be exercised during the period commencing 365 days from the date of this Memorandum and ending two (2) years thereafter, which period may be delayed in accordance with the terms and conditions of the Purchase Agreement.

4. In the event that either (i) Optionor completes construction of the improvements on the Property as defined in the Purchase Agreement within 365 days of the date of close of escrow (or as extended pursuant to the Purchase Agreement) or (ii) Optionee does not exercise the Option granted in this memorandum within the time and in the manner specified in the Purchase Agreement, Optionee's right to exercise the Option shall terminate immediately upon the occurrence of either of such events and it shall be the ministerial act and duty of the applicable officials and officers of Optionee to execute, deliver and record such documents and instruments, including without limitation a Quitclaim Deed, requested by Optionor to relinquish all of Optionee's rights to the Option and the Property.
5. This Memorandum is intended only to provide record notice of the Option and the Purchase Agreement, which contains additional terms and conditions agreed upon by Optionor and Optionee.

IN WITNESS WHEREOF, the parties have executed this Memorandum as of the day and year first written above.

OPTIONOR:

RUSSKEN HOLDINGS, LLC

By: Ken Dewing, President

By: Russel Sarno, Stockholder

OPTIONEE:

CITY OF PORTERVILLE,
A Municipal Corporation

By: Pedro R. Martinez, Mayor

By: John Longley, City Clerk
SUBJECT: EXTENSION OF CONTRACT FOR CITY AUDITOR

SOURCE: Administrative Services, Finance Division

COMMENT: The City has utilized the services of J. Steven Pressley, CPA, for its annual audit for the past 6 years. To date, staff is very satisfied with the level of service and the quality of the work provided by Mr. Pressley. With the implementation of GASB 34 and ongoing issues with the Tulare County Association of Governments, staff feels that it would be beneficial to extend this contract for one additional year. Mr. Pressley is very familiar with the books maintained by the city, as well as our processes and needs. In regards to the implementation of GASB 34, staff feels that the audit of the first year's comparable data would be most beneficial under the same audit firm. Staff believes that a new auditor would take substantially more time to gain sufficient understanding of the GASB 34 compliant books, since no comparable data is yet available. This could result in higher audit fees and a slower year-end.

Staff would propose that an RFP for independent audit services be prepared and circulated in January of 2005, for an award of contract to audit the City's books for the fiscal year end 2004-2005, with four additional years available. The price for audit services for 2003/04 is $28,870.

RECOMMENDATION: That Council authorize a one year contract extension for J. Steven Pressley, CPA, at a rate of $28,870.
SUBJECT: SUMMER AQUATICS PROGRAM

SOURCE: Parks and Leisure Services Department

COMMENT: The Porterville Municipal Pool operates annually from Memorial Day weekend (late May) through Labor Day weekend (early September). Because of reconstruction of the municipal pool the anticipated 2004 summer opening date will be delayed. The opening date for the new City pool facility is not likely to occur before the end of June. There is a possibility that the new pool facility will not be completed and available until the end of July.

The municipal pool on an average serves approximately 13,700 multiple user patrons per summer. Over 7,700 patrons per season enjoy recreation swim and nearly 6,000 patrons per season participate in swim lessons. The opportunity for the public to swim this summer will be significant due to the fact that this will be the first summer since 1987 that the schools will not be in session. All schools in the greater Porterville area have returned to the traditional school schedule, August through June, resulting in each student seeking summer vacation activities. We anticipate a 30% increase in our aquatic programs this summer.

Staff has researched alternative pool sites for the month of June; their availability and cost. No sites were found to provide the full amenities and program opportunities normally available at the Porterville Municipal Pool. In particular, none of the pools evaluated have changing facilities.

Three pools were investigated by staff and are not recommended for consideration. Monache High School Pool could not accommodate our schedule because of team practice and events. Porterville High Pool will be undergoing remodeling throughout the summer. New Hope Christian Center Pool was determined to be too small for the full recreational swim patron demand, and its depth would prohibit swimming lessons for smaller children.

Two pools were found to offer limited, but reasonable aquatic opportunities for the community for a short time. Granite Hills High School Pool will be available after the school season on a daily basis 8:00 a.m. to 3:00 p.m beginning June 5, 2004. Granite Hills has a warm-up tank that would be conducive to our instruction program for smaller children, the larger competition tank is similar to the former municipal pool facility and could be used for recreation swim. The Porterville College Pool is available all day throughout the summer beginning May 29, 2004. The facility features a diving tank and a competition tank, which are ideal for our recreation swim program, and has a heater for the pool water. However, the facility is not conducive to instructional programs for smaller children.

ITEM NO.:  11
The cost to operate at the Granite Hills Pool from June 5 through June 30 with some instructional swimming is estimated to be $17,365. To extend the Granite Hills Pool operations through July would be an additional $20,960. The cost to operate at the Porterville College Pool from May 29 through June 30 without instructional swimming or heated water is estimated to be $13,085. To extend the Porterville College Pool operations through July would be an additional $12,327. The cost of these two facilities are comparable to the cost of operation for the Municipal Pool, and the cost through June 30 can be accommodated within the current budget.

A principal difference between the Municipal Pool operations and these school facilities is the hours of daily operation. Normally the City operates its pool 12 hours per weekday to accommodate seven swim lesson courses and recreational swim. The Granite Hills Pool is only available 7 hours a day. The college pool is not well suited for swim lessons and the cost for operations is therefore also estimated at 7 hours of operation per weekday.

With the strong likelihood of the new municipal pool not being available until mid to late July, there is a desire of City staff to obtain a pool facility to offer alternative aquatic programs. No ideal alternative to the municipal pool has been found. Staff’s preference is for instructional swim capabilities in addition to recreational swimming. The Granite Hills Pool affords the only opportunity for a full range of instructional swimming and is therefore deemed to be staff’s recommendation. Staff have reserved the Granite Hills pool pending City Council authorization to conduct summer aquatics programs at the site.

**RECOMMENDATION:** That Council authorize staff to obtain permits and operate an aquatics program at Granite Hills High School for the early summer of 2004.

**ATTACHMENT:** Itemized Summary of Anticipated Cost
Anticipated 2004 Summer
Pool Cost Options

I. Granite Hills High School Rental Charges
Weekday Pool Charges and Custodial Charges from June 5 to June 30.
  Pool Charges - $16.87/per hour X 7 hrs daily = $118.09/day
  Custodial charges - $16.29/per hour X 4hrs daily = $65.16/day
  June cost - $183.25/day X 18 weekdays = $3,298.50
Weekend Pool Charges and Custodial Charges from June 5 to June 30.
  Pool charges - $18.75/per hour X 4hrs daily = $75.00/day
  Custodial charges - $20.36/per hour X 2hrs daily = $40.72/day
  June cost - $115.72/day X 8 weekend days = $925.76
Estimated Total Cost for Granite Hills Pool Rental from June 5 to June 30.
  $3,298.50 + $925.76 = $4,224.26
Estimated GHS Pool and Custodial Charges for month of July
  $183.25/day X 22 weekdays = $4,031.50
  $115.72/day X 9 weekend days = $1,041.48
  Total month of July cost = $5,072.98

II. Porterville College Rental Charges
Pool and Custodial Charges for 7 hr/weekday and 4 hr/weekend day operation from May 29 to June 30
  Chemical - $445
  Utilities - $5,650 (includes heated pool water cost)
  Custodian - $1,145
Estimated Total Cost for PC Pool Rental for limited hours with heated water from May 29 to June 30
  $445 + $5,650 + $1,145 = $7,240.00
Estimated Total Cost for PC Pool Rental for limited hours without heated water from May 29 to June 30
  $445 + $2,000 + $1,145 = $3,590.00
Estimated PC Pool Rental for limited hours without heated water for month of July
  $3,590 X 31/33 = $3,372.00

III. Porterville Municipal Pool Monthly Expenditures
Pool and Custodial Cost
  Chemical - $2,832
  Utilities - $1,695 (water $1324; Edison $371)
  Risk Management - $410
  Total Expenditures = $4,937
IV. Lifeguard Cost
Weekdays with swimming lessons and limited hours - Granite Hills Pool Option
$7.50/hour X 12 guards X 7 hrs = $630/day
June 5 to June 30 cost - $630/day X 18 weekdays = $11,340
July 1 to July 31 cost - $630/day X 22 weekdays = $13,860
Weekdays without swimming lessons and limited hours - Porterville College Option
$7.50/hour X 6 guards X 7 hrs = $315/day
May 29 to June 30 cost - $315/day X 23 weekdays = $7,245
July 1 to July 30 cost - $315/day X 22 weekdays = $6,930
Weekend days without lessons and limited hours - all options, normal operations
$7.50/hour X 6 guards X 5 hrs = $225/day
May 29 to June 30 cost - $225/day X 10 days = $2,250
June 5 to June 30 cost - $225/day X 8 days = $1,800
July 1 to July 30 cost - $225/day X 9 days = $2,025
SUBJECT: SUPPORT OF AB 2479 WHICH WILL AMEND GOVERNMENT CODE 53155.

SOURCE: FIRE DEPARTMENT

COMMENT: Currently Government Code Section 53150-53158 addresses the ability of public agencies to seek reimbursement for the costs they incur to provide emergency response assistance to alcohol and drug related motor vehicle, boat and aircraft accidents. Specifically, the original intent of Government Code 53155 was to assist local public agencies in recapturing a small amount of the costs they incur as the result of having to respond to these types of negligently caused emergency incidents. However, Government Code Section 53155 set an unrealistic personal liability cap of $1,000 per incident, which in many cases does not cover the true costs for both fire and law enforcement responses.

Although the original legislation had good intentions, city staff believes it did not go far enough in addressing the expenses that a local public agency must incur when someone behaves in a negligent manner. In many cases, both our fire and law enforcement resources must absorb these emergency response costs into their regular operating budget. Clearly, these types of incidents hinder both fire and law enforcements ability to respond to other calls for service, or provide other vital safety services.

Assemblyman Mark Wyland, who had previously offered his services to the City of San Marcos, has reviewed the suggestions provided to him by City Staff. He agrees that this section of the Government Code is in need of serious updating and has agreed to carry legislation forward that will allow local agencies to recover the actual costs they incur in mitigating an emergency incident caused by an individual under the influence of alcohol or drugs.

RECOMMENDATION: That the City Council:

1- Approve the attached resolution in support of AB 2479;
2- Authorize a letter of support to be signed by the Mayor.

ATTACHMENTS:
1- Resolution
2- Letter of Support

Dir. □ Funded □ C/M □ Approp. Item No. 12
RESOLUTION NO. _____-2004

A RESOLUTION OF THE PORTERVILLE CITY COUNCIL OF THE CITY OF PORTERVILLE IN SUPPORT OF AB 2479 WHICH WILL AMEND GOVERNMENT CODE 53155.

WHEREAS, The Porterville Municipal Code has established the authority to obtain reimbursement for the costs incurred to provide emergency response assistance to alcohol and drug related motor vehicle, boat and aircraft accidents; and

WHEREAS, the original intent of Government Code Section 53155 was to assist local public agencies in recapturing a small amount of the costs they incurred as the result of having to respond to these types of negligently caused emergency indents; and

WHEREAS, Government Code Section 53155 set an unrealistic personal liability cap of $1,000 dollars per incident, which in many cases is below the true costs of providing an emergency response to a alcohol or drug related accident; and

WHEREAS, Assemblyman Mark Wyland has reviewed the suggestions provided to him by the City of San Marcos and has agreed to carry AB 2479 which will allow for local agencies to recover the actual costs they incur in mitigating an emergency incident caused by an individual under the influence of alcohol or drugs.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby support AB 2479 as brought forth by Assemblyman Mark Wyland in updating Government Code 53155 which will allow for local agencies to recover the actual costs they incur in mitigating an emergency incident caused by an individual under the influence of alcohol or drugs.

ADOPTED this 16th day of March, 2004.

________________________
Pedro R. Martinez, Mayor

________________________  ______________________________
Ronald L. Irish, Cameron Hamilton,
Mayor Pro Tem  Council Member

________________________  ______________________________
Richard M. Stadtherr,  Kelly West,
Council Member  Council Member
March 16, 2004

Assemblyman ________
State Capital, Room _____
Sacramento, CA 95814

RE: AB 2479 Mitigating Emergency Incident Costs – SUPPORT

Dear Assemblyman ________,

The City of Porterville supports AB 2479 (Wyland), a bill that would allow emergency response agencies to collect the actual costs incurred for alcohol and drug related vehicle accidents. Section 53155 of the Government Code addresses the ability of public agencies to seek reimbursement for emergency responses, and currently includes a personal liability cap of $1,000. The original intent of this section was to assist public agencies in recapturing a small amount of the costs incurred as the result of having to respond to these types of emergency incidents.

Although the original legislation had good intentions, it did not go far enough in addressing the expenses that emergency response agencies incur when someone behaves in a negligent manner. The increased expenses associated with these accidents should not be remunerated by the local agency, but rather by those at fault.

For these reasons, the City of Porterville strongly urges the Legislature to vote in favor of AB 2479 (Wyland).

Sincerely,

Pedro R. Martinez, Mayor
City of Porterville
SUBJECT: FIRE ACT GRANT APPLICATION 2004

SOURCE: FIRE DEPARTMENT

COMMENT: Congress appropriated $500 million for this year's Assistance to Firefighters Grant Program. Fire Departments throughout the country are developing grant applications for submission to the Federal Emergency Management Agency by the grant application deadline. All submissions will be reviewed by a committee and grants will be awarded on a competitive basis.

The City of Porterville Fire Department will be developing a grant application estimated between $200,000 and $300,000 for the purchase of firefighter safety equipment.

Under the terms of the grant program, selected jurisdictions with a population of less than 50,000 may receive 90% of the requested funding from F.E.M.A. if they commit to a local match of 10%. The local matching funds must be in place and authorized prior to the issuance of the F.E.M.A. grant.

If the City of Porterville Fire Department is successful in obtaining a 90% F.E.M.A. grant in the amount up to $300,000, the local match of $30,000 is available in the Fire Department's “Firefighting and Rescue Equipment Replacement Fund # EL-2997.”

RECOMMENDATION: That the City Council:

1) Authorize staff to submit the application for funding to FEMA,

2) Authorize staff to accept the grant award if awarded,

3) Authorize the Mayor to sign for the acceptance of the grant,

4) Authorize the disbursement of funds from the Fire Department's “Firefighting and Rescue Equipment Replacement Fund # EL-2997” for the 10% match.

ATTACHMENTS: None.
CITY COUNCIL AGENDA: MARCH 16, 2004

PUBLIC HEARING

SUBJECT: CITY OF PORTERVILLE 2003-2008 HOUSING ELEMENT

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City's current Housing Element was adopted by the City Council in 1992 and subsequently certified by the California Department of Housing and Community Development (HCD). As required under California Government Code Section 65580-65590.8, the City was under the mandate to update and adopt a revised Housing Element for submission to HCD by December 31, 2003. The City did meet the deadlines to submit the draft Housing Element to HCD. However, due to the length of time taken by HCD to review the Housing Element and the subsequent revisions, plus the time required for adequate public noticing, the final draft Housing Element was delayed for adoption.

As a component of the General Plan, the Housing Element has two main purposes: (1) to provide an assessment of current and future housing needs and an inventory of resources and constraints to meeting these needs; and, (2) to state the City's goals, objectives, and strategies for the development of housing to meet identified needs including the need for housing affordable to lower-income households. The Housing Element is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community for the next five years.

To assist with the development of the Housing Element, a contract was awarded to Cotton/Bridges/Associates (CBA) in December of 2002. Utilizing the tools of the community housing surveys, the public workshop forums, the housing condition survey, the data compilation for the community housing needs assessment, and working with the appointed fifteen member Housing Element Task Force, CBA developed the draft Housing Element for 2003-2008. Upon the recommendation of both the Housing Element Task Force and the Long Range Planning Committee, the City Council approved the draft Housing Element for submittal to HCD on September 2, 2003.
HCD reviewed the draft Housing Element and through written and verbal discussion with CBA, requested revisions and supplemental material. CBA, working with staff, revised the draft Housing Element to address the State's concerns. The City received correspondence from HCD dated February 20, 2004, stating that the element will be in full compliance once adopted by the City Council and submitted for review pursuant to Government Code Section 6685(g).

Pursuant to the State of California Public Resources Code and the Guidelines for Implementation of the California Environmental Quality Act of 1970, as amended to date, the City conducted an environmental review of the Draft Housing Element. The City has determined that there will be no significant impacts resulting from the policies set forth in the Housing Element and has prepared an Initial Study/Negative Declaration which was sent to interested agencies for comment on December 23, 2003 and noticed for a twenty day public comment period beginning February 25, 2004 and ending March 15, 2004. Comments were received from the Tulare County Resource Management, San Joaquin Valley Air Pollution Control District, the State of California Department of Transportation, Division of Aeronautics, and Department of Transportation (CalTrans). These comments were general and of a de minimis nature.

RECOMMENDATION: That the City Council:

1. Adopt the resolution approving the Negative Declaration for General Plan Amendment 3-2004; and

2. Adopt the resolution approving General Plan Amendment 3-2004 to adopt the 2003-2008 Housing Element.

Attachment: 1. Initial Study/Negative Declaration
2. Draft Resolution for Adopting Negative Declaration
3. Draft Resolution for Adopting General Plan Amendment 3-2004
5. HCD Correspondence of February 20, 2004
FINAL NEGATIVE DECLARATION/
INITIAL STUDY

CITY OF PORTERVILLE
2003-2008 HOUSING ELEMENT

March, 2004

City of Porterville
Community Development Department
291 North Main Street
Porterville, CA 93257

Consultant to the City:
Cotton/Bridges/Associates
A Division of P&D Consultants, Inc.
800 E. Colorado Blvd., Suite 270
Pasadena, CA 91101

Attachment No 1
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Environmental Factors Potentially Affected ............................... IS-6
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Preparers of the Initial Study ..................................................... IS-27
NEGATIVE DECLARATION
CITY OF PORTERVILLE
2003-2008 HOUSING ELEMENT

Lead Agency: City of Porterville

Mailing Address: Community Development Department, 291 North Main Street, Porterville, CA 93257

Project Location: City of Porterville

Project Description: The project is the adoption and implementation of the 2003-2008 Housing Element for the City of Porterville. State law requires housing elements to be updated to reflect a community’s changing needs. The proposed updated Housing Element covers the 2003-2008 period. (The data and analysis contained in the Element encompass years 2001 through 2008 to reflect legislative extensions of housing element law.)

The California Department of Housing and Community Development (HCD) develops statewide projections of housing need and assigns a portion to each regional council of governments (COG). For Tulare County, the Tulare County Association of Governments (TCAG) apportions the regional share to jurisdictions and unincorporated areas. In 2002, TCAG developed the Regional Housing Needs Determination (RHND) for the 2001-2008 planning period. The City of Porterville’s share of regional housing needs for the planning period totals 3,453 new units. Since 2001, 650 units have been developed, are under construction, or entitled, including 414 single-family homes and 236 multi-family units. Consistent with RHND requirements, the units have been distributed among various income categories based on the percentage of the Median Family Income (MFI). The Housing Element addresses the remaining 2,803 units that need to be accommodated from 2003-2008.

Jurisdictions are required to develop policies and programs to facilitate and encourage the development of housing commensurate with their housing goals. To that end, the Housing Element identifies sites where housing could be developed in accordance with the land use designations and zoning districts set forth in the City of Porterville General Plan. These sites can accommodate housing needs for very-low-, low-, moderate-, and above-moderate-income housing.

The Housing Element does not directly provide for housing construction. The Element contains policies that may facilitate development of housing, particularly for lower-income households. In addition, the Housing Element contains policies and programs to improve deteriorated housing and preserve assisted affordable housing at risk of conversion to market-rate units. The Housing Element does not propose new housing beyond that anticipated in the current General Plan for the City of Porterville. The environmental effects associated with full implementation of General
Plan land use policy, including full development, have been evaluated in the Environmental Impact Report for the City of Porterville General Plan, incorporated herein by reference.

The Housing Element for City of Porterville is comprised of the following components:

1. An introduction that explains the purpose and scope of the Housing Element
2. An analysis of the City's demographic and housing characteristics and trends
3. Review of potential market, governmental, and environmental constraints that impact the City's ability to address its housing needs
4. An evaluation of land, financial, and administrative resources available to address the City's housing goals
5. An evaluation of the accomplishments of the 1992 Housing Element
6. A Housing Plan to address the City's identified housing needs, including housing goals, policies, and programs
FINDING

The City of Porterville has determined that the proposed project has no potential to result in significant adverse environmental impacts based on the information and analysis contained in the attached Initial Study.
ENVIRONMENTAL CHECKLIST FORM

1. Project Title: City of Porterville
   2003-2008 Housing Element

2. Lead Agency Name and Address: City of Porterville
   291 North Main Street
   Porterville, CA 93257

3. Contact Person and Phone Number: Brad Dunlap, Director
   (559) 782-7460

4. Project Location: City of Porterville

5. Project Sponsor's Name and Address: Same as lead agency

6. General Plan Designation: All designations

7. Zoning: All zoning districts

8. Description of Project:

The project is the adoption and implementation of the 2003-2008 Housing Element for the City of Porterville. State law requires housing elements to be updated to reflect a community’s changing needs. The proposed updated Housing Element covers the 2003-2008 period. (The data and analysis contained in the Element encompasses years 2001 through 2008 to reflect legislative extensions to housing element law.)

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Table 1
Projects Developed/Under Construction/Approved Since 2001

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Single-Family</th>
<th>Multi-Family</th>
<th>Total</th>
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<td>Developed, Under Construction, Approved</td>
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<tr>
<td>Allocation</td>
<td>94</td>
<td>1,029</td>
<td>935</td>
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<tr>
<td>Remaining</td>
<td>94</td>
<td>261</td>
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<tr>
<td>Need</td>
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<td>142</td>
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<td>311</td>
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<td>Moderate</td>
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<td></td>
<td>279</td>
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</tbody>
</table>
Jurisdictions are required to develop policies and programs to facilitate and encourage the development of housing commensurate with their housing goals. To that end, the Housing Element identifies sites where housing could be developed in accordance with the land use designations and zoning districts set forth in the City of Porterville General Plan. These sites can accommodate housing needs for very-low-, low-, moderate-, and above-moderate-income housing.

The Housing Element does not directly provide for housing construction. The Element does, however, contain policies that may facilitate development of housing, particularly for lower-income households. In addition, the Housing Element presents policies and programs to improve deteriorated housing and preserve assisted affordable housing at risk of conversion to market-rate units. The Housing Element does not propose new housing beyond that anticipated in the current General Plan for the City of Porterville. The environmental effects associated with full implementation of General Plan land use policy, including full development, have been evaluated in the Environmental Impact Report for the City of Porterville General Plan, incorporated herein by reference.

The Housing Element for City of Porterville is comprised of the following components:

1. An introduction that explains the purpose and scope of the Housing Element
2. An analysis of the City's demographic and housing characteristics and trends
3. Review of potential market, governmental, and environmental constraints that impact the City's ability to address its housing needs
4. An evaluation of land, financial, and administrative resources available to address the City's housing goals
5. An evaluation of the accomplishments of the 1992 Housing Element
6. A Housing Plan to address the City's identified housing needs, including housing goals, policies and programs
The Housing Element is available for public review at the City of Porterville Community Development Department located at 291 North Main Street in Porterville.

9. Surrounding Land Uses and Setting:

The City of Porterville is located in southeast Tulare County, lying along the foothills of the Sierra Nevada Mountains, 165 miles north of Los Angeles and 171 miles east of the Pacific coast. Roughly between the major market areas of Northern and Southern California, Porterville is a key gateway city to Sequoia National Park and the southern Sierra Nevada region.

The 14.8-square-mile city is approximately 65 miles north of Bakersfield and 30 miles southeast of Visalia. The City’s Planning Area encompasses approximately 45 square miles. Located in one of the most productive agricultural regions in the world, Porterville is still significantly influenced by agriculture and supportive industries, although the economy is more diversified today. Specifically, Porterville has grown into a regionally important medical and educational center. More recently, the City has become a desirable location for shipping and warehousing business due to its advantageous location between Northern and Southern California. Figure 1 shows the regional location.

10. Other public agencies whose approval is required:

State Department of Housing and Community Development
Insert Figure 1 here – Project Location
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics ☐ Agriculture Resources ☐ Air Quality

☐ Biological Resources ☐ Cultural Resources ☐ Geology / Soils

☐ Hazards & Hazardous Materials ☐ Hydrology / Water Quality ☐ Land Use / Planning

☐ Mineral Resources ☐ Noise ☐ Population / Housing

☐ Public Services ☐ Recreation ☐ Transportation / Traffic

☐ Utilities / Service Systems ☐ Mandatory Findings of Significance

DETERMINATION

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

______________________________
Signature

______________________________
Date

CITY OF PORTERVILLE

IS-6

INITIAL STUDY
2003-2008 HOUSING ELEMENT
<table>
<thead>
<tr>
<th>Issues:</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. AESTHETICS -- Would the project:</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

a through d. No State scenic highways designated by the California Department of Transportation traverse Tulare County. However, the Tule River Floodway and Porter Slough are two important scenic resources to the City of Porterville. The City also designates lands above the 1,200-foot contour line as permanent open space as a means of preserving natural and scenic resources. No housing sites identified in the Housing Element are located in these areas of local scenic importance.

The Housing Element identifies potential sites that can accommodate Porterville's allocation of regional housing needs for very-low-, low-, and moderate-income housing. All future development facilitated by the Element will be in accordance with City of Porterville General Plan land use policies, implemented through zoning regulations. Existing housing development standards regarding height, setback, design, and lighting set forth in the zoning code will regulate future housing development. Housing facilitated by the Housing Element will be subject to these development standards, which are intended to foster land use compatibility in terms of building massing and scale. Compliance with existing regulations and requirements will result in a less than significant impact.

New housing will introduce new sources of light (street lights, security lighting, etc.). However, given that new development will primarily occur as infill development where such lighting currently exists, impact will be less than significant.
### II. AGRICULTURE RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? □ □ □ ✗

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? □ □ □ ✗

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? □ □ □ ✗

**a through c.** Agriculture in the Porterville area includes citrus, olives, alfalfa, truck crops, and cotton. Agriculture is one of the biggest industries in Porterville. Some of the land used for agricultural purposes has been reserved for long-term agricultural use by means of Williamson Act contracts.

The Housing Element identifies 5,749 vacant sites within the R-1, R-2, R-3, and R-4 zones. No sites identified in the Housing Element are located on sites zoned for agricultural use. Thus, the City’s regional housing needs allocation can more than be accommodated within existing vacant residential sites; the Housing Element will not result in the conversion of agricultural land to non-agricultural uses.

### III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? □ □ □ ✗
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

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c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

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d) Expose sensitive receptors to substantial pollutant concentrations?

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e) Create objectionable odors affecting a substantial number of people?

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a. The Tulare County Association of Governments (TCAG), in conjunction with local jurisdictions, has developed a Regional Housing Needs Determination (RHND) Plan for the years 2001-2008. The region’s Air Quality Management Plan (AQMP) is based on TCAG’s population projections. The Housing Element identifies the City’s strategy to accommodate the growth anticipated by TCAG and assumed in the current AQMP. No impact will result.

b through d. Tulare County is located within the San Joaquin Valley Air Basin, which is comprised of eight counties in Central California and is monitored by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The Basin is a non-attainment area for State ozone and fine particulate matter (PM10) standards.

The Housing Element sets forth policies to facilitate housing development consistent with established land use policies. The Housing Element does not propose development beyond that which is already anticipated at buildout of the City of Porterville General Plan. Air quality impacts from increased vehicle trips associated with buildout were analyzed in the General Plan EIR. No new impact will result from implementation of the Housing Element.

e. Development resulting from Housing Element implementation will be residential units, which typically are not associated with the creation of objectionable odors. No adverse impact will result.

IV. BIOLOGICAL RESOURCES -- Would the project:
| Issues:                                                                                                                                                                                                 |
|---|---|---|---|---|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ✗ | ☐ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | ☐ | ☐ | ✗ | ☐ |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ✗ | ☐ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ✗ | ☐ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ✗ | ☐ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ✗ | ☐ |
Issues:

a through d. Vegetation in the Porterville Planning Area is dominated by agricultural crops, open grasslands, and urban ornamental landscaping. According to the California Fish and Game’s California Natural Diversity Data Base, four plant species have been identified in the Planning Area which are presumed extinct, are rare or endangered, or are recommended for special protection by the California Native Plant Society, including Keck’s checkermallow (*Sidalcea keckii*), calico monkey flower (*Mimulus pictus*), striped adobe lily (*Fritillaria striata*), and Tulare pseudobahia (*Pseudobahia pearsonii*). Sensitive plant communities are primarily located along the Tule River Channel, where use is restricted to open space and recreational uses.

As a result of intensive human activities on the valley floor, the distribution of wildlife in the Porterville Planning Area is somewhat limited. The uncultivated hillsides in the northeasterly portion of the City and riparian growth along the Tule River represent the most important wildlife habitats in the immediate vicinity. Sensitive wildlife species in Porterville include California condor, southern bald eagle, San Joaquin kit fox, Valley elderberry longhorned beetle, and giant garter snake.

The Housing Element provides for housing production consistent with adopted land use plans, as analyzed in prior environmental documentation. Individual housing development projects will be required to assess potential impacts to significant natural resources pursuant to CEQA and associated local, State, and federal regulations, and to mitigate potential impacts to a less than significant level prior to project approval. Compliance with existing rules and regulations will ensure a less than significant impact on biological resources.

e and f. Individual housing development projects facilitated by Housing Element policies and programs will be subject to all applicable habitat conservation plans, natural community conservation plans, or other approved local, regional, or State habitat conservation plans. Compliance with these regulations will ensure a less than significant impact.

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?  
  - ☐ ☐ ☒ ☐

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?  
  - ☐ ☐ ☒ ☐

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  
  - ☐ ☐ ☒ ☐

- d) Disturb any human remains, including those interred outside of formal cemeteries?  
  - ☐ ☐ ☒ ☐
a. Four sites in Porterville are listed on the National Register of Historic Places: First Congregational Church (165 E. Mill Street), Tamal (address restricted), U.S. Post Office-Porterville-Main (65 W. Mill Avenue), and Salado House (393 N. Hockett Street). In addition to these places, the California Office of Historic Preservation lists the First Tule River Indian Reservation in Porterville on the List of Historic Landmarks. In June 1986, the City completed an inventory of significant historic and cultural resources within the City. The inventory identified 10 historic districts (neighborhoods) by known landmarks. The City’s inventory also includes 337 individual residences and 89 “special” structures and sites. The Housing Element does not contain any policy or program that would result in the alteration of these resources. All individual development projects will be required to comply with applicable regulations and standards regarding the protection and preservation of historic resources. Impact will be less than significant.

b. The Porterville area is considered a highly sensitive archaeological region, primarily because of the relationship of prehistoric Indian activities and settlement on the Tule River. According to the Archaeological Inventory Southern San Joaquin Valley Information Center, the City and the surrounding areas were formerly occupied by the Koyete Indians, a sub-tribe of the Yokuts. The Koyete’s principal village was situated on Murray Hill. Artifacts documenting the Indians’ historic presence in the area have been found, including bedrock mortars and arrowheads. Other sites in Porterville that have been surveyed include the River Ranch, Saddleback Estates, Corona Heights, Western Skies, Fosridge and Grandview subdivisions, the Rocky Hill retention basin, the Santa Fe Plaza senior housing project, and the Westfield Avenue and State Highway 65 overpass site. The Housing Element provides for housing production consistent with adopted land use plans, as analyzed in prior environmental documentation. However, since housing development pursuant to adoption and implementing of the Housing Element could occur in these areas, individual housing development projects will be required to assess potential impacts to archaeological resources pursuant to CEQA and associated local, State, and federal regulations; potential impacts will be mitigated to a less than significant level prior to project approval.

c and d. In the event that potential paleontological resources are uncovered during the construction of individual development projects, construction will halt while a qualified archaeologist evaluates the find and makes recommendations pursuant to CEQA Guidelines Section 15064.5(C). Similarly, if human remains are uncovered, work will halt to allow a qualified archaeologist, coroner, and/or Native American representative the opportunity to evaluate the find and make recommendations pursuant to CEQA Section 15064.5(e). Compliance with these standards will ensure a less than significant impact.

VI. GEOLOGY AND SOILS — Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
Issues:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

  □  □  □  □

   □  □

   □  □

   □  □

   □  □

   □  □

ii) Strong seismic ground shaking?

   □  □  □  □

   □  □

   □  □

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iii) Seismic-related ground failure, including liquefaction?

   □  □  □  □

   □  □

   □  □

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   □  □

iv) Landslides?

   □  □  □  □

   □  □

   □  □

   □  □

   □  □

   □  □

b) Result in substantial soil erosion or the loss of topsoil?

   □  □  □  □

   □  □

   □  □

   □  □

   □  □

   □  □

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

   □  □  □  □

   □  □

   □  □

   □  □

   □  □

   □  □

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

   □  □  □  □

   □  □

   □  □

   □  □

   □  □

   □  □

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

   □  □  □  □

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a through e. No known fault zone traverses Porterville, including any Alquist-Priolo earthquake fault zone. Localized and general faults are distributed throughout the Sierra Nevada mountain range to the east and in the coastal mountain range approximately 85 miles west of Porterville. The intersection of two mountain ranges about 90 miles south of Porterville near the Fort Tejon-Lebec area is one of the most seismically active locations in the region because it marks the intersections of the Garlock, White Wolf, and San Andreas faults. Given the absence of localized faults, surface rupture is not anticipated in Porterville, although seismic groundshaking during an earthquake event could occur as a result of regional fault activity.
Liquefaction is the process whereby soil is temporarily transformed to a liquid form during intense and prolonged groundshaking. Areas most prone to liquefaction are those which are water saturated, specifically where the water table is less than 30 feet below the surface, and consist of relatively uniform sands that are of loose to medium density. Although there are areas of Porterville where the water table is 30 feet or less below the surface, soil types in the area are not conducive to liquefaction because they are either too coarse in texture or too high in clay content (7-6, County of Tulare Safety Element).

Areas of fracturing and steep slopes with inadequate ground cover in the foothill and mountain areas are prone to landslides. No portions of Porterville are susceptible to landslides. Some of the soils within the City have a high expansion or shrink-swell potential. Ungraded native soils in the north and northeastern portions of the City exhibit the highest potential for shrinkage and swelling, and will have to be removed or extensively modified before development could occur (6-15, Land Use, Open Space, Conservation and Safety Elements of the General Plan). Therefore, for all proposed development projects in Porterville, the City, per standard practice, will require site-specific assessments to determine the shrink-swell potential of on-site native soils.

Soil erosion typically results from concentrated runoff on unprotected slopes or along unlined stream channels. Soil erosion has largely been reduced throughout Porterville due to soil coverage by development and the construction of flood control facilities. However, the undeveloped hillside areas may experience substantial erosion from runoff if the vegetation cover is destroyed by brush fire or removed by grading operations. City development review procedures include consideration of soil erosion. In addition, the areas designated for residential development that are susceptible to landsliding will require detailed geotechnical/soils analyses to determine areas that should be avoided or to identify site preparation requirements necessary to reduce site instability.

Each housing development proposed pursuant to adoption and implementation of the Housing Element will comply with all applicable City development review procedures and will be constructed in accordance with the Uniform Building Code seismic safety standards. Compliance with these existing regulations will ensure that impact will be less than significant. Furthermore, the Housing Element sets forth programs and policies to facilitate housing rehabilitation and, therefore, has the potential to improve the structural stability of older housing units in Porterville.

VII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
Issues:

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

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f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

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h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

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a through d. None of the sites identified in the Housing Elements is listed on the Environmental Protection Agency's CERCLIS Hazardous Waste Sites List or Superfund Sites List (http://cfpub.epa.gov/superpad/cursites/) nor the California Department of Toxic Substances Control Hazardous Waste and Substances Sites List (Cortese List) (www.dssc.ca.gov/database/calsites/cortese_list.cfm). Therefore, no known hazardous materials are present on any of the potential housing sites. Typically, housing does not generate hazardous emissions, nor does housing involve the routine use, transport, or disposal of hazardous materials. No adverse impact will result.

e and f. The Porterville Municipal Airport is located in the southern part of the City. The airport is used primarily by small craft for agricultural purposes. Implementation of the Housing Element will not result in a safety hazard for people working or living near the airport due to the required compliance with existing General Plan and zoning regulations, Federal Aviation Administration (FAA) requirements, and the airport land use plan, by any development in proximity to this airport. Such regulations prohibit or restrict housing development within identified safety zones. No significant impact will result.

g. Adoption and implementation of the Housing Element will not impair implementation of an adopted emergency response plan. The Housing Element encourages enforcement of the Uniform Building Code and Uniform Housing Code to ensure safe conditions in the existing housing stock. No adverse impact will result.

h. Wildland fires can occur from a combination of climatic, vegetation, and physiographic factors. Summers in the Porterville area are hot, dry, and nearly cloudless. The fire season has over 100 days of temperature in excess of 90 degrees Fahrenheit each year. Natural vegetation within Porterville consists largely of annual grasses especially along the Tule River, which cuts through the southern portion of the City running east to west. This vegetation is dry from late spring to early fall and poses a fire hazard to all residential, commercial, and industrial property near and/or surrounding the area. The City also identifies fire hazard zones in the north and northeastern portion of Porterville, where some potential housing sites have been identified. The effects of wildland fire hazards on individual developments are required to be analyzed at the project level. All individual development projects will be required to comply with applicable wildland fire regulations and the Uniform Fire Code. Compliance with these standards will ensure a less than significant impact.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements? [ ] [ ] [ ] [X]
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<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
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<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
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<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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<td>f) Otherwise substantially degrade water quality?</td>
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<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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a. The Housing Element does not propose development beyond the levels allowed in the Porterville General Plan. Therefore, adoption and implementation of the Housing Element will not result in an increased amount of impermeable surfaces and the amount of stormwater runoff generated beyond that already anticipated.

The quality of stormwater runoff is regulated under the National Pollution Discharge Elimination System (NPDES). The NPDES stormwater permit provides a mechanism for monitoring the discharge of pollutants and for establishing appropriate controls to minimize the entrance of such pollutants into stormwater runoff. All projects must comply with Regional Water Quality Control Board (RWQCB) waste discharge requirements. Compliance with the requirements of the RWQCB and local regulations will ensure that no significant impact with respect to water quality will result. Implementation of stormwater runoff best management practices (BMPs), the provision of adequate storm drains, and the inclusion of significant landscaping will limit surface runoff to a less than significant level.

b. The Porterville area is underlain by an unconfined aquifer that is part of the Tule Sub-Basin of the San Joaquin Valley Watershed. The source of recharge of the Tule Sub-Basin is the Tule River, which has a mean annual runoff of 136,000 acre-feet. According to the City’s Water Master Plan, Porterville currently extracts its water supply from groundwater aquifers via 23 active wells, 10 available non-active wells, and 4 standby wells. Most of these wells are gravel-packed and range from 230 to 700 feet in depth. The total capacity based on the existing supply wells is approximately 13,845 gallons per minute (gpm). The Water System Master Plan estimates that the City will need a supply of approximately 17,000 gpm in 2015 to meet projected demand and provide the appropriate amount of standby capacity. Any new housing development facilitated by the Housing Element will proceed in compliance with Water System Master Plan. Overdraft conditions have occurred in the past resulting from agricultural irrigation; according to the Land Use, Open Space, Conservation and Safety Elements of the General Plan, urban development is expected to alleviate this condition. Impact will be less than significant.

c through f. Stormwater drainage in Porterville is accomplished through a combination of surface and subsurface drainage facilities. The Housing Element provides for a variety of housing opportunities to satisfy the City’s allocation of regional housing. The Housing Element does not propose housing beyond that anticipated in the General Plan. During the review of proposed individual development projects, the City will assess drainage conditions pertaining to the project site and require construction of drainage infrastructure. The City also assesses the potential of the project to affect on-site drainage and requires mitigation measures where needed. Compliance with these regulations will ensure a less than significant impact.
g through i. Two surface waterways, the Tule River and Porter Slough, branch off from the Tule in the eastern portion of the City and flow east to west through the City. Portions of Porterville, including low-lying areas in the valley and along the Tule River, are within the 100-year flood zone and are still susceptible to seasonal flood water inundation. Therefore, the City does not permit development in the floodplain without adequate mitigation. Furthermore, the Tule River channel is designated as Open Space; thus, the Housing Element does not identify sites located along the river. All new development proposals pursuant to implementation of the Housing Element will be required to comply with the City's development review process and determine the potential hazard from flooding. Where necessary, those development projects will be required to implement mitigation measures. Compliance with these existing regulations will ensure a less than significant impact.

Success Dam, constructed on the Tule River in 1961, regulates flood flows and has largely eliminated severe flood hazard to Porterville. The Success Dam, whose reservoir, when full, holds 80,000 acre-feet of water, is located approximately two miles east of Porterville's Urban Area Boundary. Large portions of Porterville could be inundated in the event of a 250-year storm that ruptures the dam, particularly western Porterville and areas along the Tule River and Porter Slough. However, potential rupture of the dam is considered virtually nonexistent due to the earthen design of the dam (6-16, Land Use, Open Space, Conservation and Safety Elements of the General Plan). Impact will be less than significant.

j. Seiches are not of great concern in Tulare County because the largest recorded seismically induced wave heights were 1.2 feet. In addition, the effects from a seiche would be similar to the flood hazard for Porterville and the risk of occurrence is perceived as being considerably less than the risk of flooding. Since Porterville is located inland, no risk of tsunami exists. Impact will be less than significant.

IX. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?  

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?
Issues:

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**a through c.** The Housing Element identifies potential sites that could accommodate the City’s allocation of regional housing needs for very-low-, low-, and moderate-income housing. All future development facilitated by the Housing Element will be in accordance with the Porterville General Plan. No housing growth beyond that already planned will occur. Therefore, the Housing Element will not conflict with existing General Plan goals and policies. New development pursuant to the Housing Element will comply with any applicable habitat conservation plans and natural community conservation plans. No adverse impact will result.

**X. MINERAL RESOURCES -- Would the project:**

- **a)** Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- **b)** Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

**a and b.** The Porterville urban area is surrounded by various mineral resources, including relatively high quality construction-grade sand and gravel deposits found within the Tule River floodplain. This resource, however, is not mined in quantity today. Therefore, impact will be less than significant.

**XI. NOISE -- Would the project result in:**

- **a)** Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- **b)** Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- **c)** A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- **d)** A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
### Issues:

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<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
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<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
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**a through d.** All development facilitated by the Housing Element must comply with existing local noise regulations and State health and safety standards. Short-term intermittent noise impacts will result from construction activities associated with new housing development. These impacts will be regulated according to the City’s noise ordinance at the time a specific construction project is proposed. Long-term noise impacts will result from increased vehicular traffic on roadways. However, the Housing Element does not propose new development beyond that anticipated in the General Plan. Impact will be less than significant.

**e and f.** Porterville Municipal Airport is located in the southern part of the City. Development facilitated by the Housing Element will occur in areas designated for residential uses in the General Plan. Development in accordance with the General Plan will ensure that new housing will not be significantly impacted by aircraft noise and will be located in noise-compatible areas. No adverse impact will result.

### XII. POPULATION AND HOUSING -- Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | | | x |
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | | | x |
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | | | x |

**a.** The Housing Element considers additional housing opportunities in Porterville within the limits of the established policies set forth in General Plan Land Use Element. Adoption and implementation of the Housing Element will not alter the location, distribution, density, or growth rate of the City’s population beyond that already anticipated in the General Plan. No adverse impact will result.
b and c. The Housing Element contains programs and policies to address the City's future housing needs by encouraging housing that provides diversity in type and price. None of the Housing Element policies or programs could displace either substantial numbers of existing housing or persons. No adverse impact will result.

### XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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<td>Other public facilities?</td>
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The Housing Element does not propose development beyond that anticipated in the General Plan. Implementation of the Housing Element will not require additional public services beyond those anticipated in the General Plan. Each new development pursuant to the Housing Element will be required to pay all applicable development fees to support additional public services as the demand for those public services increases with population growth. No significant impact will result.

### XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
Issues:

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

a and b. Porterville has 7 City parks and one 9-hole golf course. In addition to the City parks and other facilities, residents have access to approximately 340 acres of public recreational open space that is not under the direct control of the City. These areas include the lands and facilities at Porterville Junior College, Monache and Porterville High Schools, and the playing fields and facilities of several elementary and junior high schools within the Burton and Porterville School Districts.

The Housing Element identifies programs and policies to meet the City’s allocation of regional housing needs for all income levels. Future development will occur at sites designated for residential uses. Furthermore, the Housing Element does not propose new development beyond that anticipated in the General Plan. The General Plan provides for parks and other recreational facilities to serve existing and future residents of these jurisdictions. Thus, no construction of new park facilities or substantial improvements to existing facilities is required to accommodate development pursuant to the adoption and implementation of the Housing Element. Consistent with City regulations, either park space will be provided, in-lieu fees paid, or other arrangements made to satisfy park provision policies and standards. No adverse impact will result.

XV. TRANSPORTATION/TRAFFIC --

Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
### Issues:

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**a and b.** Adoption and implementation of the Housing Element will not result in development or growth beyond that anticipated in the General Plan. The Housing Element identifies potential sites to accommodate the City’s allocation of regional housing needs to provide a variety of type and price of housing opportunities. Development of these housing sites will proceed in compliance with applicable regulations, including project-specific traffic studies that identify the specific traffic improvements needed and compliance with the General Plan Circulation Element. Compliance with these existing requirements will ensure that impact will be less than significant.

**c.** Development facilitated by the Housing Element will not interfere with air traffic, as building height is limited by zoning regulations, and the location of housing is limited to areas designated for residential uses in the General Plan. Compliance with existing regulations will ensure that no adverse impact will result.

**d and e.** Adoption and implementation of the Housing Element does not involve any roadway construction. Therefore, the Housing Element will not increase hazards due to a design features. Development facilitated by the Housing Element is subject to City standards and Fire Department standards, which require emergency access provisions. Compliance with existing requirements will ensure that adequate emergency access will be provided for by each housing development facilitated by the Housing Element. No adverse impact will result.

**f.** Parking standards set forth in the zoning code will be applied to each new housing development. Compliance will existing requirements will ensure that no adverse impact with respect to parking will result.

**g.** The Housing Element does not contain any transportation-related programs or policies. The housing policies and programs in the Housing Element do not conflict with the City’s Circulation Element policies supporting alternative transportation. No adverse impact will result.

### XVI. UTILITIES AND SERVICE SYSTEMS

-- Would the project:

| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | □ | □ | ✗ | □ |

**CITY OF PORTERVILLE**

**INITIAL STUDY**

**2003-2008 HOUSING ELEMENT**
<table>
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<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
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<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
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<td>e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?</td>
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<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
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<td>g) Comply with federal, State, and local statutes and regulations related to solid waste?</td>
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a, b, and e. Residents within the incorporated City limits are provided with community sewer service by the City. The City’s sewage collection system consists of approximately 150 miles of 6-inch through 36-inch diameter sewers, and includes 18-inch sewage lift stations and associated force mains. Residents outside of the City limits are served either by on-site septic treatment systems or by the Porter Vista Public Utility District. Average wastewater flows at the wastewater treatment facility are approximately 4.82 million gallons per day (mgd). According to the Sewer System Master Plan, the existing wastewater system is sufficient to meet current demand but improvements will be required to accommodate future projected population growth. The City’s Sewer Master Plan identifies improvements to increase capacity to accommodate the projected 2015 population.
Adoption and implementation of the Housing Element will not result in unusual development that would require specialized treatment needs beyond the treatment requirements of the Regional Water Quality Control Board, nor will implementation of the Housing Element produce housing that will exceed existing or planned wastewater treatment facilities' capabilities. Development pursuant to adoption and implementation of the Housing Element is within the projected future wastewater treatment capacity of the City's Sewer Master Plan. In compliance with existing regulations, each new housing development will provide all necessary on-site sewer improvements and pay applicable hook-up fees to fund expansion or improvement of regional facilities. Compliance with existing regulations will ensure a less than significant impact.

c. As discussed in Section VIII(c) above, each new housing development will be required to provide all necessary on-site drainage improvements. Impact will be less than significant.

d. According to the City's Water System Master Plan, Porterville currently extracts its water supply from groundwater aquifers via 23 active wells, 10 available non-active wells, and 4 standby wells. Most of these wells are gravel-packed and range from 230 to 700 feet in depth. The total capacity based of the existing supply wells is approximately 13,845 gallons per minute (gpm). The Water System Master Plan estimates that the City will need a supply of approximately 17,000 gpm in 2015 to meet projected demand and provide the appropriate amount of standby capacity. Any new housing development facilitated by Housing Element programs and policies will proceed in accordance with the Porterville General Plan and the City's Water System Master Plan. Sufficient water supply exists or is planned for to meet the demand at buildout of the General Plan where potential housing sites are identified. No significant impact will result.

f and g. All development facilitated by the Housing Element will comply with existing City, State, and federal statutes regarding solid waste disposal, including source reduction programs pursuant to the California Integrated Waste Management Act. Each housing development facilitated by the Housing Element will participate in the City's recycling program and comply with all other regulations related to waste reduction. No adverse impact will result.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
Issues:

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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a. Development facilitated by the Housing Element will comply with all applicable local, State, and federal regulations regarding the protection of endangered species and sensitive habitats. Designated historic resources are protected under local, State, and federal ordinances, and will not be affected by adoption and implementation of the Housing Element. No adverse impact will result.

b. The Housing Element has been prepared using regional growth forecasts developed by the Tulare County Association of Governments (TCAG) and is consistent with the General Plan land use policies of the City of Porterville. No growth beyond that anticipated in the General Plan will occur as a result of adoption and implementation of the Housing Element. Programs and policies in the Housing Element will have the beneficial effect of improving the condition of the existing housing stock. No adverse cumulative impact will result from the Housing Element.

c. The Housing Element focuses on providing safe and affordable housing for all residents of Porterville. Programs and policies in the Housing Element seek to preserve and improve the existing housing stock and provide adequate sites for the construction of new housing in order to meet the City’s share of the regional housing need. Therefore, implementation of the Housing Element will have a beneficial effect; no adverse impact will result.
REFERENCES


PREARRERS OF THE INITIAL STUDY

Lead Agency

City of Porterville
Community Development Department
291 North Main Street
Porterville, CA 93257

Contact: Brad Dunlap, Director
Telephone: (559) 782-7460
Fax: (559) 781-6437
Email: bdunlap@ci.porterville.ca.us

Consultant to the Lead Agency

Cotton/Bridges/Associates
A Division of P&D Consultants, Inc.
800 East Colorado Boulevard, Suite 270
Pasadena, CA 91101

Principal-in-Charge: Laura Stetson, AICP
Project Manager: Veronica Tam, AICP
Environmental Analyst: Melissa Hatcher
Graphics: Enabell Diaz

Telephone: (626) 304-0102
Fax: (626) 304-0402
Email: cba@cbaplanning.com
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT FOR GENERAL PLAN AMENDMENT 3-2004

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of March 16, 2004, conducted a public hearing to consider General Plan Amendment 3-2004, adopting the 2003-2008 Housing Element of the General Plan; and

WHEREAS: The City Council considered the following findings in its review of the environmental circumstances for this project:

1. That a Negative Declaration was prepared in accordance with the California Environmental Quality Act.

2. That the subject General Plan Amendment will not create adverse environmental impacts.

3. That the City Council is the decision-making body for the project.

4. That the Negative Declaration prepared for this project was made available for public review and comment. Comments from the Tulare County Resource Management, San Joaquin Valley Air Pollution Control District, the State of California Department of Transportation, Division of Aeronautics, and Department of Transportation (CalTrans) were received and addressed.

5. That review of the environmental circumstances regarding this project indicates that no adverse impacts would accrue to wildlife resources from implementation of the Housing Element.

6. That the project may proceed subsequent to approval and/or conditional approval of the State Department of Fish and Game relative to said State Department’s considerations of a “de minimis impact” pursuant to Section 711.2 et. Seq. of the Fish and Game Code.

7. That the environmental assessment and analysis prepared for this project supporting the Negative Declaration reflects the independent judgement of the City of Porterville.

8. That the proposed action will not result in a significant impact on the quality of the human environment.

Attachment No. 2
9. That the Environmental Assessment prepared for the proposed project was made available for public review and comment.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Negative Declaration prepared for General Plan Amendment 3-2004, amending the Housing Element of the General Plan.

__________________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By ____________________________
Georgia Hawley, Deputy
RESOLUTION NO.__________

A RESOLUTION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR GENERAL PLAN AMENDMENT 3-2004, ADOPTING THE 2003-2008 HOUSING ELEMENT OF THE GENERAL PLAN

WHEREAS: The City of Porterville at its regularly scheduled meeting of March 16, 2004 conducted a public hearing to consider General Plan Amendment 3-2004, adopting the 2003-2008 Housing Element addressing the statutory requirements relating to the City’s Housing Element; and

WHEREAS: The City Council made the following findings;

1. That the proposed amendment incorporating the 2003-2008 Housing Element will bring the City’s Housing Element into compliance with the statutory requirements set forth in the California Government Code.

2. That the adoption of the 2003-2008 Housing Element will not be detrimental to the public health or welfare, or injurious to the property or improvements in areas affected by the Housing Element.

3. That the evaluation of the environmental impacts as set forth in the initial study are appropriate and that adoption of the Housing Element will have no significant effect upon the environment within the meaning of the California Environmental Quality Act and, when considering the project as a whole, there is no evidence before the City that the proposed project would have any potentially adverse effect on wildlife resources or the habitat upon which wildlife depends, and therefore, a Negative Declaration has been adopted.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve General Plan Amendment 3-2004 adopting the 2003-2008 Housing Element

__________________________
Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By _________________________
Georgia Hawley, Deputy

Attachment No. 3
THE FINAL DRAFT
2003-2008 HOUSING ELEMENT
IS AVAILABLE UPON REQUEST
IN THE COMMUNITY
DEVELOPMENT DEPARTMENT
FINAL

CITY OF PORTERVILLE
2003-2008 HOUSING ELEMENT

March 2004

City of Porterville
Community Development Department
291 North Main Street
Porterville, CA 93257

Consultant to the City:
Cotton/Bridges/Associates
A division of P&D Consultants
800 E. Colorado Blvd., Suite 270
Pasadena, CA 91101
CITY OF PORTERVILLE
2003-2008 HOUSING ELEMENT

March 2004

City of Porterville
Community Development Department
291 North Main Street
Porterville, CA 93257

Consultant to the City:
Cotton/Bridges/Associates
A division of P&D Consultants
800 E. Colorado Blvd., Suite 270
Pasadena, CA 91101
HOUSING CONDITIONS

HOUSING CONDITION SCORE

- **SOUND**: 0 - 9 points.
  A unit that appears well-maintained and structurally intact.

- **MINOR**: 10 - 15 points.
  A unit that shows signs of deferred maintenance, or which needs only one major component such as a roof.

- **MODERATE**: 16 - 39 points.
  A unit in need of replacement of one or more major components and other repairs, such as roof replacement, painting, and window repairs.

- **SUBSTANTIAL**: 40 - 55 points.
  A unit that requires replacement of several major systems and possibly other repairs.

- **DILAPIDATED**: 56 - 60 points.
  A unit suffering from excessive neglect, where the building appears structurally unsound and maintenance is non-existent, not fit for human habitation in its current condition, may be considered for demolition, or at minimum, major rehabilitation will be required.

- **Vacant properties**
- **Non-residential properties not surveyed**
# City of Porterville
## 2003-2008 Housing Element

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CHAPTER 1
INTRODUCTION

The 2003-08 Housing Element is a component of the Porterville General Plan. The Housing Element contains the City's goals, policies, and strategic plan for addressing the most critical housing needs in the community over the next five years. The Housing Element is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community.

A. COMMUNITY CONTEXT

The City of Porterville is located in southeast Tulare County, lying along the foothills of the Sierras, 165 miles north of Los Angeles, 171 miles east of the Pacific Coast. Roughly between the major market areas of Northern and Southern California, Porterville is a key gateway city to Sequoia National Park and the southern Sierra Nevada region.

Tulare County is one of the most productive agricultural areas in the nation, and Porterville is still significantly influenced by agriculture and supportive industries, although the economy is more diversified today. Specifically, Porterville has grown into a regionally important medical and educational center. More recently, the City has become a desirable location for shipping and warehousing business, due to its advantageous location between Northern and Southern California.

Incorporated in 1902 with a population of 2,906, Porterville has grown to a community of nearly 40,000, according to the 2000 Census. As of January 2003, the State Department of Finance reported a population of 41,945 for Porterville. Similar to Tulare County, Porterville has experienced rapid growth since 1960, with a 50 percent or greater increase during the decades of the 1970s and 1980s. The Tulare County Association of Governments (TCAG) predicts less rapid growth through 2008, with an expected annual population increase of 2.8 percent. As the City continues to grow into areas where urban services and infrastructure are not yet in place, this expected population growth will pose a challenge in helping ensure that all members of the community have access to decent and affordable housing.

Porterville has undergone significant changes in ethnic composition, with an increasing Hispanic population that now accounts for almost half of all residents. The City is also home to an increasing proportion of younger residents, as the City has seen an increase in the proportion of families with children.

The housing stock in Porterville consists predominantly of single-family homes. Housing prices in the City are low compared to other areas in the County and region. Approximately 44 percent of the households in Porterville are renters, compared to 39 percent Countywide.
In preparing a housing plan to address the housing needs of residents, the City has set forth policies and programs that:

- preserve existing housing;
- provide sites for new housing construction;
- expand housing opportunities for low income and special needs households;
- reduce governmental constraints to housing development; and
- ensure equal housing access for all residents.

**B. STATE POLICY AND AUTHORIZATION**

The California Legislature has identified the attainment of a decent home and suitable living environment for every resident as the State's primary housing goal. Recognizing the important role of local planning programs in pursuing this goal, the Legislature has mandated that all jurisdictions prepare a housing element as part of the comprehensive general plan. Section 65302(c) of the Government Code sets forth the specific components to be contained in a community's housing element.

State law requires housing elements to be updated at least every five years to reflect a community's changing housing needs. The 1992 Housing Element covered the five-year period spanning 1992 through 1997. However, due to an economic downturn in the mid-1990s and a shortfall in State funds, the Legislature extended the planning period for the 1992 Housing Element through June 30, 2003. Thus, this Housing Element covers the planning period of July 1, 2003 to June 30, 2008. Special legislation was later adopted to provide an extension for completing the Housing Element update to December 31, 2003.

A critical measure of compliance with the State Housing Element law is the City's ability to accommodate its share of the regional housing needs, as allocated in the Regional Housing Needs Determination (RHND) prepared by the Tulare County Association of Governments. For Tulare County, the RHND covers the period between January 1, 2001 and June 30, 2008. Therefore, while the Housing Element is a five-year document, the City has seven and one-half years (January 1, 2001 to June 30, 2008) to fulfill the RHND.

**C. ORGANIZATION OF THE HOUSING ELEMENT**

The Housing Element consists of the following major components:

1. An introduction that explains the purpose and scope of the Housing Element (Chapter 1).

2. An analysis of the City's demographic and housing characteristics and trends (Chapter 2).
3. Review of potential market, governmental, and environmental constraints that impact the City's ability to address its housing needs (Chapter 3).

4. An evaluation of land, financial, and administrative resources available to address the City's housing goals (Chapter 4).

5. An evaluation of the accomplishments of the 1992 Housing Element (Chapter 5).

6. A Housing Plan to address the City's identified housing needs, including housing goals, policies and programs (Chapter 6).

D. RELATIONSHIP TO PORTERVILLE GENERAL PLAN

The Housing Element is a component of the Porterville General Plan, which provides policies and programs to guide development in the City. State law requires consistency among sections of the General Plan. As such, goals and policies contained in the Housing Element should be consistent with the goals and policies set forth in the other elements of the General Plan.

LAND USE ELEMENT

The following General Plan policies relate to housing in the City:

Policy 3.2 Multiple-family residential development shall be located on arterial and major collector streets, as designated by the Land Use and Circulation Plan, and shall generally be located adjacent to higher intensity uses to provide an orderly transition from such uses to nearby single-family residential development.

Policy 3.3 To the fullest extent practical, encroachment of higher intensity uses into residential neighborhoods shall be prevented. Such uses are acknowledged to be incompatible with low and medium density development.

Policy 3.4 The concept of planned developments shall be encouraged for suitable parcels to ensure accommodation of trends toward increased residential density in the community without disrupting the City's existing single-family character.

RELATED HOUSING ELEMENT POLICIES

The following Housing Element policies relate to the land use policies in the General Plan:

Policy B.3: The City will implement flexible land use regulations through planned unit development zoning to allow for a range of housing types and densities within a single development.
Policy C.4: The City will provide for the development of secondary residential units, as required by State law, while protecting the single-family character of neighborhoods.

Policy D.4: The City will pursue land use policies that allow small residential developments and individual housing units meeting special needs to be integrated into existing neighborhoods and new residential developments.

Policy G.2: The City will promote infill residential development within the Redevelopment Area and other older parts of the City where adequate public facilities and services are already in place.

These policies are consistent with the policies set forth in the Land Use Element. The City will continue to ensure consistency between the Housing Element and other General Plan elements. If future changes to any element are necessary for internal consistency, any change will be proposed to the City Council for consideration.

E. COMMUNITY PARTICIPATION

Community involvement is critical to developing policies and programs that meet the housing needs of residents. In preparing this Housing Element, the City garnered community input through community workshops, meetings with the City’s Housing Element Task Force, and through a community needs survey.

COMMUNITY WORKSHOPS

The City held two community workshops to explain the housing element process and to receive input on the housing issues most important to residents and service providers. Since this Housing Element was prepared in conjunction with the Analysis of Impediments to Fair Housing Choice, the discussions at the community meetings covered fair housing topics in addition to other issues related to the Housing Element.

The City advertised the workshops through direct mailings to over 70 service providers, realtors, and lenders, as well as publishing a newspaper advertisement. Flyers about the workshops were also placed at the City Hall. Workshop attendees included concerned residents, community leaders, lenders, realtors, and service providers, including those serving the homeless, disabled, and persons of lower incomes. Specifically, interested residents, civic leaders, and the following agencies attended the meetings:

Lenders and Insurers:
- Citibank
- Union Bank of California
- New York Life
Real Estate and Management Companies
• Heritage Real Estate
• Tyrrell Management

Homeless, Disabled, and Other Special Needs Groups
• CCFCC
• Salvation Army
• Rescue Mission
• PSW Independent Living Program
• Central California Legal Services
• Central California Family Crisis Center

Media
• Porterville Recorder

**HOUSING ELEMENT TASK FORCE**

The City appointed a 15-member Housing Element Task Force to assist with the Housing Element update. Five meetings were held with the Housing Element Task Force to:

• provide an overview of the Housing Element process;
• discuss goals and policies regarding the development, improvement, and preservation of housing;
• provide guidance on housing programs and objectives; and
• review the Draft Housing Element

**HOUSING NEEDS SURVEY**

The City developed a housing needs survey to gather input from residents and service providers on housing issues, including housing needs, housing policies and programs, and fair housing issues. The survey was made available at public counters, to service providers, and workshop attendees. A copy of the survey is included in the Appendix of this report.

In total, 49 people completed the survey. Among those completing the survey, 17 were renters, 18 were owners, and 6 lived in shelter programs. The most common housing need indicated by both renters and owners was home improvement, as approximately one-third of both owners and renters indicated their units were in need of improvement. Many potential housing policies received a favorable response from survey respondents. Policies and programs receiving the most favorable responses were:

• offering credit counseling to first-time homebuyers;
• policies encouraging new apartments at rents affordable to lower-income households;
• policies encouraging new homes at prices affordable to lower-income households; and
• a rent-to-own option as a means of purchasing a home.
CHAPTER 2
HOUSING NEEDS ASSESSMENT

Addressing the current and future housing needs of Porterville residents requires a comprehensive assessment of the community's housing needs. An understanding of housing needs provides the basis for an appropriate and effective housing plan. This chapter presents an analysis of the demographic, socioeconomic, and housing characteristics that may affect housing needs in Porterville.

A. POPULATION CHARACTERISTICS

The nature and extent of housing need in a community is largely determined by population growth and demographic characteristics such as age, household size, occupation, and income. Cultural factors may also affect housing preferences.

1. POPULATION TRENDS

Porterville is the third largest city in Tulare County – its 2000 population according to the Census was 39,615. It is also fast growing. Porterville has grown rapidly for many years; the City has more than tripled in population since 1970, with 50 percent or greater increases in population during the decades of the 1970s and 1980s. As of January 2003, the State Department of Finance (DOF) reported a population of 41,945 for Porterville.

The Census and current DOF population estimates are exclusive of unincorporated areas within the incorporated Porterville. The City estimates that the population within the unincorporated islands is 5,028 as of March 2003.¹ By the end of 2003, the City anticipates annexing one of these islands with a population of 383.

The Porterville population trends since 1970 as well as projections through 2008 are presented in Table 2-1. The 2008 projection from Tulare

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>% Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>12,602</td>
<td>--</td>
</tr>
<tr>
<td>1980</td>
<td>19,707</td>
<td>56.4%</td>
</tr>
<tr>
<td>1990</td>
<td>29,563</td>
<td>50.0%</td>
</tr>
<tr>
<td>2000</td>
<td>39,615</td>
<td>34.0%</td>
</tr>
<tr>
<td>2003</td>
<td>41,945</td>
<td>5.8%</td>
</tr>
<tr>
<td>2008 projection</td>
<td>49,743</td>
<td>18.6%</td>
</tr>
</tbody>
</table>


¹ City of Porterville, March 2003. In computing the population of the islands, the City multiplied the number of parcels in the island by the average number of persons per household within incorporated city areas. This assumes that each parcel has one dwelling unit.
County Association of Governments (TCAG) assumes a straight-line growth rate of 2.8 percent over the next six years within the City’s incorporated area. Based on the TCAG projection, Porterville will have a population approaching 50,000 by 2008.

Although population growth in Porterville leveled off during the 1990s, it was still high compared to most Tulare County communities (Table 2-2). Only Farmersville recorded a larger growth than Porterville. Immigration appears to account for a significant portion of the City’s population growth during the 1990s. The City population grew by approximately 10,000 in the 1990s. Among residents new to the City during the 1990s, 36 percent were born in foreign countries, with a majority born in Mexico. The foreign-born residents who moved to Porterville during the 1990s account for 40 percent of the City’s entire foreign-born population as of 2000.

Another factor that helps explain the population increase between 1990 and 2000 is the area’s relatively high birthrate, particularly among teenagers. Tulare County as a whole had a teen birthrate of 78.5 births per 1,000 persons during 2000.\(^2\) In contrast, the average teen birthrate for the State of California during 2000 was 46.8 births per 1,000 persons. Most teen parents cannot afford to live independently, potentially contributing to overcrowding and affordability issues in the community.

### 2. Age Characteristics

The age characteristics of a community are important factors in evaluating housing needs. Different age groups have distinct family types and sizes, income levels, and home-maintenance capabilities, all of which correspond to different housing needs. Younger adults tend to seek apartments, condominiums, and single-family units that are proportionate to their typically smaller household sizes and more constrained finances. Mature adults with children may seek larger single-family homes. However, as grown children begin to leave home, older adults and seniors often trade in for smaller condominiums and single-family homes that are typically easier to maintain and afford.

A review of the changes among age groups in Porterville reveals several interesting trends (Table 2-3). First, in both absolute and percentage terms, Porterville’s senior population decreased

---

during the last decade. The decrease stands in contrast to the robust overall population increase during the 1990s. Many potential factors may be associated with the decrease in the number of seniors, including natural processes, lack of housing appropriate to the needs of seniors, and a small to non-existent number of new residents over 65 years of age.

The Census data show that population growth is concentrated among younger age groups. There were 1,500 more high school age students (15 to 19 years old) in 2000 than there were in 1990 – a 74 percent increase. Similarly, there were 1,294 (55 percent) more 10 to 14 year old children in 2000 than in 1990. Specifically, in 1990, there were 2,775 persons aged 0 to 4 years. Following this age group to the year 2000, one sees that the 10 to 14 year age group includes 3,684 people. Therefore, in addition to all of the 0 to 4 year olds who were already in Porterville in 1990, at least 900 other very young people became Porterville residents during the 1990s. Aside from posing obvious needs for adequate school facilities, the increase in young children may suggest a need for housing appropriate for young families (dual or single parent) with children.

Table 2-3
Age Characteristics, 1990 - 2000

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4</td>
<td>2,775</td>
<td>9.4%</td>
<td>3,759</td>
<td>9.5%</td>
<td>35.5%</td>
</tr>
<tr>
<td>5-9</td>
<td>3,005</td>
<td>10.1%</td>
<td>3,919</td>
<td>9.9%</td>
<td>30.4%</td>
</tr>
<tr>
<td>10-14</td>
<td>2,390</td>
<td>8.1%</td>
<td>3,684</td>
<td>9.3%</td>
<td>54.1%</td>
</tr>
<tr>
<td>15-19</td>
<td>2,061</td>
<td>6.9%</td>
<td>3,598</td>
<td>9.1%</td>
<td>74.6%</td>
</tr>
<tr>
<td>20-24</td>
<td>2,246</td>
<td>7.6%</td>
<td>2,882</td>
<td>7.3%</td>
<td>28.3%</td>
</tr>
<tr>
<td>25-29</td>
<td>2,079</td>
<td>7.0%</td>
<td>2,742</td>
<td>6.9%</td>
<td>31.9%</td>
</tr>
<tr>
<td>30-34</td>
<td>2,555</td>
<td>8.6%</td>
<td>2,799</td>
<td>7.1%</td>
<td>9.5%</td>
</tr>
<tr>
<td>35-39</td>
<td>2,265</td>
<td>7.6%</td>
<td>2,880</td>
<td>7.3%</td>
<td>27.2%</td>
</tr>
<tr>
<td>40-44</td>
<td>2,035</td>
<td>6.9%</td>
<td>2,679</td>
<td>6.8%</td>
<td>31.6%</td>
</tr>
<tr>
<td>45-49</td>
<td>1,341</td>
<td>4.5%</td>
<td>2,439</td>
<td>6.2%</td>
<td>81.9%</td>
</tr>
<tr>
<td>50-54</td>
<td>1,031</td>
<td>3.5%</td>
<td>2,000</td>
<td>5.0%</td>
<td>94.0%</td>
</tr>
<tr>
<td>55-59</td>
<td>1,003</td>
<td>3.4%</td>
<td>1,376</td>
<td>3.5%</td>
<td>37.2%</td>
</tr>
<tr>
<td>60-64</td>
<td>998</td>
<td>3.4%</td>
<td>1,120</td>
<td>2.8%</td>
<td>12.2%</td>
</tr>
<tr>
<td>65-69</td>
<td>1,075</td>
<td>3.6%</td>
<td>896</td>
<td>2.3%</td>
<td>-16.7%</td>
</tr>
<tr>
<td>70-74</td>
<td>952</td>
<td>3.2%</td>
<td>842</td>
<td>2.1%</td>
<td>-11.6%</td>
</tr>
<tr>
<td>75-79</td>
<td>901</td>
<td>3.0%</td>
<td>813</td>
<td>2.1%</td>
<td>-9.8%</td>
</tr>
<tr>
<td>80-84</td>
<td>511</td>
<td>1.7%</td>
<td>589</td>
<td>1.5%</td>
<td>15.3%</td>
</tr>
<tr>
<td>85+</td>
<td>437</td>
<td>1.5%</td>
<td>598</td>
<td>1.5%</td>
<td>36.8%</td>
</tr>
<tr>
<td>Totals</td>
<td>29,660</td>
<td>100%</td>
<td>39,615</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Source: 1990 and 2000 U.S. Census
Among the older age groups, the 45-49 and 50-54 age groups grew the fastest during the 1990s in relative terms. However, these relative increases seem to be due more to the population aging than to in-migration. The 50-54 age group increased 94 percent in size between 1990 and 2000, but in tracking this age group through different time periods, one finds a shrinking population. Specifically, the 40-44 years age group in 1990 had a population of 2,035. Its associated age group in the year 2000, the 50-54 age group, had a population of 2,000 – a 35-person decrease in ten years. This suggests that the increase of this age group may be attributable to aging in place rather than to in-migration. It also suggests that 10 years hence, the City will see a larger group of residents at or very close to retirement age. This is potentially critical given that, as previously noted, there appear to be factors inducing seniors to leave Porterville upon reaching retirement age.

3. RACE AND ETHNICITY

Like many other communities in California, over the past decades Porterville has experienced significant changes in the racial and ethnic composition of its population. These changes may have implications for housing needs, to the extent that cultural preferences influence housing choices.

Overall, Porterville has become more racially and ethnically diverse during the past twenty years. Porterville’s most significant racial and ethnic change during the 1980s and 1990s has been the increase in the proportion of the Hispanic population. The 2000 Census indicates that nearly half of the Porterville population is of Hispanic origin, up from just over one-third in 1990. In addition, there has been a corresponding decrease in the proportion of White residents, from 57 percent in 1990 to 42 percent in 2000. This trend is prevalent in Tulare County. The percentage of Asian and Black residents has remained relatively consistent since 1990.

School enrollment data from the California Department of Education provide additional insight on the race and ethnicity of the student body of the two school districts that cover Porterville. Of the nearly 13,000 students in the Porterville Unified School District, 61 percent or 7,900 are of Hispanic origin. Of the 2,350 students in the Burton School District, 39 percent of students are identified as Hispanic.

Porterville has clearly seen a tremendous increase in its Hispanic population in the past twenty years. If current trends continue, the next census in 2010 will likely indicate that those of

3 The Census considers Hispanic origin separately from racial categories. Census respondents are directed to indicate Hispanic origin as well as a racial group – White, African American, Native American, Asian/Pacific Islander, other race, or two or more races. Reviewers and commentators of national demographic trends have suggested that because many people of Hispanic origin are of mixed racial ancestry, the relatively rigid racial categories in the Census pose many difficulties among some Hispanic people who consider race to be a flexible concept. Further, it is generally understood that not all Census respondents agree with or understand the distinction between racial groups and ethnic origin.

4 School district reports treated Hispanics as a separate racial group, rather than allowing for separate ethnic and racial identification.
Hispanic origin will constitute a majority of Porterville residents. This has implications for many city government issues, particularly housing policy, because Census data further reveal that people of Hispanic origin are disproportionately concentrated in the lower income group, young, and tend to live in overcrowded conditions.

Table 2-4
Race and Ethnicity, 1990 - 2000

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>1990</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Persons</td>
<td>Percent</td>
</tr>
<tr>
<td>Hispanic</td>
<td>10,299</td>
<td>35%</td>
</tr>
<tr>
<td>White</td>
<td>16,787</td>
<td>57%</td>
</tr>
<tr>
<td>Asian</td>
<td>1,824</td>
<td>6%</td>
</tr>
<tr>
<td>Black</td>
<td>253</td>
<td>1%</td>
</tr>
<tr>
<td>Other*</td>
<td>400</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>29,563</td>
<td>100%</td>
</tr>
</tbody>
</table>

*Includes persons of two or more races

4. **Education and Employment**

A person’s level of education can often determine employment and income levels. The educational attainment level of Porterville residents 25 years or older is very similar to that of Tulare County residents as a whole. Porterville has a slightly higher percentage of high school graduates than Tulare County, but a slightly smaller percentage with college and/or advanced degrees.

More than 60 percent of Porterville residents over 25 have earned a high school diploma, and more than a third of all residents have attended college and/or advanced degree (Figure 2-1). Relative to 1990, a higher proportion of Porterville residents aged 25 years or older in 2000 had high school degrees or attended some college.
5. **Occupational and Industrial Characteristics**

The number and types of jobs in a community are important considerations in determining housing needs. Different jobs and associated income levels determine the type and size of housing a household can afford. Both occupational and industrial information are evaluated here in terms of potential impact on housing choice.

**Occupational Characteristics**

Occupations of employed Porterville residents in 2000 were heavily concentrated in the managerial/professional, service, and sales sectors (Table 2-5). According to Census data, the City had a similar occupational profile to Tulare County; however, the City had relatively smaller percentages of workers in farming, construction, and production.

**Industrial Characteristics**

Occupation by industry provides a more detailed profile of jobs in the City. Education, health, and social services jobs accounted for 28 percent of all jobs held by Porterville residents, far more than any other industrial grouping (Table 2-6). This reflects the City’s increasing role as a regionally important medical and educational center. As the City becomes increasingly urbanized, agricultural employment will play a continually smaller role in the City’s economy.

According to the Census, agricultural jobs accounted for 11.2 percent of all jobs held by Porterville residents. In comparison, agricultural jobs accounted for as much as 30 percent of all jobs in the adjacent County unincorporated areas, including Poplar/Cotton Center and East Porterville. The California Employment Development Department (EDD) indicates that for...
Tulare County as a whole, agricultural jobs accounted for 25 percent of all employment in 2001. This figure includes direct involvement plus associated industries such as food processing and distribution. However, official data tend to under-estimate the number of agricultural workers, particularly migrant farmworkers, due partly to the seasonal nature and migratory pattern of their work.

Table 2-5
Occupational Profile of Porterville and Tulare County residents, 2000

<table>
<thead>
<tr>
<th>Occupational Category</th>
<th>Porterville</th>
<th></th>
<th>Tulare County</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Management, professional, and related occupations</td>
<td>3,744</td>
<td>26.5%</td>
<td>33,892</td>
<td>25.3%</td>
</tr>
<tr>
<td>Sales and office occupations</td>
<td>3,344</td>
<td>23.6%</td>
<td>30,447</td>
<td>22.7%</td>
</tr>
<tr>
<td>Service occupations</td>
<td>2,491</td>
<td>17.6%</td>
<td>21,708</td>
<td>16.2%</td>
</tr>
<tr>
<td>Production, transportation, and material moving occupations</td>
<td>1,920</td>
<td>13.6%</td>
<td>19,108</td>
<td>14.2%</td>
</tr>
<tr>
<td>Farming, fishing, and forestry occupations</td>
<td>1,505</td>
<td>10.6%</td>
<td>17,643</td>
<td>13.2%</td>
</tr>
<tr>
<td>Construction, extraction, and maintenance occupations</td>
<td>1,148</td>
<td>8.1%</td>
<td>11,296</td>
<td>8.4%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>14,152</strong></td>
<td><strong>100.0%</strong></td>
<td><strong>134,094</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Source: US Census, 2000

Table 2-6
Industrial Profile, 2000

<table>
<thead>
<tr>
<th>Industry</th>
<th>Porterville</th>
<th></th>
<th>Tulare County</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Educational, health and social services</td>
<td>3,984</td>
<td>28.2%</td>
<td>27,691</td>
<td>20.7%</td>
</tr>
<tr>
<td>Retail trade</td>
<td>1,769</td>
<td>12.5%</td>
<td>14,317</td>
<td>10.7%</td>
</tr>
<tr>
<td>Agriculture, forestry, fishing and hunting, and mining</td>
<td>1,588</td>
<td>11.2%</td>
<td>20,383</td>
<td>15.2%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>1,079</td>
<td>7.6%</td>
<td>12,610</td>
<td>9.4%</td>
</tr>
<tr>
<td>Arts, entertainment, recreation, accommodation and food services</td>
<td>954</td>
<td>6.7%</td>
<td>8,542</td>
<td>6.4%</td>
</tr>
<tr>
<td>Public administration</td>
<td>900</td>
<td>6.4%</td>
<td>7,701</td>
<td>5.7%</td>
</tr>
<tr>
<td>Wholesale trade</td>
<td>734</td>
<td>5.2%</td>
<td>8,209</td>
<td>6.1%</td>
</tr>
<tr>
<td>Other services (except public administration)</td>
<td>728</td>
<td>5.1%</td>
<td>6,977</td>
<td>5.2%</td>
</tr>
<tr>
<td>Professional, scientific, management, administrative, etc.</td>
<td>665</td>
<td>4.7%</td>
<td>8,219</td>
<td>6.1%</td>
</tr>
<tr>
<td>Construction</td>
<td>649</td>
<td>4.6%</td>
<td>7,106</td>
<td>5.3%</td>
</tr>
<tr>
<td>Transportation and warehousing, and utilities</td>
<td>505</td>
<td>3.6%</td>
<td>5,670</td>
<td>4.2%</td>
</tr>
<tr>
<td>Finance, insurance, real estate, and rental and leasing</td>
<td>464</td>
<td>3.3%</td>
<td>5,041</td>
<td>3.8%</td>
</tr>
<tr>
<td>Information</td>
<td>133</td>
<td>0.9%</td>
<td>1,628</td>
<td>1.2%</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>14,152</strong></td>
<td><strong>100.0%</strong></td>
<td><strong>134,094</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Source: 2000 Census
Major Employers

A more refined understanding of the City’s employment picture comes from a review of its major employers (Table 2-7). These jobs are held by Porterville residents and non-residents alike. Health care and education providers comprise five of the City’s largest employers. Six of the ten largest employers are public entities, which cumulatively have more than 5,000 employees.

The single largest private employer is Wal-Mart, with more than 1,600 employees, about 1,300 of whom work in the distribution center, with the balance in the company’s retail store. Other large private employers are Beckman Coulter, an Orange County based medical equipment manufacturer, and Royalty Carpet Mills, a carpet maker also based in Orange County. The largest private employer with headquarters in Porterville is Bank of the Sierra, with branch offices in Tulare, Fresno, and Kern counties.

Projected Employment Trends

Understanding areas of potential job growth is an additional aid to forecasting community needs. Table 2-8 examines selected jobs that are expected to grow in Tulare County through 2006. This list includes most of the jobs for which the greatest absolute job growth is forecast for the County by the EDD, many of which are now prevalent in Porterville. Mean annual wages for these positions are also listed, along with the area median income as determined by the California Department of Finance. Many of the projected fast-growing job sectors are relatively low paying, including cashiers, teaching assistants, and retail salespeople. For these and other individuals at similar pay scales, finding and maintaining affordable housing may be a particular challenge.

Table 2-7
Major Employers in Porterville, 2003

<table>
<thead>
<tr>
<th>Employer</th>
<th>Employees in Porterville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wal-Mart (distribution and retail)</td>
<td>1,631</td>
</tr>
<tr>
<td>Porterville Developmental Center</td>
<td>1,571</td>
</tr>
<tr>
<td>Porterville Public Schools</td>
<td>1,345</td>
</tr>
<tr>
<td>Sierra View District Hospital</td>
<td>629</td>
</tr>
<tr>
<td>Porterville College</td>
<td>324</td>
</tr>
<tr>
<td>Sierra Bancorp</td>
<td>305</td>
</tr>
<tr>
<td>Royalty Carpet Mills</td>
<td>268</td>
</tr>
<tr>
<td>Burton School District</td>
<td>243</td>
</tr>
<tr>
<td>City of Porterville</td>
<td>242</td>
</tr>
<tr>
<td>Beckman Coulter</td>
<td>230</td>
</tr>
<tr>
<td>Eagle Mountain Casino</td>
<td>215</td>
</tr>
<tr>
<td>Porterville Sheltered Workshop</td>
<td>92</td>
</tr>
<tr>
<td>Mervyns</td>
<td>86</td>
</tr>
<tr>
<td>Porterville Citrus</td>
<td>70</td>
</tr>
<tr>
<td>Baird Neece Packing Corp</td>
<td>57</td>
</tr>
</tbody>
</table>

Source: InfoUSA and Chamber of Commerce, 2003
Table 2-8
Mean Annual Tulare County Wages
and Anticipated Tulare County Job Growth

<table>
<thead>
<tr>
<th></th>
<th>Mean annual wage 2001</th>
<th># of additional Tulare County jobs Est. through 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cashier</td>
<td>$17,584</td>
<td>480</td>
</tr>
<tr>
<td>Teaching assistant</td>
<td>$23,253</td>
<td>390</td>
</tr>
<tr>
<td>Retail salesperson</td>
<td>$20,296</td>
<td>380</td>
</tr>
<tr>
<td>Truck driver</td>
<td>$28,321</td>
<td>360</td>
</tr>
<tr>
<td>Secondary school teacher</td>
<td>$53,077</td>
<td>280</td>
</tr>
<tr>
<td>Warehouse -- laborer/material mover</td>
<td>$19,139</td>
<td>210</td>
</tr>
<tr>
<td>Construction laborer</td>
<td>$26,168</td>
<td>200</td>
</tr>
<tr>
<td>Elementary school teacher</td>
<td>$47,372</td>
<td>150</td>
</tr>
<tr>
<td>Nurse aide</td>
<td>$17,598</td>
<td>130</td>
</tr>
<tr>
<td>Police officer</td>
<td>$52,032</td>
<td>120</td>
</tr>
<tr>
<td>Medical assistant</td>
<td>$20,849</td>
<td>110</td>
</tr>
<tr>
<td>Child care worker</td>
<td>$19,372</td>
<td>80</td>
</tr>
<tr>
<td>Security guard</td>
<td>$20,182</td>
<td>70</td>
</tr>
<tr>
<td>Stock clerk</td>
<td>$20,061</td>
<td>50</td>
</tr>
<tr>
<td>Agricultural -- grader/sorter</td>
<td>$15,609</td>
<td>40</td>
</tr>
<tr>
<td>Fire fighter</td>
<td>$36,298</td>
<td>30</td>
</tr>
</tbody>
</table>

Median Household Income, 1999 $32,046 na

Source: California Employment Development Department, 2002, California Department of Finance, 2002

Unemployment

Tulare County has had some of the highest unemployment rates in the nation. According to the U.S. Bureau of Labor Statistics (BLS), the metropolitan statistical area of Visalia-Tulare-Porterville had an unemployment rate of 17.2 percent during December 2002, the second highest rate nationally.

Most of the metropolitan areas suffering high unemployment are agricultural areas with large populations of immigrants – other areas with very high unemployment rates are Merced, Fresno, Salinas, Yuba City, and Bakersfield. BLS statistics for the previous ten years indicate that the Visalia-Tulare-Porterville region has consistently had unemployment rates between 15 and 20 percent.

On a monthly basis, area unemployment rates have tended to dip during the months of May, August, and September – which are traditionally harvest periods. Although Porterville has established itself as a regional shopping, health care and service center, the average
unemployment rate within the City during 2002 was 18.4 percent, according to the EDD. This high unemployment rate may be an indication of the under-estimation of the farmworker population in the City, which tends to exhibit high unemployment rates during non-harvest months.

B. HOUSEHOLD CHARACTERISTICS

1. HOUSEHOLD TYPE

An understanding of household characteristics is relevant because housing needs generally vary by household type. Families typically need single-family homes or large apartments with sufficient bedrooms for children, whereas single-person households, especially those headed by seniors, may desire smaller, easier-to-maintain housing units such as condominiums or apartments.

The City had 11,884 households in 2000 (Table 2-9). Among these households, 77 percent were family households. Nearly 53 percent of all households were married-couple households. Married couples with children under 18 years old living at home comprised about 31 percent of all households. Approximately one-quarter of all households in the City were single-parent households. More than half of all single-parent households were female-headed with children under 18 living at home. This group is typically considered to be a special needs group that have particular vulnerabilities in finding and maintaining affordable housing.

With a relatively high number of families with children, Porterville’s average household size is relatively large, even though nearly one-fifth of its households consisted of one person. Within Porterville, the average household size rose from 2.9 in 1990 to 3.2 in 2000. In unincorporated East Porterville and Poplar-Cotton Center, the average household size in 2000 was just over four persons per household.

As noted, about 19 percent of all households in the City consisted of single persons living alone. A significant percentage of these single-person households were headed by seniors, constituting another potential group with specialized housing needs.
Table 2-9
Household Characteristics, 1990 - 2000

<table>
<thead>
<tr>
<th>Household Type</th>
<th>1990</th>
<th></th>
<th>2000</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Households</td>
<td>9,586</td>
<td>100.0%</td>
<td>11,884</td>
<td>100.0%</td>
</tr>
<tr>
<td>One Person Household</td>
<td>2,155</td>
<td>22.5%</td>
<td>2,266</td>
<td>19.1%</td>
</tr>
<tr>
<td>Family Households</td>
<td>7,046</td>
<td>73.5%</td>
<td>9,170</td>
<td>77.2%</td>
</tr>
<tr>
<td>Married Couple</td>
<td>5,067</td>
<td>52.9%</td>
<td>6,310</td>
<td>53.1%</td>
</tr>
<tr>
<td>With Children under 18</td>
<td>2,825</td>
<td>29.5%</td>
<td>3,676</td>
<td>30.9%</td>
</tr>
<tr>
<td>Without children under 18</td>
<td>2,242</td>
<td>23.4%</td>
<td>2,634</td>
<td>22.2%</td>
</tr>
<tr>
<td>Single Parent Households</td>
<td>1,979</td>
<td>20.6%</td>
<td>2,860</td>
<td>24.1%</td>
</tr>
<tr>
<td>Male headed</td>
<td>445</td>
<td>4.6%</td>
<td>761</td>
<td>6.4%</td>
</tr>
<tr>
<td>With children</td>
<td>279</td>
<td>2.9%</td>
<td>475</td>
<td>4.0%</td>
</tr>
<tr>
<td>Without children</td>
<td>166</td>
<td>1.7%</td>
<td>286</td>
<td>2.4%</td>
</tr>
<tr>
<td>Female headed</td>
<td>1,534</td>
<td>16.0%</td>
<td>2,099</td>
<td>17.7%</td>
</tr>
<tr>
<td>With children</td>
<td>1,203</td>
<td>12.5%</td>
<td>1,495</td>
<td>12.6%</td>
</tr>
<tr>
<td>Without children</td>
<td>331</td>
<td>3.5%</td>
<td>604</td>
<td>5.1%</td>
</tr>
<tr>
<td>Non-family household</td>
<td>385</td>
<td>4.0%</td>
<td>448</td>
<td>3.8%</td>
</tr>
<tr>
<td>Male head</td>
<td>232</td>
<td>2.4%</td>
<td>243</td>
<td>2.0%</td>
</tr>
<tr>
<td>Female head</td>
<td>153</td>
<td>1.6%</td>
<td>205</td>
<td>1.7%</td>
</tr>
<tr>
<td>Average Household Size</td>
<td>2.9</td>
<td></td>
<td>3.2</td>
<td></td>
</tr>
</tbody>
</table>

Source: U.S. Census, 1990 and 2000

2. **Household Income**

Household income is one of the most important factors affecting housing opportunity. A household's income determines its ability to balance housing costs with other basic necessities of life. Income levels can and often do vary considerably among households and affect housing choices such as tenure (ownership or rental), type, and location.

The median household income for Porterville ($32,046) was similar to that of Tulare County as a whole. Figure 2-2 compares the median household incomes for Porterville with nearby cities and Tulare County. Of all cities in Tulare County, only the City of Visalia had a median household income ($41,349) above the County median household income ($33,983).

Median household income varies by race and ethnic origin. Median household income among Hispanic households was $26,123. For White non-Hispanic households, median household income was $37,865 or 145 percent of the median household income of Hispanic households.
Higher still was the median household income for Asian households; at $40,463, this was the highest median household income among the various racial groups in Porterville.

![Figure 2-2: Median household income in Tulare County cities, 1999](image)

Poverty status

The 2000 Census shows that about 26 percent of the Porterville residents were living in poverty. Among residents living in poverty, nearly 46 percent were under 18 years old. Seniors constituted a small percentage of those in poverty - only 6.4 percent. Approximately 20 percent of all Porterville families lived in poverty; the vast majority (90 percent) of these families in poverty had children under 18 years of age.

Among the various racial/ethnic groups, poverty is particularly prevalent among Hispanic residents. Nearly two-thirds of all City residents in poverty were people of Hispanic origin. Overall, approximately 17 percent of the City population was Hispanic living in poverty.

About one third of all Porterville residents in poverty status were born in foreign countries. Of all foreign-born residents in poverty, an overwhelming majority – 86 percent – were not U.S. citizens. In contrast, of all naturalized foreign-born citizens, only 19 percent were in poverty status. Typically naturalization requires English language skills; those able to speak English often have an easier time finding employment in higher paying jobs, whereas those without English speaking skills may be consigned to lower paying work.

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5 The 2000 Census recorded earned income in 1999.
3. **SPECIAL NEEDS GROUPS**

Certain groups have greater difficulty in finding and holding on to decent, affordable housing due to special circumstances relating to employment and income, household characteristics, and disabilities, among others. These “special needs” groups in Porterville include seniors, persons with disabilities, large households, single-parent households (especially female-headed households with children), homeless persons, and agricultural workers (Table 2-10). Following are more in-depth discussions of each special needs group.

**Table 2-10**  
Special Needs Groups, 2000

<table>
<thead>
<tr>
<th>Special Needs Groups</th>
<th>Persons</th>
<th>Households</th>
<th>% of Population/Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seniors</td>
<td>3,738</td>
<td></td>
<td>9.4%</td>
</tr>
<tr>
<td>Disabled (5 years and older)</td>
<td>7,458</td>
<td>18.8%</td>
<td></td>
</tr>
<tr>
<td>Persons 5-20 years</td>
<td>802</td>
<td>2.0%</td>
<td></td>
</tr>
<tr>
<td>Persons 21-64 years</td>
<td>5,055</td>
<td>12.8%</td>
<td></td>
</tr>
<tr>
<td>Persons 65 years and over</td>
<td>1,601</td>
<td>4.0%</td>
<td></td>
</tr>
<tr>
<td>Agricultural Workers</td>
<td>1,588</td>
<td>4.0%</td>
<td></td>
</tr>
<tr>
<td>Households headed by seniors</td>
<td></td>
<td>2,312</td>
<td>19.5%</td>
</tr>
<tr>
<td>Female headed households with children</td>
<td>1,495</td>
<td>12.6%</td>
<td></td>
</tr>
<tr>
<td>Large households</td>
<td>2,589</td>
<td>21.8%</td>
<td></td>
</tr>
<tr>
<td>Owners</td>
<td>1,408</td>
<td>11.8%</td>
<td></td>
</tr>
<tr>
<td>Renters</td>
<td>1,181</td>
<td>9.9%</td>
<td></td>
</tr>
</tbody>
</table>

Source: 2000 U.S. Census

**Seniors**

Seniors (those aged 65 years or older) often have special housing needs due to three reasons - income, health care costs, and physical disabilities. According to the 2000 Census, about 3,738 seniors were living in Porterville, comprising 9.4 percent of the City population. Households led by a senior comprised 19.5 percent of all City households. Some of the special needs of seniors are:

- **Limited Income:** Many seniors have limited income available for health and other expenses. Among households where the householder was age 65 or older, about 59 percent had household incomes of less than $30,000. Census data further indicate that 6.4 percent of all seniors were living at or below the poverty line.
• **Disabilities:** Among the seniors in Porterville, 43 percent had a disability. Approximately 350 seniors had “self-care” disabilities, requiring assistance in routine daily functions.

• **Cost Burden:** About 43 percent of all senior households that rented in 2000, paid more than 30 percent of their income on housing, relative to 22 percent of senior households who owned their homes.

In 2000, 64 percent of the senior households were homeowners. Senior homeowners, particularly, elderly women living alone, may require assistance in performing regular home maintenance or repair activities due to physical limitations or disabilities, in addition to constraints posed by limited incomes.

The special needs of seniors can be met through a range of services, including congregate care, rent subsidies, assisted housing programs, and housing rehabilitation assistance. For the frail or disabled elderly, housing with architectural design features that accommodate disabilities helps ensure continued independent living. Elderly persons with a mobility or self-care limitation also benefit from transportation alternatives and shared housing options. Senior housing with supportive services can be provided to assist with independent living.

Many such services are provided to Porterville seniors by the Kings/Tulare Area Agency on Aging (KTAAA). Several of the KTAAA programs are intended to help seniors stay within their present residences – including meal delivery services, chore and personal care assistance, and similar programs. Similar services, including senior day care, are provided by the Porterville Senior Day Care Center. The City of Porterville sponsors a weekend lunch program for seniors at the Porterville Community Center.

Within the City are two housing developments that are either reserved expressly for seniors or available to lower income seniors. Santa Fe Plaza is restricted to very low income seniors. As of March 2003, the annual income limit for one person at Santa Fe Plaza is $15,090. Santa Fe Plaza has an on-site community center and is administered by the Housing Authority of Tulare County (HATC). HATC also administers the La Serena Apartments, which is open to all very low income individuals and families. The annual income limit as of March 2003 is $13,700 for one person. Both facilities are popular and have long waiting lists: 55 applicants are awaiting openings at Santa Fe; 319 applicants are on La Serena’s wait list.

During the 1980s, the City provided CDBG funds toward the rehabilitation of two residential hotels, the Glenwood Hotel and the Porterville Hotel in downtown. The Glenwood Hotel has 36 self-contained units and is primarily for senior citizens. According to the City, the Glenwood is not typically at full capacity.

Several for-profit homes and/or supportive services for the elderly are also available in Porterville. Nursing homes include Autumn Oaks, Valley Care Center, Porterville Convalescent Hospital, Sierra Valley Rehabilitation Center, Westwood Eldercare, Tanner’s Park Place, and
Villa Manor Care Center. Autumn Oaks and Westwood offer both assisted living and independent living arrangements.

Persons with Disabilities

Physical, mental, and/or developmental disabilities may prevent a person from working, may restrict one's mobility, or may make it difficult to care for oneself. Persons with disabilities have special housing needs often related to the limited ability to earn a sufficient income, and to a lack of accessible and affordable housing. Some residents have disabilities that require living in a supportive or institutional setting.

Based on the 2000 Census, 7,458 persons in Porterville had some form of disability, representing almost 19 percent of the City population. Of those between ages 21 and 64 with disabilities, just 16 percent were employed. Given this low rate of employment, many of these disabilities may be significant in nature.

The Porterville Developmental Center (PDC) is a state facility that provides intensive training and supervision to individuals with the most severe limitations and disabilities, whose needs cannot readily be met by available private community-based services. Programs at PDC include: physical development; sensory development; habilitation and social development; behavior adjustment; and adult physical and social development. The PDC has also recently opened a forensic unit. As of May 2003, the PDC inpatient population was 802; the facility also offers day care for less severe cases.

The living arrangement of persons with disabilities depends on the severity of the disability. Many persons live at home in an independent fashion or with other family members. To maintain independent living, persons with disabilities may need special assistance. This can include special housing design features, income support for those who are unable to work, and in-home supportive services, among others. In addition to the aforementioned Porterville Developmental Center, other supportive service providers include private in-home care providers and non-profit and governmental programs. The Porterville Sheltered Workshop helps the disabled or those with habilitation challenges live independently. The Workshop is particularly known for helping the disabled enhance their vocational skills so they can obtain employment and achieve greater independence. The City also has smaller group homes for the developmentally challenged.
Large Households

Large households comprise a special needs group because of the need for larger dwelling units, which are often in limited supply and command higher prices. To save for other basic necessities such as food, clothing and medical care, many lower income large households reside in smaller dwelling units, frequently resulting in overcrowding.

Based on data from the 2000 Census, approximately 2,589 households or 21.8 percent of all households in the City had five or more persons. About half of these large households had six or more members. Household sizes were on average even larger in the East Porterville and Poplar-Cotton Center unincorporated areas of greater Porterville.

Generally, such large households require dwelling units with three or more bedrooms for adequate housing. Dwelling units of this size tend to be ownership units; few rental units with three or more bedrooms are available. Within the City, nearly 74 percent of all ownership housing units have three or more bedrooms, while only 26 percent of the rental units have three or more bedrooms. As a result, approximately 26 percent of all renter-households lived in overcrowded conditions, defined as more than one person per room, compared to just 13 percent of all ownership households.

To address overcrowding, communities can provide incentives for developers to build larger apartments with three or more bedrooms. Often, the shortage of large rental units can also be alleviated through the provision of affordable ownership housing, which can be coupled with homeownership assistance.

Single-Parent Households

Most single-parent households with children have only one income with limited resources to obtain decent and safe housing. Such households may also require special consideration and assistance because of the greater need for supportive services such as day care and health care.

Female-headed families with children are an especially vulnerable group because women typically earn lower incomes and often take part-time jobs to accommodate childcare needs. Nationally, single-parent households are twice as likely to be female-headed; among all single-parent households living below the poverty level, an overwhelming majority are female-headed.

Based on data from the 2000 Census, 1,495 female-headed households with children were residing in Porterville, comprising 13 percent of all City households. Between 1990 and 2000, Porterville gained an additional 300 households headed by single females. Income estimates
from the 2000 Census indicate that approximately 40 percent of all Porterville families in poverty were female headed. The relatively large size of this group as well as its disproportionate need for services and assistance poses many significant social and planning consequences, including the need for affordable units with sufficient space for a family.

Homeless Persons

An accurate assessment of the homeless population is difficult because of the transient nature of the population, and because many individuals are not visibly homeless but move around in temporary living conditions. Recently, the Kings/Tulare County Continuum of Care conducted a homeless survey to assess the nature and extent of homelessness in the region. A total of 787 homeless persons in the two counties responded to the survey. The following are some of the characteristics of the homeless in the region:

- 67 percent have been homeless for one year or less; only 13 percent are considered chronic homeless
- 57 percent are of Hispanic origin
- 53 percent are female
- Adults between 30 and 39 years old are the largest group (32 percent) followed by adults between 20 and 29 years old (26 percent)
- 37 percent are families with children
- 17 percent are victims of domestic violence
- 35 percent are considered disabled
- 20 percent are employed
- 64 percent are housed (36 percent with relatives and friends, 11 percent in transitional housing, 10 percent in emergency shelters, 7 percent in hotels/motels)
- Most needed services are dental care (62 percent), housing assistance (60 percent), and health care (57 percent)

Three types of facilities provide shelter for homeless individuals and families: emergency shelters, transitional housing, and permanent housing:

- **Emergency Shelter:** A facility that provides overnight shelter and fulfills a client's basic needs (i.e. food, clothing, medical care) either on-site or through off-site services. The permitted length of stay can vary from one day at a time to three months.

- **Transitional Housing:** A residence that provides housing for up to two years. Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation. Services may include substance abuse treatment, mental and physical health care interventions, job training and employment services, individual and group counseling and life skills training.
• **Permanent Housing**: Affordable permanent housing or service-enriched permanent housing is linked with supportive services (on-site or off-site) and designed to allow formerly homeless clients to live at the facility on an indefinite basis.

Following are brief descriptions of homeless facilities located closest to Porterville. These facilities serve a variety of homeless persons, including battered women and children, persons with mental and/or physical disabilities, individuals, and needy families.

• **The Porterville Area Coordinating Council (PACC)** is a private, nonprofit organization that receives over 100 requests for assistance every month, many of which are for emergency housing. While the PACC does not operate an emergency shelter, it provides funding for individuals or families in need to spend one or two nights in a motel as emergency assistance. Between October 2002 and January 2003, the PACC provided funds for one- or two-night motel stays for an average of 23 individuals or families each month.

• **Porterville Rescue Mission** provides meals, clothing, counseling, and related services to over 100 individuals and families per month.

• **The El Granito Foundation** provides a range of services, including six emergency shelter beds. It also provides financial assistance for food, clothing, legal assistance and other essential services.

• **The Central California Family Crisis Center** is a multi-faceted organization providing services primarily to women with young children dealing with domestic violence and abusive situations. Its emergency shelter has 38 beds, including 4 cribs, and averages 31 clients per night. Minors – children under 18 years of age – constitute the majority of those served by the agency in FY 2001-2002. The agency can also provide transitional housing to up to 18 individuals at any one time; individuals are allowed to stay for up to one year. The agency also provides an array of counseling, job training, and budgeting/financial planning assistance.

• **The PAAR Center** is a drug and alcohol recovery home with 81 beds of transitional housing available for both men and women clients. PAAR Center clients stay an average of 60-90 days and are typically referred to PAAR through Tulare County Prevention Services. The Center estimates that approximately 15 percent of clients are homeless.

• **The Daybell-Brooks Transitional Shelter** provides seven beds for homeless single men in addition to counseling and financial assistance.

• **St. Vincent de Paul** provides food, clothing, and financial assistance to homeless persons.
Agricultural Workers

Agricultural workers are traditionally defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. Permanent farm laborers work in the fields, processing plants, or support activities on generally year-round basis. When workloads increase during harvest periods, the labor force is supplemented by seasonal labor, often supplied by a labor contractor. For some crops, farms may employ migrant workers, defined as those whose travel distance to work prevents them from returning to their primary residence every evening. Determining the true size of the agricultural labor force is problematic. For instance, the government agencies that track farm labor do not consistently define farmworkers (e.g. field laborers versus workers in processing plants), length of employment (e.g., permanent or seasonal), or place of work (e.g., the location of the business or field).

Farmworkers are generally considered to have special housing needs because of the limited income and the unstable nature of employment (i.e., having to move throughout the year from one harvest to the next). Statewide surveys provide some insight into the demographic characteristics and housing needs of farmworkers. Among the major findings are:

- **Limited Income** - Farmworkers typically earn very low incomes. According to the Rural Community Assistance Corporation, three-quarters of California's farmworkers earned less than $10,000 a year in 2000. Only one out of seven earned more than $12,500 annually. While many farmworker households include extended family members and therefore are households with multiple wage-earners, when household income and household size are considered, many still fall in lower income group.

- **Overcrowding** - Because of the very low incomes, farmworkers have limited housing options and are often forced to double up to afford rents. A statewide survey indicates that overcrowding is a prevalent and significant housing problem among farmworkers.

- **Substandard Housing Conditions** - Many farmworkers live in overcrowded conditions and substandard housing, including informal shacks, illegal garage units, and other structures generally unsuitable for occupancy.

Porterville is surrounded by fertile agricultural land and is located in an important agricultural region, both within California and the nation as a whole. According to the California Economic Development Department, Tulare County ranked as California's largest agricultural producing county in the total value of crops in 2001. Census data indicate that 1,588 persons (11 percent of the employed Porterville residents) worked in agricultural positions. This figure includes jobs in several supportive industries, such as food packing, processing, and transport. However, the high unemployment rates in the City may indicate a larger farmworker population in the City, which tends to exhibit high off-season unemployment rates.

Almost all major farm and other agricultural producers that employ seasonal, migrant, or year-round farmworkers are located outside the City boundaries in the unincorporated areas of
the County. Porterville is an urbanized community that offers affordable housing opportunities for many. As discussed later in detail, housing costs in Porterville are the lowest among the three largest communities in the County. The City also contains a larger proportion of rental units than the County. Many farmworkers migrate seasonally to different parts of the County and State for work when the farmworker households reside in the City. Specifically, the majority (77 percent) of the units approved, under construction, or constructed recently are for households earning very low and low income households (Table 4-2), available to farmworker households.

The City has no agriculturally designated land and therefore, temporary housing facilities such as farm labor camps are not appropriate housing arrangements within the City limits. However, permanent housing for farmworker households, such as rental apartments sponsored by the Rural Housing Services, or single-family homes constructed by self-help groups, are permitted in the City. Rental housing is permitted by right in the R-3 and R-4 districts and single-family homes are permitted by right in the R-1 district. The Porterville Zoning Ordinance regulates the development standards but not the users of developments. As long as the proposed development meets City standards, no additional conditions are placed when the potential occupants may be farmworker households. As demonstrated in Chapter 4, Housing Resources, the City has adequate supply of vacant land that can accommodate more than 5,700 additional units, including housing appropriate for farmworker households.

Furthermore, the City assists farm worker households by in obtaining affordable housing through its First-Time Low Income Home Buyer Program. A large proportion of households assisted under this program are farmworker households.

Within and immediately adjacent to Porterville, no housing facility is designated for agricultural workers and their families. However, two county facilities operated by the Housing Authority of Tulare County (HATC) are located nearby. To the City’s west is the Woodville Farm Center, which offers 178 units for agricultural workers and their families. About 10 miles south of the City is the Terra Bella Farm Labor Center. This facility provides 14 units, each of which has 2 or 3 bedrooms. All of the units are available to farmworkers and families, with the restriction that the head of household must be a legal resident of the United States. According to HATC, as of March 2003, 14 families were on the waiting list for Woodville and 5 families were waiting for openings at Terra Bella. HATC notes that turnover at these facilities is limited – families tend to stay for many years.

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6 Housing Authority of Tulare County. March 18, 2003.
C. **Housing Stock Characteristics**

This section of the Housing Element addresses various housing characteristics and conditions that affect the quality of life for Porterville residents. Housing factors evaluated include: housing stock and growth; tenure and vacancy rates; age and condition; housing costs; and affordability, among others.

1. **Housing Growth**

Between 1990 and 2000, 2,618 new housing units were built in Porterville, representing a 26 percent increase over ten years, similar to Tulare, a community of similar size. Table 2-11 compares housing growth in Porterville with other Tulare County jurisdictions.

Porterville’s geography has not inhibited its rate of housing growth. Within the City limits, the City estimates nearly 1,500 acres of residentially zoned, undeveloped land. A further discussion of available land is provided in the “Housing Resources” chapter of the Housing Element.

<table>
<thead>
<tr>
<th>Table 2-11</th>
<th>Housing Growth Trends in Tulare County Cities, 1990 - 2000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Housing Units</td>
</tr>
<tr>
<td></td>
<td>1990</td>
</tr>
<tr>
<td>Dinuba</td>
<td>3836</td>
</tr>
<tr>
<td>Exeter</td>
<td>2,651</td>
</tr>
<tr>
<td>Farmersville</td>
<td>1,732</td>
</tr>
<tr>
<td>Lindsay</td>
<td>2,678</td>
</tr>
<tr>
<td>Porterville</td>
<td>10,073</td>
</tr>
<tr>
<td>Tulare</td>
<td>11,316</td>
</tr>
<tr>
<td>Visalia</td>
<td>27,154</td>
</tr>
<tr>
<td>Woodlake</td>
<td>1,585</td>
</tr>
</tbody>
</table>


**Mobility**

Porterville, like the rest of Tulare County has had a mobile population. More than one half of the City’s residents in 2000 had moved into new living quarters between 1995 and 2000. At the national and state levels, this mobility has been attributed to historically low mortgage rates.

Single-family housing construction in Porterville is likely to continue its relatively rapid growth. Despite several significant economic hardships, the City population had grown steadily in the last two decades and is projected to continue an annual growth rate of 2.8 percent through 2008.
according to the Tulare County Association of Governments. The housing stock will also increase due to annexations of unincorporated islands. The City is expected to annex the unincorporated island in the vicinity of Tule River.\footnote{City of Porterville, March 2003.}

2. **Housing Type and Tenure**

**Housing Type**

The housing stock in Porterville consists predominantly of single-family units (Table 2-12). Of the 2,658 new units constructed between 1990 and 2000, 2,443 (92 percent), were single-family dwellings, the overwhelming majority of which were detached units. Although the Census data indicate that the number of mobile homes decreased during the last decade, no closure of any mobile home park or wholesale removal of mobile homes from the City occurred during that period.\footnote{City of Porterville, March 2003.} A change in the Census methodology may have resulted in the decrease of mobile homes in the City.

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>1990</th>
<th></th>
<th>2000</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Single family</td>
<td>6,679</td>
<td>66.3%</td>
<td>9,112</td>
<td>71.6%</td>
</tr>
<tr>
<td><em>Detached</em></td>
<td>6,413</td>
<td>63.7%</td>
<td>8,625</td>
<td>67.7%</td>
</tr>
<tr>
<td><em>Attached</em></td>
<td>266</td>
<td>2.6%</td>
<td>487</td>
<td>3.8%</td>
</tr>
<tr>
<td>Multi-family</td>
<td>2,478</td>
<td>24.6%</td>
<td>2,979</td>
<td>23.4%</td>
</tr>
<tr>
<td>2-4 units</td>
<td>1,309</td>
<td>13.0%</td>
<td>1,526</td>
<td>12.0%</td>
</tr>
<tr>
<td>5+ units</td>
<td>1,169</td>
<td>11.6%</td>
<td>1,453</td>
<td>11.4%</td>
</tr>
<tr>
<td>Mobile homes</td>
<td>807</td>
<td>8.0%</td>
<td>640</td>
<td>5.0%</td>
</tr>
<tr>
<td>Other units</td>
<td>109</td>
<td>1.1%</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10,073</strong></td>
<td><strong>100.0%</strong></td>
<td><strong>12,731</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

Source: 1990 and 2000 U.S. Census
Housing Tenure

Approximately 44 percent of all households were renters. In comparison, 39 percent of the households Countywide were renters. Race and ethnic origin are somewhat useful predictors of housing tenure in Porterville. White, non-Hispanic householders are more likely to be owners than renters – 62 percent of all White non-Hispanic householders in Porterville were homeowners according to the Census. In contrast, Hispanic householders, both in Porterville proper as well as the Porterville urbanized area, divide about equally into homeowners and renters.

<table>
<thead>
<tr>
<th>Tenure</th>
<th>1990</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Owner occupied</td>
<td>5,356</td>
<td>55.7%</td>
</tr>
<tr>
<td>Renter occupied</td>
<td>4,266</td>
<td>44.3%</td>
</tr>
<tr>
<td>Total Households</td>
<td>9,622</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total Units</td>
<td>10,105</td>
<td></td>
</tr>
<tr>
<td>Vacant Units</td>
<td>483</td>
<td>4.8%</td>
</tr>
</tbody>
</table>

Source: US Census, 2000

In 2000, 2,589 large households resided in the City. Households of this size typically need housing units with three or more bedrooms, else they risk becoming overcrowded. Although the number of three- or more bedroom units (6,325 in all) far exceeds the number of large households in the City, most of the larger housing units were ownership units (Table 2-14). Just over one quarter of all owned units have two or fewer bedrooms. In contrast, only about one quarter of all rental units have three or more bedrooms; all others have two or fewer units.

Furthermore, a mismatch between housing supply and needs typically exists in most communities. Large units are often not occupied by large households; those with financial means tend to occupy larger units. In Porterville, 74 percent of the ownership units in the City are large units, with only 22 percent of the owner-households considered as large households. In contrast, while 26 percent (1,374) of rental units are large units, about 23 percent (1,181) of the renter-households are large households, indicating a comparatively tighter market for renter-households requiring large units (Table 2-15). Furthermore, many large renter-households earn lower incomes and cannot afford the large rental units on the market. As a result, 26 percent of the renter-households in the City lived in overcrowded conditions, according to the Census.
Table 2-14
Bedrooms Per Unit by Tenure, 2000

<table>
<thead>
<tr>
<th>No. of bedrooms</th>
<th>Owned Units</th>
<th>%</th>
<th>Rental Units</th>
<th>%</th>
<th>Total Units</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>153</td>
<td>2.3%</td>
<td>350</td>
<td>6.7%</td>
<td>503</td>
<td>4.2%</td>
</tr>
<tr>
<td>1</td>
<td>532</td>
<td>7.9%</td>
<td>1,490</td>
<td>28.4%</td>
<td>2,022</td>
<td>16.9%</td>
</tr>
<tr>
<td>2</td>
<td>1,093</td>
<td>16.2%</td>
<td>2,027</td>
<td>38.7%</td>
<td>3,120</td>
<td>26.1%</td>
</tr>
<tr>
<td>3</td>
<td>4,010</td>
<td>59.6%</td>
<td>1,131</td>
<td>21.6%</td>
<td>5,142</td>
<td>43.0%</td>
</tr>
<tr>
<td>4</td>
<td>863</td>
<td>12.8%</td>
<td>216</td>
<td>4.1%</td>
<td>1,079</td>
<td>9.0%</td>
</tr>
<tr>
<td>5+</td>
<td>78</td>
<td>1.2%</td>
<td>27</td>
<td>0.5%</td>
<td>105</td>
<td>0.9%</td>
</tr>
<tr>
<td>Total</td>
<td>6,729</td>
<td>100.0%</td>
<td>5,241</td>
<td>100.0%</td>
<td>11,971</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Source: U.S. Census, 2000

Table 2-15
Household Size by Tenure, 2000

<table>
<thead>
<tr>
<th>Persons in Household</th>
<th>Owner-Occupied</th>
<th>%</th>
<th>Renter-Occupied</th>
<th>%</th>
<th>Total</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1,068</td>
<td>15.9%</td>
<td>1,171</td>
<td>22.3%</td>
<td>2,239</td>
<td>18.7%</td>
</tr>
<tr>
<td>2</td>
<td>1,988</td>
<td>29.5%</td>
<td>974</td>
<td>18.6%</td>
<td>2,962</td>
<td>24.7%</td>
</tr>
<tr>
<td>3</td>
<td>1,083</td>
<td>16.1%</td>
<td>1,015</td>
<td>19.4%</td>
<td>2,098</td>
<td>17.5%</td>
</tr>
<tr>
<td>4</td>
<td>1,182</td>
<td>17.6%</td>
<td>900</td>
<td>17.2%</td>
<td>2,082</td>
<td>17.4%</td>
</tr>
<tr>
<td>5</td>
<td>741</td>
<td>11.0%</td>
<td>554</td>
<td>10.6%</td>
<td>1,295</td>
<td>10.8%</td>
</tr>
<tr>
<td>6</td>
<td>354</td>
<td>5.3%</td>
<td>337</td>
<td>6.4%</td>
<td>691</td>
<td>5.8%</td>
</tr>
<tr>
<td>7 or more</td>
<td>313</td>
<td>4.7%</td>
<td>290</td>
<td>5.5%</td>
<td>603</td>
<td>5.0%</td>
</tr>
<tr>
<td>Totals</td>
<td>6,729</td>
<td>100.0%</td>
<td>5,241</td>
<td>100.0%</td>
<td>11,971</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Source: 2000 U.S. Census

Overcrowding

When a household is large relative to the size of its living quarters, overcrowding can occur. Overcrowding typically is associated with accelerated deterioration of homes, a shortage of street parking, and increased neighborhood traffic. As such, maintaining a reasonable level of occupancy and alleviating overcrowding conditions are critical to improving and enhancing the quality of life.

Counting the number of units that are overcrowded provides additional insight on housing needs. Overcrowding is an

What is overcrowding?
An overcrowded housing unit is typically defined as one with more than one person per room. When a unit is occupied by more than 1.5 persons per room, it is considered as severely overcrowded. Dining and living rooms are counted, but kitchen and bathrooms are not included in this calculation.

— State Department of Housing and Community Development
indicator that housing costs are high relative to income, such that families and individuals who otherwise would live alone, share units so as to devote income to other basic needs like food and medical care. However, cultural preference is also a factor that influences the overcrowding rate in a community. Many Hispanics and Asians live with extended family members. Also, recent immigrants from Mexico and Asian countries have a high level of tolerance for overcrowding due to the housing situations in their origin countries.

Among all households in Porterville, 19.1 percent were overcrowded in 2000. Among renter-households, 26.2 percent were overcrowded, relative to 13.6 percent of all owner-households. Specifically, more than half of the overcrowded households were considered to be severely overcrowded (15 percent of all renter-households, 7 percent of all owners; 10 percent of all households). Overcrowding rates have risen steadily in the last two decades. The overall overcrowding rate in 1980 was 5.2 percent; it grew to 13.4 percent in 1990 and 19.1 percent in 2000.

**Overcrowding and Race/ Ethnicity**

Household size and overcrowding varies dramatically along racial and ethnic lines. In comparing overcrowding information among racial and ethnic groups, however, one must take cultural factors into account. For example, although more than 40 percent of Porterville’s Asian population lives in overcrowded conditions, other Census data indicate that Porterville’s Asian population is relatively prosperous on the whole and that this overcrowding may be explained by cultural preferences rather than economic circumstances.

A different situation for Hispanic households may be inferred from the Census data. Nearly 38 percent of all households with a Hispanic householder were overcrowded. Like Asians, cultural preference plays a significant role in household overcrowding for Hispanics, who often live with extended family members. However, given that the majority of Porterville residents living in poverty were Hispanics, the overcrowding situation among this group may also be income driven.

3. **Housing Age and Condition**

Housing stock in the City is relatively young. Two-thirds of all housing units in the City were built in 1970 or later and 42 percent of all housing units were built in 1980 or later. The age profile of housing in Porterville is roughly similar to that of Tulare County as a whole.

Housing age can be an important indicator of housing conditions. Housing is subject to gradual deterioration over time. As a general rule within the housing industry, structures older than 30 years begin to show signs of deterioration unless efforts are made to maintain and improve the quality. Unless properly maintained, units 50 years and older typically require major renovations to remain in good condition.
Table 2-16
Housing Age, 2000

<table>
<thead>
<tr>
<th>Year Constructed</th>
<th>Owner Occupied</th>
<th>Percent</th>
<th>Renter Occupied</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990 or later</td>
<td>1,932</td>
<td>28.7%</td>
<td>934</td>
<td>17.8%</td>
</tr>
<tr>
<td>1980-1989</td>
<td>1,416</td>
<td>21.0%</td>
<td>949</td>
<td>18.1%</td>
</tr>
<tr>
<td>1970-1979</td>
<td>1,473</td>
<td>21.9%</td>
<td>1,268</td>
<td>24.2%</td>
</tr>
<tr>
<td>1960-1969</td>
<td>618</td>
<td>9.2%</td>
<td>692</td>
<td>13.2%</td>
</tr>
<tr>
<td>1940-1959</td>
<td>937</td>
<td>13.9%</td>
<td>1,066</td>
<td>20.3%</td>
</tr>
<tr>
<td>1939 or earlier</td>
<td>353</td>
<td>5.2%</td>
<td>332</td>
<td>6.3%</td>
</tr>
<tr>
<td>Totals</td>
<td>6,729</td>
<td>100%</td>
<td>5,241</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: U.S. Census, 2000

About 72 percent of ownership units and 60 percent of rental units in Porterville were built after 1970 (Table 2-16). In contrast, 28 percent of ownership units and 40 percent of rental units were built before 1970, at an age that signs of deterioration begin to show unless the units have been well-maintained. While the relative youth of the housing stock might on its own suggest generally good housing conditions, field reconnaissance indicates that certain areas exhibit deferred maintenance issues. Specifically, the older homes are being used as rentals, potentially presenting additional concerns regarding housing maintenance. Unlike apartment complexes, on-site management is not available when homes are rented out individually. Knowledge of and financial resources for repair works may also be limited for property owners of single rental units or small complexes.

Housing Conditions Survey

As part of the Housing Element update, the City conducted a parcel-by-parcel housing conditions survey that involves the City’s CDBG target areas and unincorporated islands (Figure 2-3). The survey area encompasses 5,580 parcels, of which 1,074 are occupied by nonresidential uses and 362 are vacant lots scattered throughout residential neighborhoods. Excluding vacant and nonresidential parcels within the surveyed area, a total of 4,144 parcels were surveyed for exterior conditions of the building structures.

**Methodology:** A windshield survey was conducted for 4,144 parcels. Structures, not units, on the individual parcels were rated. Where a parcel contains more than one unit (such as multi-family structures, duplexes, triplexes), an average rating for all structures on that parcel was assigned. Since this was a windshield survey of exterior conditions, only conditions visible from the public right-of-way were evaluated. The following criteria were used in the survey:
Foundation
• Existing foundation in good condition (0 point)
• Repairs needed (10 points)
• Needs a partial foundation (15 points)

Siding/Stucco
• Does not need repair (0 point)
• Needs re-painting (1 point)
• Needs to be patched and re-painted (5 points)
• Needs replacement and painting (10 points)

Roofing
• Does not need repair (0 point)
• Shingles missing (5 points)
• Chimney needs repair (5 points)
• Needs re-roofing (10 points)
• Roof structure needs replacement (25 points)

Windows
• Does not need repair (0 point)
• Broken windows and panes (1 points)
• In need of repair (5 points)
• In need of replacement (10 points)

Definition of Housing Conditions: Based on the criteria above, the following definitions of housing conditions are used. Figure 2-4 illustrates the various housing conditions.

Sound: (0-9 points) A unit that appears new or well maintained and structurally intact. The foundation should appear structurally undamaged and there should be straight roof lines. Siding, windows, and doors should be in good repair with good exterior paint condition. Minor problems such as small areas of peeling paint and/or other maintenance items are allowable under this category.

Minor: (10-15 points) A unit that show signs of deferred maintenance, or which needs only one major component such as a roof.

Moderate: (16-39 points) A unit in need of replacement of one or more major components and other repairs, such as roof replacement, painting, and window repairs.

Substantial: (40-55 points) A unit that requires replacement of several major systems and possibly other repairs (e.g. complete foundation work, roof structure replacement and re-roofing, as well as painting and window replacement).
Dilapidated: (56+ points) A unit suffering from excessive neglect, where the building appears structurally unsound and maintenance is none-existent, not fit for human habitation in its current condition, may be considered for demolition or at minimum, major rehabilitation will be required.

Survey Results: Consistent with the age of the City’s housing stock, the majority of the housing units in the target areas are in sound condition. Of the parcels surveyed, approximately 85 percent are considered to be in sound condition. Approximately nine percent require minor repairs and three percent require moderate repairs. However, close to four percent of the units may require substantial repairs.

Table 2-17
Housing Conditions Survey

<table>
<thead>
<tr>
<th>Condition</th>
<th>Number of Parcels</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sound</td>
<td>3,504</td>
<td>84.6%</td>
</tr>
<tr>
<td>Minor</td>
<td>365</td>
<td>8.8%</td>
</tr>
<tr>
<td>Moderate</td>
<td>119</td>
<td>2.9%</td>
</tr>
<tr>
<td>Substantial</td>
<td>156</td>
<td>3.8%</td>
</tr>
<tr>
<td>Total</td>
<td>4,144</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
Figure 2-3: Housing Conditions Survey Areas
Figure 2-4
Housing Conditions
4. **Housing Costs and Affordability**

**Housing Costs**

Housing costs in Porterville and Tulare County are generally lower than most parts of California. Compared to nearby counties, housing prices in Tulare County are low, according to real estate sales data compiled by the California Association of Realtors (CAR). Within Tulare County, Porterville’s median home price was the lowest among the three largest cities (Figure 2-5).

![Figure 2-5](image)

**Median Home Prices, 2002 (2nd Quarter)**

Note: CAR data include sale prices of single-family homes, townhomes/condominiums, and mobile homes and therefore, often exhibit lower median prices than estimated by type.

Source: California Association of Realtors (CAR), January 2003

Home prices were compiled based on an internet search on listed sales in Porterville. Most homes available for sale were primarily single-family homes, with ten mobile homes also listed. In addition, the Porterville Recorder listed four of the ten mobile home parks in the City with available spaces listed for sale.

Three-bedroom single-family homes were the predominant size, selling at a median price of $122,900 (Table 2-18). Some older and smaller homes were also available for sale at a median price of $81,000. Overall median price of single-family homes was $124,950. Mobile homes were selling at significantly lower prices, representing an affordable housing option for many. The median price of mobile homes was $22,667.
Table 2-18
Home Prices in Porterville, July 2003

<table>
<thead>
<tr>
<th>Size</th>
<th># for Sale</th>
<th>Range¹</th>
<th>Median</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>6</td>
<td>$8,333 - $24,950</td>
<td>$11,000</td>
</tr>
<tr>
<td>3 bedrooms</td>
<td>4</td>
<td>$24,333 - $99,900</td>
<td>$29,700</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>$8,333 - $99,900</td>
<td>$22,667</td>
</tr>
<tr>
<td>Single-Family Homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>21</td>
<td>$48,000 - $619,000</td>
<td>$81,000</td>
</tr>
<tr>
<td>3 bedrooms</td>
<td>81</td>
<td>$64,000 - $436,000</td>
<td>$122,900</td>
</tr>
<tr>
<td>4 bedrooms</td>
<td>17</td>
<td>$109,950 - $795,333</td>
<td>$162,990</td>
</tr>
<tr>
<td>5+ bedrooms</td>
<td>10</td>
<td>$95,000 - $495,000</td>
<td>$236,000</td>
</tr>
<tr>
<td>Total</td>
<td>129</td>
<td>$48,000 - $795,333</td>
<td>$124,950</td>
</tr>
</tbody>
</table>

Source: Realtor.com
Note 1: The upper end figures for single-family homes are typically caused by homes on large lots. Several homes listed for sale have lot sizes over ten acres.

Approximately 44 percent of the households in Porterville are renters. Therefore, the availability of rental housing in the City affects a significant portion of the population. Based on a review of internet rental listings and classified advertising in the Porterville Recorder, typical apartments are renting at between $320 and $600 for small units (one- and two-bedrooms). The lower rental rates – less than $400 for small units – are offered by publicly assisted affordable housing projects such as Alderwood and Evergreen. Three-bedroom units are renting at significantly higher rates and are limited in supply. The Glenwood Hotel (for seniors) offers studio apartments at a monthly rent of $245. However, as previously mentioned, many single-family homes in Porterville are used as rentals. Homes for rent typically go for higher rents. Most homes available for rent are three-bedroom homes, renting from just below $600 to $1,200.

Table 2-19
Apartment Rents, 2003

<table>
<thead>
<tr>
<th>Size</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartments</td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td>$245 - $250</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>$324 - $560</td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>$370 - $585</td>
</tr>
<tr>
<td>3 bedrooms</td>
<td>$780 - $810</td>
</tr>
<tr>
<td>Homes</td>
<td></td>
</tr>
<tr>
<td>1 bedroom</td>
<td>$385 - $450</td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>$450 - $625</td>
</tr>
<tr>
<td>3 bedrooms</td>
<td>$575 - $1,200</td>
</tr>
<tr>
<td>4 bedrooms</td>
<td>$675 - $1,100</td>
</tr>
</tbody>
</table>

Sources: Springstreet.com, VacancyNet.com, and Porterville Recorder.
Section 8 Vouchers: According to the Housing Authority of Tulare County (HATC), 662 households in Porterville (in both incorporated and unincorporated areas) receive Section 8 vouchers, accounting for 22 percent of the 3,000 vouchers in use Countywide.\(^9\) Among all the renter-households in Greater Porterville, about 8.6 percent use Section 8 vouchers.

Housing Affordability

The Department of Housing and Urban Development (HUD) annually conducts housing income surveys to determine the maximum affordable payments of different households and the eligibility for federal housing assistance. These income surveys by HUD are adopted by the State Department of Housing and Community Development (HCD) to determine eligibility for state housing assistance. The Area Median Income (AMI) established by HCD provides a benchmark for estimating the affordability of housing and the ability of newcomers to move into the community.

Housing affordability can be inferred by comparing the cost of renting or owning a home in Porterville with the maximum affordable housing cost to households at different income levels (Table 2-20). The affordable housing prices and rents in Table 2-20 can be compared to current market prices for single-family homes and apartments to determine what types of housing opportunities are available to households of different income levels.

Extremely low income households: Households whose incomes are at or below 30 percent of AMI are considered extremely low income. A review of classified advertising sections of the Porterville Recorder from January and February 2003 and an internet search of rental listings indicated that a small percentage of advertised apartments for rent fell within these limits (mostly $275-$325), but all were studios or one bedroom units. Two- and three-bedroom apartments, more appropriate for families of four or more people, started at about $425 in monthly rent. Housing opportunities for this income group are extremely limited.

Very Low Income Households: Very low-income households earn between 31 and 50 percent of the AMI. A review of classified advertising indicated that most of the two-bedroom apartments and mobile homes available during January and February 2003 were renting between $425 and $600 per month. One apartment development offered two-bedroom units at below $400. However, large households needing three-bedroom units may have difficulty finding affordable housing.

With regard to ownership housing, housing units affordable to very low income households range between $50,000 and $76,000. Aside from some small mobile/manufactured homes and small and older single-family homes, few units listed for sale were affordable to very low income households.

---

\(^9\) Housing Authority of Tulare County, March 2003.
**Low-Income Households:** Low-income households earn between 51 and 80 percent of AMI. Apartments and homes advertised for rent were mostly affordable to this income group. In general, most two- and three-bedroom homes listed for sale were affordable to low income households.

**Table 2-20**

**Housing Affordability Matrix (2003)**

<table>
<thead>
<tr>
<th>Income Group</th>
<th>Income Levels</th>
<th>Additional Housing Costs</th>
<th>Maximum Affordable Price/Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual Income</td>
<td>Affordable Payment</td>
<td>Utilities</td>
</tr>
<tr>
<td>Extremely Low (30% of AMI)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One person</td>
<td>$9,616</td>
<td>$240</td>
<td>$50</td>
</tr>
<tr>
<td>Four people</td>
<td>$13,600</td>
<td>$340</td>
<td>$100</td>
</tr>
<tr>
<td>Six people</td>
<td>$15,800</td>
<td>$395</td>
<td>$150</td>
</tr>
<tr>
<td>Very Low (50% of AMI)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One person</td>
<td>$15,900</td>
<td>$398</td>
<td>$150</td>
</tr>
<tr>
<td>Four people</td>
<td>$22,700</td>
<td>$568</td>
<td>$100</td>
</tr>
<tr>
<td>Six people</td>
<td>$26,350</td>
<td>$659</td>
<td>$150</td>
</tr>
<tr>
<td>Low (80% of AMI)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One person</td>
<td>$25,400</td>
<td>$635</td>
<td>$50</td>
</tr>
<tr>
<td>Four people</td>
<td>$36,300</td>
<td>$908</td>
<td>$100</td>
</tr>
<tr>
<td>Six people</td>
<td>$42,150</td>
<td>$1,054</td>
<td>$150</td>
</tr>
<tr>
<td>Moderate (120% of AMI)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One person</td>
<td>$38,150</td>
<td>$954</td>
<td>$50</td>
</tr>
<tr>
<td>Four people</td>
<td>$54,500</td>
<td>$1,363</td>
<td>$100</td>
</tr>
<tr>
<td>Six people</td>
<td>$63,200</td>
<td>$1,580</td>
<td>$150</td>
</tr>
</tbody>
</table>

**Notes**
1. Utility costs for renters assumed at $50/$100/$150 per month
2. Monthly affordable rent based on payments of no more than 30% of household income
3. Calculation of affordable home sales prices based on a down payment of 10%, annual interest rate of 7%, 30-year mortgage, and monthly payment of gross household income
Housing Cost Burden

As a general rule of thumb, households are considered to have a housing cost burden when housing costs – mortgages, rents, and/or other costs associated with housing – exceed 30 percent of gross household income. Housing cost burden is a particular problem for some segments of the community.

The 2000 Census data indicate that almost half (47 percent) of all rental households in Porterville spent 30 percent or more of household income on rent in 1999. This percentage exceeded the rates for Tulare County (41 percent) and California as a whole (42 percent). Among households in rentals with very low incomes (less than half of the area median income), 77 percent had a housing cost burden. Nearly all renter-households that had a cost burden were very low income.

In contrast, housing cost burden was much less prevalent among homeowners – 27 percent of owner-households spent 30 percent or more of household income on housing costs in 1999, according to the Census. This figure was lower than the rates for Tulare County (29 percent) and California as a whole (31 percent).

Senior residents who rent were most affected by housing cost burden. Such households typically have fixed incomes, making rent increases more difficult to absorb. In Porterville, about 43 percent of renter-households headed by seniors (age 65 or older) had a housing cost burden. Among all senior homeowners, by contrast, only 22 percent had a housing cost burden.

Housing cost burden also varies by household type and is also more prevalent among lower income households than those in other income groups. As shown in Table 2-21, extremely low, very low, and low income large households are proportionately more impacted by housing cost burden than other households.
Table 2-21
Housing Cost Burden by Income and Household Characteristics

<table>
<thead>
<tr>
<th>Year Constructed</th>
<th>Renters</th>
<th></th>
<th>Owners</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Renters</td>
<td></td>
<td>Large Families</td>
<td>Total Renters</td>
<td>Owner</td>
<td>Large Families</td>
<td>Total Owners</td>
<td>Total Hhlds</td>
<td></td>
</tr>
<tr>
<td>Ext. Low Income (0-30% MFI)</td>
<td>143</td>
<td>360</td>
<td>1,302</td>
<td>92</td>
<td>157</td>
<td>429</td>
<td>1,731</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with any housing problem</td>
<td>45%</td>
<td>95%</td>
<td>84%</td>
<td>60%</td>
<td>97%</td>
<td>77%</td>
<td>82%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with cost burden &gt;50% only</td>
<td>11%</td>
<td>12%</td>
<td>32%</td>
<td>51%</td>
<td>57%</td>
<td>38%</td>
<td>34%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with cost burden &gt;30% to 50%</td>
<td>24%</td>
<td>2%</td>
<td>9%</td>
<td>9%</td>
<td>0%</td>
<td>4%</td>
<td>8%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Very Low Income (31-50% MFI)</td>
<td>271</td>
<td>257</td>
<td>1,301</td>
<td>167</td>
<td>118</td>
<td>437</td>
<td>1,738</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with any housing problems</td>
<td>51%</td>
<td>96%</td>
<td>82%</td>
<td>38%</td>
<td>80%</td>
<td>71%</td>
<td>79%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with cost burden &gt;50% only</td>
<td>18%</td>
<td>9%</td>
<td>15%</td>
<td>16%</td>
<td>46%</td>
<td>38%</td>
<td>21%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with cost burden &gt;30% to 50%</td>
<td>33%</td>
<td>7%</td>
<td>36%</td>
<td>23%</td>
<td>17%</td>
<td>15%</td>
<td>31%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low (51-80% MFI)</td>
<td>153</td>
<td>258</td>
<td>1,139</td>
<td>397</td>
<td>283</td>
<td>1,159</td>
<td>2,298</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with any housing problem</td>
<td>52%</td>
<td>80%</td>
<td>54%</td>
<td>25%</td>
<td>88%</td>
<td>60%</td>
<td>57%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with cost burden &gt;50% only</td>
<td>9%</td>
<td>0%</td>
<td>2%</td>
<td>10%</td>
<td>4%</td>
<td>9%</td>
<td>5%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with cost burden &gt;30% to 50%</td>
<td>36%</td>
<td>3%</td>
<td>25%</td>
<td>16%</td>
<td>25%</td>
<td>31%</td>
<td>28%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Households</td>
<td>657</td>
<td>1,125</td>
<td>5,177</td>
<td>1,600</td>
<td>1,377</td>
<td>6,675</td>
<td>11,825</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Abbreviation: Hhlds = Households
Source: Comprehensive Housing Affordability Strategy (CHAS), 2003

5. INVENTORY OF AFFORDABLE HOUSING

Many government programs assist with the creation and maintenance of affordable housing. Publicly assisted housing in Porterville includes housing subsidized with federal, state, and local funding resources (Table 2-22). The affordability of these housing units is typically governed by the loan terms and deed restrictions. Upon expiration of the loan terms and deed restrictions, or termination of subsidies, some of these assisted housing units may be at risk of converting to market rate housing. This section of the Housing Element provides an inventory of publicly assisted rental housing in the City, and the potential for these units to convert to market rate housing.

At-Risk Housing

Santa Fe Plaza and La Sarena are two HUD-funded projects with contracts for Section 8 rental assistance that are due to expire within the next ten years. However, both projects are nonprofit owned and the intent to maintain these units as long-term affordable housing is ensured. Furthermore, HUD has prioritized funding for Section 8 contract renewals for nonprofit-owned properties, particularly for housing serving seniors and disabled persons. Therefore, HUD and
the California Housing Partnership consider these projects as low risk of converting to market-rate housing.

In addition, three FmHA Section 515 housing developments are located in Porterville. Section 515 projects have mortgage terms of 50 years. Two of the projects – Alderwood and Evergreen – have rent subsidy contracts that will expire over the next 10 years. The third project, Porterville Gardens, has no rent subsidy contract and is not eligible to convert to market-rate housing.

In addition to the potential for expiring rent subsidies, these projects are also eligible to prepay the remaining mortgage and opt out of affordability controls. However, the nature of the program makes it difficult for these projects to prepay and convert to market-rate rents. To qualify for prepayment and conversion, the owner must prove that the affordable housing provided by the project is not needed. Discussions with FmHA representatives indicate that few farm housing projects have ever been able to document that affordable, farm housing is no longer needed. Therefore, the affordable housing restrictions are expected to continue for the entire duration of the loan. Additional incentives, such as rent subsidies, are often offered to encourage the continued affordability of the units.
Table 2-22
Inventory of Affordable Housing

<table>
<thead>
<tr>
<th>Project</th>
<th>Funding Program</th>
<th>Units Assisted</th>
<th>Affordability Controls</th>
<th>Conversion Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>HATC Scattered Sites</td>
<td>Public Housing</td>
<td>285</td>
<td>Permanent</td>
<td>Not at risk</td>
</tr>
<tr>
<td>Santa Fe Plaza</td>
<td>Section 202/ Section 8</td>
<td>105</td>
<td>10/25/2003</td>
<td>Section 8 at risk of expiration - low risk due to nonprofit ownership</td>
</tr>
<tr>
<td>La Serena</td>
<td>Section 221(d)(3)/ Section 8</td>
<td>65</td>
<td>4/17/2004</td>
<td>Section 8 at risk of expiration - low risk due to nonprofit ownership</td>
</tr>
<tr>
<td>Alderwood</td>
<td>FmHA</td>
<td>64</td>
<td>Subsidy contract renewed in 1999</td>
<td>Subsidy contract at risk of expiration - low risk due to Section 515 conversion requirements</td>
</tr>
<tr>
<td>Evergreen</td>
<td>FmHA</td>
<td>40</td>
<td>Subsidy contract renewed in 1999</td>
<td>Subsidy contract at risk of expiration - low risk due to Section 515 conversion requirements</td>
</tr>
<tr>
<td>Porterville Gardens</td>
<td>FmHA</td>
<td>62</td>
<td>50-year mortgage</td>
<td>Not eligible for prepayment - not at risk</td>
</tr>
<tr>
<td>Glenwood Hotel</td>
<td>LIHTC/CDBG/HCD</td>
<td>36</td>
<td>2019</td>
<td>Not at risk</td>
</tr>
<tr>
<td>Porterville Hotel</td>
<td>LIHTC/CDBG/HCD</td>
<td>70</td>
<td>2019</td>
<td>Not at risk</td>
</tr>
<tr>
<td>Mountain View</td>
<td>LIHTC</td>
<td>60</td>
<td>2019</td>
<td>Not at risk</td>
</tr>
<tr>
<td>Villa Robles</td>
<td>LIHTC</td>
<td>100</td>
<td>2028</td>
<td>Not at risk</td>
</tr>
<tr>
<td>St. James Place</td>
<td>HOME/RDA</td>
<td>14</td>
<td>2032</td>
<td>Not at risk</td>
</tr>
<tr>
<td>Porterville Family Apt.</td>
<td>LIHTC</td>
<td>79</td>
<td>55 years</td>
<td>Not at risk</td>
</tr>
<tr>
<td>(Under construction)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parkview Village</td>
<td>LIHTC</td>
<td>81</td>
<td>55 years</td>
<td>Not at risk</td>
</tr>
</tbody>
</table>
Preservation of At-Risk Housing

To maintain the existing affordable housing stock, the City may either preserve the existing assisted units or replenish the affordable housing with new units. HUD provides the Mark-to-Market and Mark-up-to-Market programs for Section 8 projects seeking renewal. If current contracted rents exceed the Fair Market Rent (FMR), HUD will provide favorable tax treatment to property owners in return for preserving the units at affordable rents (Mark-to-Market). For apartments renting at below FMR rates, HUD allows rents to be increased to levels comparable to market rents, though not exceeding 150 percent of the FMR (Mark-up-to-Market).

Given the nonprofit ownership of the two Section 8 projects, contract renewal is expected as long as Section 8 funding continues to be available. Should Section 8 funding become unavailable in the future, the City may use other funding sources to provide ongoing rent subsidies. Similarly, should rent subsidies from FmHA be terminated, the City may use other funding sources to maintain these housing units as affordable rentals. Approximately $96,514 in rent subsidies may be needed monthly or $1,158,168 annually to maintain affordability for the 274 very-low-income households (Table 2-23) residing at the four developments.

Another option for preservation is to reduce the monthly mortgage payment on the property to the extent that rent subsidies would no longer be needed to maintain the financial viability of the projects. This can be achieved by refinancing the remaining mortgage with a reduced interest rate or by providing a lump-sum principal write-down to the projects.

<table>
<thead>
<tr>
<th>Unit Size</th>
<th>Annual Income</th>
<th>Affordable Monthly Cost</th>
<th>Utility</th>
<th>Fair Market Rent</th>
<th>Per Unit Subsidy</th>
<th># of Units</th>
<th>Total Monthly Subsidy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-bedroom (senior)</td>
<td>$12,720</td>
<td>318</td>
<td>50</td>
<td>439</td>
<td>171</td>
<td>105</td>
<td>$17,955</td>
</tr>
<tr>
<td>1-bedroom</td>
<td>$14,520</td>
<td>363</td>
<td>50</td>
<td>572</td>
<td>259</td>
<td>13</td>
<td>$3,367</td>
</tr>
<tr>
<td>2-bedroom</td>
<td>$16,360</td>
<td>409</td>
<td>60</td>
<td>798</td>
<td>449</td>
<td>90</td>
<td>$40,410</td>
</tr>
<tr>
<td>3-bedroom</td>
<td>$18,160</td>
<td>454</td>
<td>70</td>
<td>911</td>
<td>527</td>
<td>66</td>
<td>$34,782</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>274</td>
<td>$96,514</td>
</tr>
</tbody>
</table>

Notes:
1. Distribution of unit size for Evergreen and Alderwood is assumed to be 50% 1-bedroom and 50% 2-bedroom units.
2. Household size assumptions: 1-bedroom (senior) = 1 person; 1-bedroom (regular) = 2 persons; 2-bedroom = 3 persons; 3-bedroom = 4 persons
3. Annual income (2003) - estimated at 80% of the maximum income for very low income households, adjusted for household size.
Replacement Option

The City also may wish to build new very low-income housing units to replace any at-risk units lost. Given the nonprofit ownership of Santa Fe Plaza and La Serena and the commitment to providing affordable housing, constructing new units, while a worthwhile action, is not a necessary action to maintain the affordable housing stock.

The cost of developing housing depends upon a variety of factors, including density, size of the units (i.e., number of bedrooms), location, land costs, and type of construction. The average construction cost for a rental residential unit is approximately $54,000 (including land, construction, financing, marketing, and profit), based on discussions with developers active in Porterville (see Chapter 3 for discussions on construction and land costs). Replacement of the 104 affordable units at the two FmHA projects could cost approximately $5.6 million, with many important variables that could alter the overall costs. Given a limited pool of financial resources, development of replacement housing should seek to leverage participation by non-profit or for-profit housing developers, or other public entities.
CHAPTER 3
HOUSING CONSTRAINTS

Providing adequate and affordable housing opportunities is an important goal for Porterville. However, many factors can limit the development, maintenance, and improvement of housing. These constraints include market mechanisms, government regulations, environmental conditions, and the availability of urban infrastructure. This chapter addresses the potential constraints affecting the development and improvement of housing in Porterville.

A. MARKET CONSTRAINTS

Land and construction costs are key factors determining housing price. The availability of financing also influences access to housing. All of these market-related factors have the potential to act as constraints on the production of new housing. Although such constraints are largely market-driven, jurisdictions have some ability to institute programs and policies to address the constraints. The discussion below analyzes these market constraints and where feasible, introduces the activities the City can undertake to mitigate their impacts.

1. CONSTRUCTION COSTS

Based on discussions with residential developers working in Porterville and Tulare/Kings region, the cost of single-family construction is estimated at $45 to $55 per square foot, not including development fees. For an average 1,500-square-foot house, construction costs would range from $67,500 to $82,500. Multi-family residential construction is more costly, typically averaging $55 to $65 per square foot, net of fees. For an 800-square-foot apartment, construction costs would range between $44,000 and $52,000 per unit. When development fees are included, the costs of construction increase significantly (see discussion on development fees on page 3-14).

Construction costs are usually consistent throughout the region and fluctuate in response to costs of construction materials and labor market trends. The City has little ability in influencing such cost factors. However, to the extent feasible, the City provides gap financing for affordable housing projects either as on-/off-site improvements, construction subsidies, or site acquisition using local, state and federal funds.
2. **LAND COSTS**

Land costs vary depending on whether the site is vacant or has an existing use that must be cleared. Land costs are also affected by the presence of site constraints like slopes, rocky soils, and seismic/flood hazards. Easy connections to urban infrastructure, including roads and municipal utilities, typically increase land value.

Developers active in Porterville and Tulare County reported relatively low land costs compared to most other urban areas in California. Single-family residential developers estimated land costs as low as $15,000 per acre (about $0.34 per square foot) and up to $35,000 per acre ($0.80 per square foot). Assuming a 6,000-square-foot lot, the land cost per unit ranges between $2,720 and $6,400. The land cost for lots in Planned Unit Developments (PUDs), where lot sizes can be smaller, would typically be proportionately lower. According to local developers, multi-family residential land costs are lower on a per-unit basis, ranging between $1,350 and $2,000 for developments in 2002-2003.

The cost differences among properties with similar zonings are due primarily to two factors: location and availability of infrastructure. Areas toward the edge of the City where infrastructure is not yet available command lower land costs than in the central City areas, but require more infrastructure improvements to make the land “developable”, ultimately increasing the cost of development.

Similar to construction costs, the City has little ability to influence the costs of land. However, to the extent feasible, the City assists with site acquisition and infrastructure improvements using local, State and federal funds.

3. **AVAILABILITY OF FINANCING**

The availability of financing affects a person’s ability to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions must disclose information on the disposition of loan applications by the income, gender, and race of the applicants. This applies to all loan applications for home purchases and improvements, whether financed at market rate or through government-backed programs. Government-backed loans include those insured or guaranteed by the Federal Housing Administration (FHA), the Veterans’ Administration (VA), the Farm Service Administration (FSA), or the Rural Housing Service (RHS).

The primary concern in a review of lending activity is to determine whether home financing is available to all income groups in the community. The data presented in this section include the disposition of loan applications submitted to financial institutions for home purchase and home improvement loans in Porterville. Included is information on the percentage of loan applications that were approved or denied by lenders or withdrawn by applicants at different income levels.
Home Purchase Loans

According to HMDA data, 562 households applied for conventional loans and 495 households applied for government-backed loans to purchase homes in Porterville in 2001.\(^1\) About 53 percent of all home loan applications were for conventional loans; government-backed loan applications comprised the remaining 47 percent (Table 3-1).

### Table 3-1
Disposition of Home Purchase Loan Applications by Income and Race/Ethnicity, 2001

<table>
<thead>
<tr>
<th>Applicant Income</th>
<th>Total Applicants</th>
<th>Conventional Loans</th>
<th>Government-Backed Loans</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>% Approved</td>
<td>% Denied</td>
</tr>
<tr>
<td>Very Low &lt;50%</td>
<td>37</td>
<td>67.6%</td>
<td>21.6%</td>
</tr>
<tr>
<td>Low 50% to &lt;80%</td>
<td>83</td>
<td>71.1%</td>
<td>21.7%</td>
</tr>
<tr>
<td>Moderate 80% - 120%</td>
<td>130</td>
<td>71.5%</td>
<td>18.5%</td>
</tr>
<tr>
<td>Above Moderate &gt;120%</td>
<td>263</td>
<td>84.4%</td>
<td>9.1%</td>
</tr>
<tr>
<td>Not available</td>
<td>49</td>
<td>67.3%</td>
<td>12.2%</td>
</tr>
<tr>
<td>Total</td>
<td>562</td>
<td>76.9%</td>
<td>14.2%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant Income</th>
<th>Total Applicants</th>
<th>Conventional Loans</th>
<th>Government-Backed Loans</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>% Approved</td>
<td>% Denied</td>
</tr>
<tr>
<td>White</td>
<td>296</td>
<td>83.1%</td>
<td>9.8%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>170</td>
<td>72.9%</td>
<td>15.3%</td>
</tr>
<tr>
<td>Asian</td>
<td>14</td>
<td>78.6%</td>
<td>14.3%</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
<td>88.9%</td>
<td>11.1%</td>
</tr>
<tr>
<td>Black</td>
<td>1</td>
<td>100.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Native American</td>
<td>1</td>
<td>100.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Joint</td>
<td>20</td>
<td>90.0%</td>
<td>10.0%</td>
</tr>
<tr>
<td>Not Available</td>
<td>51</td>
<td>45.1%</td>
<td>39.2%</td>
</tr>
<tr>
<td>Total</td>
<td>562</td>
<td>76.9%</td>
<td>14.2%</td>
</tr>
</tbody>
</table>

\(^1\) HMDA data do not provide information by city. To compile applications for the City of Porterville, the census tracts that generally comprise the City are used.
The approval rate for conventional home purchase loan applications was nearly 77 percent in 2001, with a denial rate of 9 percent. Typically the reasons for denial are related to credit history, employment history, and debt-to-income ratio. Overall, the disposition of loan applications in Porterville was consistent with Countywide averages during the same period. The approval rate for very low income applicants was 67 percent, but more than 70 percent for low and moderate income applicants – all significant majorities.

Home purchase loan applications were also analyzed by racial and ethnic groups. Applicants identified as White (296) and as Hispanic (170) constituted the overwhelming majority of loan applicants – nearly 83 percent. The approval rate for White applicants was slightly higher (83 percent) than the City average of 77 percent. The approval rate for Hispanics was slightly lower (73 percent) than the City average. Given the income and poverty status by racial/ethnic group presented in Chapter 2, the lower approval rate among Hispanic applicants can be expected.

The approval rate for government-backed loans was over 86 percent. Among income groups, the approval rate ranged from 79 percent for very low income applicants to 89 percent for moderate income applicants. Hispanic applicants (268) outnumbered White applicants (165) for government-backed loans. Hispanic applicants realized an 85 percent approval rate; White applicants, 91 percent.

In the conventional loan market, the top five lenders in Porterville in 2001 were Wells Fargo Bank, Provident Mortgage, CTX Mortgage, Bank of the Sierra (a Porterville-based institution), and Greenpoint Mortgage. These five lenders accounted for about 42 percent of all Porterville conventional loan applications during 2001. Overall, mortgage financing is available to Porterville residents.

**Home Improvement Loans**

Homeowners typically seek home improvement loans to help them remain in their current dwellings or to rehabilitate a recently purchased home. Loans are used for a wide range of improvements, including major rehabilitation (roof or foundation repair), abatement of problems (termite infestation), and additions to existing dwellings. In general, home improvement loans are more difficult to secure than home purchase loans, often because home owners have existing mortgages. As such, many homeowners have high debt-to-income ratios that make it difficult to qualify for additional loans, particularly at lower income levels.

During 2001, a total of 302 conventional home improvement loan applications were submitted in Porterville (Table 3-2). No application for government-backed home improvement loans was filed during this period. The majority of applicants (58 percent) were above-moderate income households; this group realized an approval rate of 63 percent. Very low to moderate income groups had approval rates below 50 percent.

Most applicants for home improvement loans did not offer information on race. Among the few applicants that identified their race/ethnicity – 54 Hispanic and 53 White applicants – the approval rates were 63 percent and 70 percent, respectively.
Table 3-2
Disposition of Conventional Home Improvement Loan Applications by Income and Race/Ethnicity, 2001

<table>
<thead>
<tr>
<th>Income Level</th>
<th>All Applicants</th>
<th>Approval Rate by Race</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>% Approved</td>
</tr>
<tr>
<td>&lt;50%</td>
<td>22</td>
<td>31.8%</td>
</tr>
<tr>
<td>50%-%&lt;80%</td>
<td>30</td>
<td>40.0%</td>
</tr>
<tr>
<td>80%-%&lt;100%</td>
<td>26</td>
<td>26.9%</td>
</tr>
<tr>
<td>100%-%&lt;120%</td>
<td>32</td>
<td>56.3%</td>
</tr>
<tr>
<td>&gt;=120%</td>
<td>174</td>
<td>62.7%</td>
</tr>
<tr>
<td>Not Available</td>
<td>18</td>
<td>5.6%</td>
</tr>
<tr>
<td>Total</td>
<td>302</td>
<td>51.0%</td>
</tr>
</tbody>
</table>

Note: A large number of home improvement loan applicants did not offer information on race and ethnicity.

B. GOVERNMENTAL CONSTRAINTS

Local land use policies and regulations can exert significant influence on housing prices and availability. Land use controls, site improvement requirements, fees and exactions, permit processing procedures, and other related factors can individually and collectively act as constraints upon the development, maintenance, and improvement of housing. This section analyzes Porterville’s land use policies and regulations as potential constraints.

1. LAND USE POLICIES

The Land Use Element of the Porterville General Plan (July 1998) sets forth policies that guide all development. These policies, implemented through the Porterville Zoning Ordinance, establish the amount and distribution of land for different uses within the City.

Porterville has four general plan designations that relate exclusively to residential uses; one other designation allows residential uses among other uses. These are:

- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Professional Office
These general plan designations correspond to seven residential zoning districts and one nonresidential zoning district:

- R-A (Suburban Residential)
- R-E (One-Family Estate)
- R-1-8 (One-Family 8,000-Square-Foot)
- R-1 (One-Family)
- R-2 (Four-Family)
- R-3 (Multiple Family)
- R-4 (Multiple Family)
- P-O (Professional Office)

As shown in Table 3-3, single-family uses are allowed in all districts, but are primarily concentrated in the R-A, R-E, R-1-8, and R-1 districts, with additional single-family uses in the R-2 district. Multi-family uses are allowed in the R-3, R-4, and P-O zoning districts.

### Table 3-3

**Housing Types Permitted by Zoning District**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-A</td>
</tr>
<tr>
<td>Residential Uses</td>
<td></td>
</tr>
<tr>
<td>Single-family dwelling</td>
<td>X</td>
</tr>
<tr>
<td>Two-family dwelling</td>
<td></td>
</tr>
<tr>
<td>Multi-family dwelling</td>
<td></td>
</tr>
<tr>
<td>Second units</td>
<td></td>
</tr>
<tr>
<td>Mobile/manufactured homes</td>
<td></td>
</tr>
<tr>
<td>Mobilehome park</td>
<td></td>
</tr>
<tr>
<td>Special Needs Housing</td>
<td></td>
</tr>
<tr>
<td>Nursing homes</td>
<td></td>
</tr>
<tr>
<td>Transitional housing(^1)</td>
<td></td>
</tr>
<tr>
<td>Emergency shelters (^2)</td>
<td></td>
</tr>
</tbody>
</table>

X = Permitted by right
C = Conditionally permitted
\(^1\) The code allows for “transitional zoning” where a lower density zone abuts a higher density zone.
\(^2\) Conditionally permitted in R-3 and R-4 districts as community care facilities and institutional uses.
2. **RESIDENTIAL DEVELOPMENT STANDARDS**

The general development standard for single-family and multi-family districts in Porterville are presented in Table 3-4. The districts are also discussed below in greater detail.

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>R-A</th>
<th>R-E</th>
<th>R-1-8</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. density (du/ac)</td>
<td>2.2</td>
<td>1.7</td>
<td>5.4</td>
<td>7.3</td>
<td>14.5</td>
<td>29</td>
<td>43.6</td>
</tr>
<tr>
<td>Minimum lot size (sq. ft.)</td>
<td>20,000</td>
<td>12,500</td>
<td>8,000</td>
<td>6,000</td>
<td>6,000</td>
<td>6,000</td>
<td></td>
</tr>
<tr>
<td>Minimum site area/unit (sq. ft.)</td>
<td>20,000</td>
<td>12,500</td>
<td>8,000</td>
<td>6,000</td>
<td>3,000</td>
<td>1,500</td>
<td>1,000</td>
</tr>
<tr>
<td>Front yard (ft.)(^1)</td>
<td>20</td>
<td>20</td>
<td>25</td>
<td>20</td>
<td>20</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Side yard (ft.)(^2)</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Rear yard (ft.)(^3)</td>
<td>20</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>5</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Lot coverage (%)</td>
<td>20</td>
<td>30</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>50</td>
<td>60</td>
</tr>
<tr>
<td>Max bldg. height (ft.)</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>35</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>

1. May be reduced if majority of buildings on block have smaller than required front yards.
2. Depending on the location of a lot and surrounding uses, the side- and rear-yard requirements may be smaller.

Source: Porterville Zoning Ordinance

**Single-Family Residential Development Standards**

Although single-family residences are permitted in all seven residential zoning districts, most can be found in just four zoning districts: R-A, R-E, R-1-8, and R-1. The R-1 district is the largest in the City and contains by far the greatest number of single-family residential units of all the districts. Single-family residences can go up to a height of 35 feet, which can accommodate two fairly generous stories.

Minimum lot sizes in these four districts range from 6,000 to 20,000 square feet, with most lots in the City between 6,000 and 8,000 square feet. Smaller lot sizes (as small as 3,200 square feet) have been allowed within Planned Development zones and overlay areas (as discussed later) According to City staff, the housing market in Porterville tends to favor the 6,000- to 8,000-square-foot lot sizes, which does not appear to be a significant hindrance due the relatively wide availability and low cost of land. Allowable lot coverage in the R-1 and R-1-8 districts is 40 percent, although this limit too may vary within a Planned Development, encouraging smaller homes and a variety of housing types to be constructed.

As a means of maintaining compatible development and design through adaptive zoning, the City allows reduced front yards in certain neighborhoods where a clear majority of existing lots in the vicinity have smaller than required front yards.
Multi-Family Residential Development Standards

Multi-family dwellings can be constructed in the R-2, R-3, and R-4 zones. Multi-family development is also permitted in the Professional-Office Zone (P-O) under the same intensities and regulations as in the R-4 zone. Multi-family units are required to have minimum lot areas per unit of as little as 1,000 square feet in the R-4 zone and as much as 3,000 square feet in the R-2 zone. Densities range from 14.5 units per acre to 43.6 units per acre.

Parking Requirements

Porterville’s residential parking requirements are relatively simple and similar to parking regulations in other Central Valley jurisdictions. All single-family dwellings, mobile homes and condominiums in any zoning district must have two covered parking spaces. Garages are preferred, but open carports are allowed. Porterville’s relatively large lot size accommodates such parking requirements without constraining housing development.

Residential uses in the R-2 district (for two- to four-family structures) are also required to provide two covered parking spaces per unit (either in a garage or carport). Secondary units that are permitted in all residential districts have similar requirements as single-family and R-2 uses.

Multi-family developments in the R-3 and R-4 districts must provide one covered space (garage or carport) and one-half open space per apartment unit, without regard to the number of bedrooms in the unit. This is a relatively low requirement, as many jurisdictions typically require two or more spaces per unit with three or more bedrooms.

Overall, the parking requirements in Porterville are lenient. Allowing the construction of carports in lieu of garages can further reduce overall housing cost, as open carport construction is usually much less expensive than enclosed garage construction.

3. OTHER HOUSING AND LAND USE POLICIES

Planned Development Zone

Porterville allows for the creation of Planned Development districts, which are intended to facilitate diverse uses and different intensities than would otherwise be permitted within a particular zoning district. The Land Use Element of the Porterville General Plan includes a policy (Policy 3.4) that encourages the use of planned developments as a means to achieve higher residential densities under certain circumstances.

Porterville has frequently used the PD designation on residential developments, allowing for smaller lot sizes, reduced setbacks, and higher densities, all of which can lead to lower housing costs. Recently, the PD designation has been used on the New Expressions, New Horizons, and Casas del Rio developments. Lot sizes in these developments went as low as 3,200 square feet, just over half of what would otherwise be required for single-family residences.
Urban Boundary

Since the early 1970s, all incorporated cities in Tulare County have enacted urban development boundaries, beyond which urban services and development should not occur. These boundaries are intended to denote each city’s 20-year growth boundary. This boundary is guided in part by policies within the Land Use Element of the General Plan that discourage the consumption of prime agricultural land for urban development. While such boundaries can have beneficial land use impacts by focusing development within or adjacent to already urbanized areas, they can also act as a housing constraint, particularly in areas with scarce land resources.

The City of Porterville has an adequate supply of vacant, buildable land. The urban boundary serves to direct rather than to discourage development. The boundary was originally delineated and has been updated with the intention of providing a generous 20-year land supply based on expected population growth. The boundary has been revised roughly every five years since the 1970s, with the last revision in 1997. As will be discussed in more depth in the Housing Resources chapter of this Housing Element, the current urban boundary contains more than 2,200 acres of undeveloped land (2,045 acres in R-1; 69 acres in R-2; 31 acres in R-3, and 60 acres in R-4).

Eastside Development Initiatives

Another important policy of the Land Use Element relates to focusing residential development in the north and northeastern parts of the City. Porterville’s landscape transitions from flat, loose soils characteristic of the San Joaquin Valley to hillier and rockier soil of the Sierra Nevada foothills. The relative ease of developing on flat, loose-soil sites has not been lost on developers, who for many years had overlooked the northern and northeastern areas of the City.

To counteract this trend and encourage development of northern and northeastern Porterville, the City has taken some proactive measures. First, as is reflected in the City’s sewer and water master plans, the City spent substantial funds extending infrastructure to northeastern areas, well in advance of development. Further, the City adopted reduced water and sewer fees for developments in the hillside areas if the density of development does not exceed one unit per acre, and has formed a task force to determine what other incentives or programs might be needed to further encourage development in this area.
3. PROVISIONS FOR A VARIETY OF HOUSING TYPES

Housing element law requires that jurisdictions identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population. This includes single-family housing, multi-family housing, manufactured housing, mobile homes, emergency shelters, and transitional housing, among others. Table 3-3 presented earlier summarizes all housing types permitted within the primary residential zones in Porterville.

Multi-Family Units

About 23 percent of Porterville’s housing stock consists of multi-family units. Multi-family units are permitted in the R-3 and R-4 districts at densities between 29 and 43.6 dwelling units per acre. Up to four units per lot are permitted in R-2 zoned parcels, with a maximum density of 14.5 units per acre. For more than four units in the R-2 zone, a Conditional Use Permit is required. Multi-family dwellings are also conditionally permitted in the Professional-Office Zone, with a maximum density of 43.6 units per acre. The Porterville Zoning Ordinance requires a conditional use permit for condominium developments in any residential zone – although apartments in the R-3 and R-4 zones are permitted by right.

Secondary Living Units

A secondary living unit (or second unit) is a separate dwelling unit that provides complete independent living facilities for one or more persons. It is distinguished from a rooming/room and board situation in that it is “self-contained” and includes permanent provisions for living, sleeping, cooking, eating, and sanitation. A secondary living unit may be created by the conversion of a portion of an existing dwelling unit or located in a structure detached from the primary dwelling unit.

Second units were previously allowed with a conditional use permit. According to City records, less than ten permitted second units are located in the City. However, based on observations from the housing conditions survey, many non-permitted second units, particularly converted garages as living space, are scattered throughout certain neighborhoods.

In January 2003, Porterville adopted a second unit ordinance that complies with State regulations enacted in 2002 regarding second units. As such, second units are now permitted in every district under a ministerial permit provided the proposed units meet City and state standards.

Mobile/Manufactured Homes

Approximately 5 percent of Porterville’s housing stock is comprised of mobile homes, including trailer-style homes and manufactured homes set on foundations. Both mobile and manufactured homes provide an affordable housing option to many low- and moderate-income households.

Manufactured homes meeting State standards are permitted in every residential zoning district, subject to State requirements regarding foundations. Mobile homes (those without foundations)
are permitted in mobile home parks; such parks are conditionally permitted uses in the R-1, R-2, R-3, and R-4 zoning districts. Ten mobile home parks are located in Porterville.

**Farmworker Housing**

Census data indicate that about 1,500 people within incorporated Porterville are employed in “farming, fishing, and forestry” occupations. Such occupations include those employed in plant nurseries, food processing plants, food distribution and shipping, landscaping and gardening businesses. While agricultural jobs constitute about 11 percent of all jobs in the City and little land within the City limits is designated for agricultural uses. Instead, Porterville is surrounded by some of the most productive agricultural land in the country.

While the Porterville General Plan includes an agricultural land use designation, no zoning district is established in the Zoning Ordinance to implement large-scale commercial agricultural uses. The R-A (Suburban Residential) zoning district allows small scale agricultural pursuits and includes some properties with “hobby farms,” mostly on five- to ten-acre parcels. A few large parcels ranging from 10 to 33 acres in size are also zoned R-A. However, one parcel contains a large portion of land in the flood plain not suitable for development and other parcels are slated for future residential development. Two of the larger agricultural operations within the City limits, a sheep ranch and a citrus orchard, which are relatively small compared to agricultural operations elsewhere in Tulare County – were annexed to the City under R-1 zoning. These uses have been “grandfathered” as non-conforming uses and are thus unlikely to expand.

California law requires that farmworker housing for 12 or fewer employees be considered equivalent to an agricultural use or, in other words, permitted by right in agricultural zones. Since Porterville does not have an agricultural zoning district, this requirement has not been incorporated into the City’s zoning ordinance. However, the zoning ordinance allows for a single-family unit in the R-A district for agricultural employees as an additional use on an otherwise occupied site of at least 10 acres in area, provided that the unit is located on a minimum 6,000-square-foot site area. This provision of the code presents confusion with regard to the intent of the district as a suburban residential district.

An additional constraint on the development of farmworker housing is that the City of Porterville no longer qualifies for many of the grant programs under the USDA Rural Development Program. Most grants are limited to communities with population under 10,000. Porterville has exceeded this threshold since the 1970s. However, the USDA Rural Development Farm Labor Housing Loan and Grant Program is potentially available for use in communities of Porterville’s size and urbanized character. Applicants for this program can be public agencies, farmworker associations, nonprofit organizations, or other entities.

The City provides housing opportunities for farmworker families through multi-family housing construction and homeownership assistance. Multi-family housing at a density of 29 and 43.6 units per acre is permitted by right in the R-3 and R-4 zones, respectively. The City recognizes

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2 Health and Safety Code, §17021.6
the special needs of farmworker households given their limited incomes. While farm labor camp
is not a permitted or appropriate use in the City given its land use patterns, the City seeks to
provide decent and affordable housing opportunities for this special needs group. Specifi-
cally as shown in Chapter 2, Community Profile, of this Housing Element, three multi-family housing
developments have been constructed in the City with FmHA funds, providing affordable housing
opportunities for farmworker families. In addition, the City offers the First-Time Homebuyer
Program; the majority of households assisted under this program are farmworker households.

Residential Care Facilities

The Lanterman Act requires jurisdictions to treat licensed residential care facilities that provide
housing and care for persons with disabilities as residential uses. Facilities serving 6 or fewer
persons must be permitted by right in residential zoning districts. The Porterville Zoning
Ordinance permits these uses in all residential zoning districts.

Larger nursing homes, congregate care facilities, and assisted living facilities are considered
"institutional uses" and are conditionally permitted in the R-3, R-4, and P-O zoning districts.
As of 2003, the R-3 and R-4 districts contain more than 100 acres of undeveloped or
underdeveloped land, allowing significant space for the potential development of additional
residential care facilities.

According to the California Department of Social Services, Porterville has a large number of
licensed residential care facilities varying in sizes, including:

- 3 Group Homes - Group homes are facilities of any capacity and provide 24-hour
  non-medical care and supervision to children in a structured environment. Group
  Homes provide social, psychological, and behavioral programs for troubled youths.

- 3 Small Family Homes - Small family homes provide 24-hour-a-day care in the
  licensee's family residence for six or fewer children who are mentally disabled,
  developmentally disabled, or physically handicapped, and who require special care
  and supervision as a result of such disabilities.

- 50 Adult Residential Facilities - Adult residential facilities are facilities of any
  capacity that provide 24-hour non-medical care for adults ages 18 through 59, who
  are unable to provide for their own daily needs. Adults may be physically
  handicapped, developmentally disabled, and/or mentally disabled.

- 12 Elderly Residential Care Facilities - Elderly residential care facilities provide care,
  supervision and assistance with activities of daily living. They may also provide
  incidental medical services under special care plans. The facilities provide services
to persons 60 years of age and over and persons under 60 with compatible needs.
  These facilities may also be known as assisted living facilities, retirement homes and
  board and care homes.
Emergency Shelters/Transitional Housing

The State housing element law requires that a community provides adequate sites for the development of a range of housing types, including emergency shelters and transitional housing. An emergency shelter provides overnight shelter with the permitted length of stay varying from one day at a time to three months. Transitional housing provides housing for up to two years and is usually connected to supportive services designed to assist the homeless in achieving greater economic independence.

In compliance with State law, the Porterville Zoning Ordinance permits small transitional housing facilities serving six or fewer persons and meeting the definition of a licensed residential care facility by right in all residential zones. The Ordinance considers emergency shelters and transitional housing in a similar manner to nursing and convalescent homes. Both are conditionally permitted in the R-3 and R-4 zones, but not expressly identified as permitted uses. The City will amend the Zoning Ordinance (Program D.1) to specifically identify transitional housing and emergency shelters as conditionally permitted uses in R-3 and R-4 zones. The permitting process will be consistent with that required for other conditionally permitted uses. Conditions for approval will relate to the operation and performance of the facility (such as parking requirements and security) and will not be different than those required for similar uses in the same zones. Specifically, conditions will regulate only the use, not of the users of the proposed facilities. (The City Council of Porterville also functions as the Planning Commission; therefore, discretionary permit approval requires only one public hearing.)

The Central California Family Crisis Center and the PAAR Center are the two key providers of transitional housing within the City, providing about 100 transitional housing spaces. Providers of permanent emergency shelters include the Family Crisis Center, the El Granito Foundation and the Daybell-Brooks Shelter.

Housing for Persons with Disabilities

As part of the Housing Element, the City must conduct an analysis of the zoning ordinance, permitting procedures, development standards, and building codes to identify potential constraints for housing for persons with disabilities. The City’s policies and regulations regarding housing for persons with disabilities are described below. Overall, the City identifies no specific local policy or regulation that serves to impede housing for persons with disabilities.

Zoning and Land Use: As discussed earlier, Porterville complies with the land use requirements of the State Lanterman Act for housing for persons with disabilities. Small residential facilities, including group homes, for six or fewer persons are treated as regular residential uses in Porterville and are permitted by right in all residential districts. Larger facilities are considered as institutional uses conditionally permitted in R-3, R-4, and P-O districts. Overall, 68 residential care facilities for various special needs groups are located in Porterville, ranging in size from 1 to 46 beds. The Zoning Ordinance currently contains a definition of family that may be perceived as a constraint to group home development. Program F.1 (Zoning Ordinance Revisions) calls for the removal of this definition from the Ordinance. As part of this program, the City will also evaluate the Zoning Ordinance for compliance with ADA requirements.
Building Codes: The City enforces Title 24 of the California Code of Regulations that regulates the access and adaptability of buildings to accommodate persons with disabilities. The City also uses the 1997 edition of the Uniform Building Code (UBC). No unique restrictions are in place for housing for persons with disabilities. Compliance with provisions of the Code of Regulations, UBC, and federal Americans with Disabilities Act (ADA) is assessed and enforced by Porterville's building official.

The building official indicated that recent apartment construction projects in the City have been completed to ADA standards. The two new developments (one two-story development and one three-story development) feature elevators and units designed for persons with disabilities as well as units that can be adapted for persons with disabilities.

Permit Procedures: Permits for reasonable accommodations to address the special needs of persons with disabilities (such as setbacks and parking requirements) are reviewed and processed at the staff level. No public hearing is required. The planning staff and building official assist in making determinations regarding reasonable accommodations for accessibility requirements. Depending on the types of requests, the applicant may need to file a request with either the Planning or Building Division. Requests for relaxed building code standards, as long as such flexibility would not jeopardize health and safety standards, are granted by the Building Division staff over the counter. Requests for relaxed zoning code standards are granted by the Planning Division staff over the counter. The most typical requests in Porterville relate to ramps that extend into the setback areas. As long as the ramps are uncovered, such requests are usually allowed.

Definition of “Family”

The Porterville Zoning Ordinance defines a “family” as “an individual, or two or more persons who are related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage.” This definition, if enforced vigorously, could be a potential constraint upon those whose financial circumstances force them to live in shared quarters.

4. SITE IMPROVEMENTS/DEVELOPMENT FEES

Site improvements such as water, sewer, storm drains, and other infrastructure are important components that serve new development. Like most other California cities, the City of Porterville collects development fees to cover the personnel costs of processing permits and for providing the necessary services and infrastructure related to new development. Following the format prescribed in AB 1600, the City has completed nexus studies and adopted fees for water, sewer, and storm drain infrastructure extensions, as well as for transportation and parks and recreation impacts.

Requiring developers to construct site improvements and/or pay pro-rata shares toward the provision of infrastructure, public services, and processing will increase the costs of developing homes and the final sales price or rent of housing. However, payment of fees is necessary to
maintain an adequate level of services and facilities, and more generally, to protect public health, safety, and welfare.

Development in the City typically is required to pay a range of development fees, including parks and recreation impact fee, transportation impact fee, wastewater treatment fee, water service fee, wastewater collection fee, storm drainage fee, sewer fee, and water fee. In general, the City requires off-site improvements such as 60-foot street width (with curbs and gutters), 5-foot sidewalks, and connection to waterlines for all development. Circulation improvements are required as identified in the Circulation Element of the General Plan. The City has not increased its development fees since 1994. Overall, off-site improvements required by the City are similar to those required by other jurisdictions in the County.

Excluding school impact fees that are set per State law, site improvement and development fees per a typical single-family residential unit range from $6,500 to $9,800. Fees for a typical multi-family unit in a medium size development range from $5,000 to $5,500. Such fees are essential to departmental operations and for providing infrastructure, leaving the City with no ability for waivers or reductions.

5. DEVELOPMENT PERMIT PROCEDURES

Development review and permit processing are necessary steps to ensure that residential construction proceeds in an orderly manner. However, the time involved in permit processing can be a constraint to housing development if it places an undue burden on the developer.

The City of Porterville has an expedited development permit procedure. The City does not have a design review procedure that may involve multiple rounds of revisions. The City Council also serves as the Planning Commission and therefore, projects requiring a public hearing process only need to go before one governing body. Construction of individual single-family homes requires building permits only and takes between two and four weeks. Processing for subdivisions requires between three and six months, including the CEQA clearance process. Tentative maps, final maps, and conditional use permits all require City Council approval, but these procedures typically take three months or less to process, following submission of a complete application. Planned developments, an increasingly common development mechanism, typically require about three months processing time and an additional 30 days for its enabling ordinance to take effect. Multi-family apartments are permitted by right in R-3 and R-4 zones and require only staff-level reviews, with processing time typically completed between four and six months.

Relative to many other California communities, Porterville's development permit procedure is quick and streamlined. Accordingly, developers who have recently completed projects in the City reported "highly professional" staff with no undue delays or problems in the entitlement process.3

3 Telephone interviews with Lynx Realty and Centex Homes, March 2003.
6. **BUILDING CODES AND ENFORCEMENT**

The City has adopted the Uniform Building Code (UBC), which establishes standards and requires inspections at various stages of construction to ensure code compliance. Although these standards and the time required for inspections increase housing production costs, the intent of the codes is to provide structurally sound, safe, and energy-efficient housing.

The City has a staff member assigned part-time to code enforcement efforts. Enforcement has largely been conducted on an ad-hoc, complaint basis, with most complaints concerning property maintenance, domestic animals, and vehicle storage. Code enforcement proceedings do not typically lead to building condemnation.

C. **ENVIRONMENTAL/INFRASTRUCTURE CONSTRAINTS**

Environmental factors and a lack of necessary infrastructure or public services can constrain residential development in a community by increasing costs and reducing the amount of land suitable for housing construction. This section summarizes and analyzes the most pertinent environmental and infrastructure constraints to housing in Porterville.

1. **FLOODING CONSTRAINTS**

Porterville is traversed by two surface waterways – the Tule River and Porter Slough. Flows in these waterways are largely controlled by the Success Dam, which was built in 1961. Prior to the dam’s construction, severe flooding was a real threat to the City. The Tule River and Porter Slough still pose some flooding hazards, particularly in the lower-lying western portions of the City – the traditional flood inundation areas of the waterways.

Subsequent land improvements have reduced the threat of flooding in many areas once more prone to inundation. Further, the federal flood zone map has not been updated to reflect these improvements, exaggerating the true extent of flood prone areas. Nevertheless, the City still requires a flood certificate and appropriately raised main floor plates for any development proposed in an identified hazardous flood zone.

2. **INFRASTRUCTURE ISSUES**

Relating to the concept of the urban development boundary, development is further limited by the availability of infrastructure needed to serve residential developments, including roads, water and sewer lines, and other related facilities.

The City has adopted master plans for its water and sewer systems. These plans reflect anticipated population growth within the plan period as well as relevant general plan policies (such as the Eastside/Hillside Development Initiatives). The plans direct infrastructure expansion towards desired areas. All the sites identified for future residential development in Chapter 4, Housing Resources, are located within the water and sewer master plan areas. The
master plans include technical strategies and financial mechanisms to bring infrastructure to the growth areas. Specifically, the City helped fund the extension of infrastructure to the Eastside/Hillside area well in advance of anticipated development so as to encourage growth in this area rather than in agricultural flatlands at or beyond the City's western boundary. The City also adopted reduced water and sewer truck fees in the Eastside/Hillside areas where the hillside slope is seven percent or greater and where the development density does not exceed one unit per acre.

Other types of urban infrastructure, such as highways, rail lines, canals, and airports, however, pose potential constraints upon housing, in that housing near these and other similar facilities is usually undesirable due to ambient noise, pollution, safety/hazards, or related factors. Many noise impacts from such facilities can be mitigated on-site with soundwalls, insulated windows, and other noise-attenuating features. Requirements for such features pose a minor housing constraint based on costs. However, the proximity to such noise sources is typically reflected in lower land costs.
CHAPTER 4
HOUSING RESOURCES

To facilitate and encourage a range of housing options for all economic segments of the community, the City must have an adequate supply of developable land appropriate for the development of various housing types. Furthermore, financial resources need to be pooled to assist in the development and preservation of housing affordable to lower and moderate income persons. This chapter describes and analyzes the resources available for the development, rehabilitation, and preservation of housing in Porterville. This includes an evaluation of:

- land resources available in meeting the City’s new construction needs;
- financial resources available to support housing activities; and
- administrative resources available to assist in implementing the City's housing programs.

A. AVAILABILITY OF SITES

An important component of the Housing Element is the identification of sites for future housing development, and evaluation of the adequacy of these sites in fulfilling the City’s share of regional housing needs.

1. REGIONAL HOUSING NEEDS DETERMINATION

Every five years, the Housing Element cycle is initiated by the preparation of regional housing needs determination numbers. The California Department of Housing and Community Development (HCD) develops statewide projections of housing need and assigns a portion to each regional council of governments (COG). For Tulare County, the Tulare County Association of Governments (TCAG) apportions the regional share to jurisdictions and unincorporated areas.

In 2002, TCAG developed the Regional Housing Needs Determination (RHND) for the 2001-2008 planning period. The City of Porterville’s share of regional housing needs for the planning period totals 3,453 new units. Based on this apportionment, the required new housing units by income category are as shown in Table 4-1. As shown, the City must demonstrate adequate sites that can facilitate and encourage the development of 1,743 lower income units (for households earning up to 80 percent of the AMI) and 392 moderate income units (for households earning up to 120 percent of the AMI).
Table 4-1
Regional Housing Needs Determination, 2001 - 2008

<table>
<thead>
<tr>
<th>Income Category (%) of Area Median Income</th>
<th>2002 Income Threshold</th>
<th>RHND Allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very low (&lt;50%)</td>
<td>$19,600</td>
<td>1,029</td>
</tr>
<tr>
<td>Low (51% to 80%)</td>
<td>$31,360</td>
<td>714</td>
</tr>
<tr>
<td>Moderate (81% to 120%)</td>
<td>$47,040</td>
<td>392</td>
</tr>
<tr>
<td>Above moderate (121% +)</td>
<td>&gt; $47,040</td>
<td>1,318</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>3,453</td>
</tr>
</tbody>
</table>

Source: Tulare County Association of Governments, 2002

2. DEVELOPMENT SINCE 2001

Since the RHND covers the 2001-2008 period, any development that has occurred since January 1, 2001 can be credited toward the allocation. Since 2001, 650 units have been developed, are under construction, or entitled, including 414 single-family homes and 236 multi-family units. Based on listed prices/rents or deed restrictions, the affordability of these units was determined. Among these units, 94 are affordable to very low income households, 403 are affordable to low income households, and 113 are affordable to moderate income households (Table 4-2). The lower income affordable units include:

- **St. James Place**: A mixed-use project with 14 housing units and 3 retail spaces. HOME funds were used to help finance this project, with redevelopment set-aside funds being used as a match for the HOME grant. All units will be deed restricted as affordable to households with incomes up to 60 percent of AMI, the majority of which will be for very low income households.

- **Casas Buena Vista (formerly known as Casa del Rio)**: This is a partially completed single-family subdivision with another 92 units entitled and expected to be completed within the time frame of this planning period. This project is funded with a CalHFA loan to the Porterville Redevelopment Agency. Among the 92 units, 10 will be market rate units (most likely affordable to moderate income households) and 82 units will have deed restrictions as affordable to low income households.

- **Porterville Family Apartments (under construction)**: A 79-unit project expected to be completed by the end of 2003; all units are for low income households, with a portion of the units being affordable to very low income households. This project is funded by Low Income Housing Tax Credits (LIHTC) and redevelopment set-aside funds. Conservatively, only 30 units (approximately 40 percent) from this development are assumed for very low income households and the remaining 49 units are affordable to low income households.
• **Park View Village (under construction):** An 81-unit completion by the end of 2004; all units will be affordable to low income households, with a portion of the units being affordable to very low income households. This project is funded by LIHTC. Conservatively, only 30 units (approximately 40 percent) from this development are assumed for very low income households, with the remaining 51 units being affordable to low income households.

• **57-Unit LIHTC Project (entitled):** A third LIHTC project has been approved in the City. All units will be affordable to low income households, with a portion of the units being affordable to very low income households. Conservatively, only 20 units (approximately 35 percent) from this development are assumed for very low income households. The remaining 37 units are affordable to low income households.

When the development and entitlements since 2001 are subtracted from the RHND, the City has a remaining need of 2,803 units.

**Table 4-2**

Projects Developed/Under Construction/Approved Since 2001

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Developed, Under Construction, Approved</th>
<th>Allocation</th>
<th>Remaining Need</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single-Family</td>
<td>Multi-Family</td>
<td>Total</td>
</tr>
<tr>
<td>Very Low</td>
<td>94</td>
<td>94</td>
<td>1,029</td>
</tr>
<tr>
<td>Low</td>
<td>261</td>
<td>142</td>
<td>403</td>
</tr>
<tr>
<td>Moderate</td>
<td>113</td>
<td>113</td>
<td>226</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>40</td>
<td>40</td>
<td>80</td>
</tr>
<tr>
<td>Total</td>
<td>414</td>
<td>236</td>
<td>650</td>
</tr>
</tbody>
</table>

3. **Vacant Sites Inventory**

Vacant Residential Sites

In developing the sites inventory, the City identified all vacant land in residential zones within the City limits. As shown in Table 4-3, the vacant sites in the City can support the maximum development of 5,749 units. A large portion of these units will be single-family homes in the R-1 zone, though an equally significant development capacity also exists in the R-4 zone.

The City has a remaining inventory of 1,367 acres of vacant land in the R-1 zone. This includes 480 acres on the east side of the City. This area is characterized by clay soils and areas of steep slopes that tend to increase the cost of development while decreasing the potential residential density. The City has no farmland within its corporate boundaries; encroachment of development on to agricultural resources is not an issue in the City. However, to protect the
hillside and open space resources, the City has adopted policies with regard to hillside development (Eastside/Hillside Development Initiatives).

Over the past seven years, the City has developed approximately 1,500 homes (with support facilities such as streets, schools, parks, and drainage basins, etc.) on approximately 680 acres in the R-1 zone. This yields a gross residential density of 2.2 houses per acre. This density is likely to be maintained for the 887 acres of vacant land outside of the easterly foothills. The easterly area is expected to be developed at a gross residential density (including all support facilities) of no more than 0.5 home per acre. The development potential in the City’s R-1 zone is therefore 2,191 units.

In addition to residential development potential in the R-1 zone, vacant properties in the R-2, R-3, and R-4 zones can also support additional residential development. Many of the 43 vacant R-2 properties can support the construction of at least 10 units, with a dozen lots that can support at least 20 units.

Of the 21 vacant R-3 lots, only 5 are small lots that can accommodate fewer than 10 units each. The remaining 16 lots are larger in size and can facilitate the development of medium size (at least 15 units) to large size (over 100 units) multi-family developments.

Twelve vacant R-4 parcels total almost 60 acres. With the exception of three smaller lots, all vacant R-4 lots can accommodate at least 30 units each. The largest R-4 property can accommodate over 1,000 units.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Acreage</th>
<th>Maximum Density (du/ac)</th>
<th>Potential Density¹</th>
<th>Potential Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1</td>
<td>1,367.0</td>
<td>7.3</td>
<td>1.6</td>
<td>2,191</td>
</tr>
<tr>
<td>R-2</td>
<td>69.3</td>
<td>14.5</td>
<td>11.6</td>
<td>783</td>
</tr>
<tr>
<td>R-3</td>
<td>30.6</td>
<td>29.0</td>
<td>23.2</td>
<td>700</td>
</tr>
<tr>
<td>R-4</td>
<td>59.6</td>
<td>43.6</td>
<td>34.9</td>
<td>2,075</td>
</tr>
<tr>
<td>Total</td>
<td>1,526.5</td>
<td></td>
<td></td>
<td>5,749</td>
</tr>
</tbody>
</table>

Note:
1. Potential units in R-2, R-3, and R-4 districts based on 80% of the maximum permitted densities
Source: City of Porterville.

The City works to promote decent housing arrangements for families. Given the reasonable land costs, market conditions, and character of the community, most affordable housing can be achieved at the mid-range of the R-3 density. Recent multi-family projects have realized densities that fall in the R-3 and R-4 categories. For example, the 81-unit Park View Family Apartments was developed at a density of 15 units per acre (R-3). Mountain View, a 60-unit Low Income Housing Tax Credit (LIHTC) project for families, was developed at a density of 16

CITY OF PORTERVILLE  4-4  2003-08 HOUSING ELEMENT
units per acre (R-3). Date Avenue Family Apartments achieved a density of 43 units per acre (R-4). To facilitate the efficient use of multi-family designated land, the City is working to development incentives for encouraging infill and mixed-use development (Programs B.3 and B.4).

All of the sites identified are within infrastructure master plan areas. The master plans provide technical and financing mechanisms to bring infrastructure to the areas. Furthermore, the high density multi-family sites are mostly located along major roads and therefore, are already installed with infrastructure.

Mixed-Use Opportunities

In addition to opportunities on residentially designated properties, the City has recently amended the zoning ordinance to permit residential uses above retail uses in the downtown area. Apartments are also permitted with a CUP in the Professional-Office (P-O) Zone. While mixed-use development potential has not been factored in this sites inventory, it represents an important approach for revitalizing the downtown and providing affordable housing opportunities.

Affordability Based on Zoning and Development Standards

Based on the permitted densities and development standards of the City's various residential districts, the following correlations to potential housing affordability can be made:

- R-1 (7.3 du/ac): Above moderate income
- R-2 (14.5 du/ac): Moderate income
- R-3 (29.0 du/ac): Low and very low income
- R-4 (43.6 du/ac): Low and very low income

Therefore, the City’s vacant sites inventory has the ability to facilitate and encourage the development of 2,191 above moderate income units, 783 moderate income units, and 2,775 lower income units.

Affordability Based on Historic Development Trends

Another approach to evaluating the City’s sites inventory is through a review of historic development trends. Development that has been completed, under construction, and approved since 1992 was analyzed based on listed prices/rents and deed restrictions to provide a history of the affordability level of housing constructed in the City (Table 4-4). As shown, more than 2,500 units have been developed, under construction, or approved since 1992. Among the units, 56 percent of single-family units and 78 percent of multi-family units are affordable to lower income households, while only 7 percent of single-family units and 2 percent of multi-family units are affordable only to above-moderate-income households.

This analysis demonstrates that, at market rate, most single-family homes in Porterville are affordable to low and moderate income households (see also housing cost and affordability analysis in Chapter 2). Many multi-family units, at market rate, are affordable to very low and low income households.
Table 4-4
Affordability Level of Housing Developed/Under Construction/Approved Since 1992

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Single Family</th>
<th>Multi-Family</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Very Low</td>
<td></td>
<td></td>
<td>214</td>
<td>36%</td>
</tr>
<tr>
<td>Low</td>
<td>1,074</td>
<td>56%</td>
<td>248</td>
<td>42%</td>
</tr>
<tr>
<td>Moderate</td>
<td>717</td>
<td>37%</td>
<td>118</td>
<td>20%</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>144</td>
<td>7%</td>
<td>10</td>
<td>2%</td>
</tr>
<tr>
<td>Total</td>
<td>1,935</td>
<td>100%</td>
<td>590</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: City of Porterville

Assuming that future development will have similar affordability levels, the potential units can be placed into income categories (Table 4-5). In dividing the sites into income categories, potential sites in the R-1 and R-2 zones were divided based on the single-family distribution since 1992, while sites in the R-3 and R-4 zones were divided based on the multi-family distribution since 1992. Overall, 66 percent of potential units may be affordable to lower income households, 29 percent may be affordable to moderate income households, and 5 percent may be affordable only to above moderate-income households based on a 12-year development trend.

Table 4-5
Affordability Level of Potential Sites Based on Historic Trends

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Single-Family (R-1/R-2)</th>
<th>Multi-Family (R-3/R-4)</th>
<th>Total</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>999</td>
<td>999</td>
<td></td>
<td>17%</td>
</tr>
<tr>
<td>Low</td>
<td>1,665</td>
<td>1,166</td>
<td>2,831</td>
<td>49%</td>
</tr>
<tr>
<td>Moderate</td>
<td>1,100</td>
<td>555</td>
<td>1,655</td>
<td>29%</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>208</td>
<td>56</td>
<td>264</td>
<td>5%</td>
</tr>
<tr>
<td>Total</td>
<td>2,974</td>
<td>2,775</td>
<td>5,749</td>
<td>100%</td>
</tr>
</tbody>
</table>

4. ADEQUACY OF SITES TO FULFILL THE RHND

State law requires that a jurisdiction demonstrate adequate sites, with appropriate zoning and development standards, to facilitate and encourage the development of a variety of housing types for all economic segments of the community. Based on the City’s current vacant sites inventory and a remaining RHND of 2,803 units, the City has adequate sites, with appropriate zoning and development standards, to accommodate its new construction needs for the planning period of this Housing Element (Table 4-6). When market conditions and historic development trends are considered, the income distribution of potential units is likely to skew toward lower income
Either approach of evaluating the City’s sites inventory concludes that the City has an adequate supply of sites suitable for the development of housing to meet the RHND.

### Table 4-6
Comparison of Sites to RHND Allocation

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Remaining RHND (Table 4-2)</th>
<th>Development Potential Based on Zoning and Development Standards (Table 4-3)</th>
<th>Development Potential Based on Historic Trends (Table 4-5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>935</td>
<td>2,775</td>
<td>999</td>
</tr>
<tr>
<td>Low</td>
<td>311</td>
<td></td>
<td>2,831</td>
</tr>
<tr>
<td>Moderate</td>
<td>279</td>
<td>783</td>
<td>1,655</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>1,278</td>
<td>2,191</td>
<td>264</td>
</tr>
<tr>
<td>Total</td>
<td>2,803</td>
<td>5,749</td>
<td>5,749</td>
</tr>
</tbody>
</table>

Availability of Water and Sewer Capacity

According to the City’s Water System Master Plan, Porterville currently extracts it water supply from groundwater aquifers with a total capacity of 13,845 gallons per minute (gpm). The Water System Master Plan estimates that the City will need a supply of approximately 17,000 gpm in 2015 to meet projected demand and provide the appropriate amount of standby capacity. Any new housing development will proceed in accordance with the City’s Water System Master Plan. Sufficient water supply exists or is planned for to meet the demand at buildout of the General Plan where potential housing sites are identified.

According to the Sewer System Master Plan, the existing wastewater system is sufficient to meet current demand but improvements will be required to accommodate future projected population growth. The City’s Sewer Master Plan identifies improvements to increase capacity to accommodate the projected 2015 population. Development according to the Housing Element projections is within the projected future wastewater treatment capacity of the City’s Sewer Master Plan.

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1 Units affordable to lower and moderate income households should be affordable to above moderate income households. Even with a potential shortfall in above moderate income units under the scenario based on historic trends, the surplus of lower and moderate income units will more than compensate the shortfall.
B. FINANCIAL RESOURCES

The City of Porterville has limited access to funding sources for affordable housing activities. Like many other communities in California, the City will face significant financial constraints in expanding and preserving its affordable housing stock. This section discusses the financial resources currently used by the City and their potential constraints limiting affordable housing activities in the future. In addition, funding sources that may be applicable in the future are also discussed.

1. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

The City of Porterville is an entitlement jurisdiction eligible to receive CDBG funds annually from the U.S. Department of Housing and Urban Development (HUD). HUD provides funds to local governments for funding a wide range of housing and community development activities for low-income persons.

Annually, the City receives approximately $869,000 in CDBG funds. CDBG allocations are typically used to support the City's Home Rehabilitation Loan Program (HRLP) as well as capital facility and infrastructure improvements. CDBG funds have also been used for off-site improvements in association with affordable housing development. In 2003, approximately $40,000 in CDBG entitlement funds and $20,000 in program income is available for the HRLP. In addition, approximately $100,000 in CDBG program income is available for the First-Time Home Buyer program. However, the City has applied for a Section 108 loan for the construction of a much needed neighborhood/community center. Once funded, a significant portion of the CDBG entitlement allocation will be dedicated for repayment of the Section 108 loan.

2. REDEVELOPMENT HOUSING SET-ASIDE FUNDS

In accordance to State law, the Porterville Redevelopment Agency sets aside 20 percent of its tax increment revenue generated from the redevelopment project area to fund housing activities that increase, improve, or preserve the supply of affordable housing.

The Porterville Redevelopment Agency has a current balance of $950,000 in the set-aside funds. Much of that balance has already been committed for various housing projects (St. James' Place, Casas Buena Vista, and Date Avenue Apartments). The Agency anticipates little additional redevelopment set-aside funds available for housing activities during the planning period of this Housing Element. Future tax increment revenues will primarily be used to pay debt services incurred for bonds issued to finance various redevelopment programs. Previous set-aside balance has already been expended or encumbered as follows:

- A substantial portion ($516,000) of the set-aside balance was used for the Casas Buena Vista project, a single-family development with the majority of the units deed-restricted as affordable for low income households. The 82 affordable units are expected to be completed within the time frame of this Housing Element.
• Multi-Family Rental Housing Assistance - Bond funds were made available for the construction or rehabilitation of multi-family rental housing, including the 14-unit St. James Place ($165,000) and the 79-unit Date Avenue Porterville Family Apartments ($115,000).

• Target Area First-Time Homebuyer Assistance - Bond funds were made available for homebuyer assistance in the Redevelopment Project Area or A, B, C Street area. A balance of $378,000 is available for the upcoming years.

• Citywide First-time Homebuyer Assistance - Set-aside funds have been used as the required match for the HOME-funded program. A total of $120,000 was used as a match for the 2000 HOME grant, with a balance of $5,000 remaining from the set-aside match for this Housing Element period.

3. HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

The federal HOME Program offers funding for local jurisdictions to improve and/or expand the supply of affordable housing opportunities for lower income households. All projects funded with HOME funds must be targeted to very low and low income households and must have matching funds from non-federal resources equal to 25 percent of the requested funds. With limited funding resources, the City always has difficulty meeting the match requirement for HOME funds. The match requirement for the State HOME program had been waived by HUD in previous years. However, the 2003 HOME match requirement has not been waived or reduced by HUD.

Given its population, the City does not qualify to receive HOME funds directly from HUD. Instead, the City applies to the State HCD for HOME grants on a competitive basis. Most recently, the City has applied and received State HOME funds in 2000 ($500,000) and 2002 ($800,000). The 2000 HOME funds and $600,000 from the 2002 HOME funds are used for the First-Time Home Buyer Program. The Housing Rehabilitation Loan Program is funded with $200,000 from the 2002 HOME funds.

4. CALHOME

In 2001, the City received $500,000 from the CalHOME program to help fund the First-Time Homebuyer Program. The CalHOME program administered by the State HCD enables low and very-low income households to become or remain homeowners. Grants are provided to local public agencies and nonprofit developers to assist individual households through deferred-payment loans. Grants can be used for first-time homebuyer downpayment assistance, home rehabilitation, acquisition and rehabilitation, homebuyer counseling, self-help mortgage assistance programs, or technical assistance for self-help and shared housing homeownership.
5. **LOW INCOME HOUSING TAX CREDITS (LIHTC)**

LIHTC represents a significant resource for affordable housing development in Porterville. Currently, two LIHTC projects are under construction with a third one already entitled, totaling 220 new units. While the City cannot apply directly for LIHTC, the City works diligently with developers proposing affordable housing projects using LIHTC to package a strong application.

Created by the 1986 Tax Reform Act, the Low Income Housing Tax Credits (LIHTC) program has been used in combination with City and other resources to encourage the construction and rehabilitation of rental housing for lower-income households. The program allows investors an annual tax credit over a 10-year period, provided that the housing meets the following minimum low-income occupancy requirements: 20 percent of the units must be affordable to households at 50 percent of area median income (AMI), or 40 percent of the units must be affordable to those at 60 percent of AMI. The total credit over the 10-year period has a present value equal to 70 percent of the qualified construction and rehabilitation expenditures. The tax credit is typically sold to large investors at a syndication value. These credits are available for all projects meeting the above-mentioned criteria and are applied for independently of City programs.

6. **PROPOSITION 46 HOUSING FUNDS**

California voters approved a $2.1 billion bond to address the State’s affordable housing crisis. According to HCD, the housing bond will create up to 22,000 permanently affordable homes for rent; enable more than 65,000 families to purchase their homes; provide housing assistance for 12,000 to 24,000 farmworker families; and underwrite 20 million shelter-bed days for homeless people. These bonds will be available on a competitive basis and represent a potential source of funding for Porterville to leverage with diminishing local funds. The City will monitor the Notice of Funding Availability (NOFA) for the State housing bond to determine eligibility and identify potential projects/programs for funding.

7. **STATE FARMWORKER HOUSING GRANT PROGRAM**

The State HCD provides a Farmworker Housing Grant Program that offers matching grants with money to assist development of various types of housing projects for agricultural workers households. Eligible activities include site acquisition, site development, construction, and rehabilitation.

8. **FARM LABOR HOUSING LOANS AND GRANTS**

The U.S. Rural Housing Services indicated the City of Porterville would be eligible for funding under the Farm Labor Housing Loans and Grants program. The program provides capital financing for farmworker housing. The loan terms are for 33 years with a one percent interest rate. Housing grants are also available and may cover up to 90 percent of the development costs of housing.
STATE LEGISLATION CONSTRAINTS

While on the one hand public funding programs represent major resources for affordable housing development, state and federal legislation governing the use of public funds, while well-intended, also tends to constrain the provision of affordable housing opportunities.

In January 2002, Senate Bill 975 significantly expanded the definition of public works projects and the application of the State's prevailing wage requirements to such projects. The bill also expanded the definition of public funds and captures significantly more projects beyond traditional public works projects that involve public/private partnerships. SB 975 requires payment of prevailing wages for most private projects built under an agreement with a public agency providing assistance to the project. The breadth of the legislation substantially limits the ability of public agencies and private entities to structure transactions to avoid prevailing wages for private construction work.

The recently passed Senate Bill 972 provides some relief by exempting from prevailing wage requirements the following projects:

- a self-help housing project in which no less than 500 hours of the construction work is performed by the homebuyers;
- the new construction, rehabilitation, or expansion of a temporary or transitional housing facility for the homeless;
- assistance for the rehabilitation of a single-family home; and
- an affordable housing project funded by below-market rate loans that allocates at least 40 percent of the units for at least 20 years to low income households (80 percent of MFI)

While providing some relief, SB972 falls short of what the City and other jurisdictions desired. In a time when public funding for affordable housing development is dwindling, prevailing wage requirements either substantially reduce the number of housing units that can be assisted with limited funds or deter private developers from entering into public/private partnerships altogether to avoid “contaminating” the entire project with prevailing wage requirements.

C. ADMINISTRATIVE RESOURCES

Public and nonprofit agencies involved in housing development represent a substantial resource for the provision of affordable housing in a community. Nonprofit or public ownerships usually assure that these units remain as long-term affordable housing. Described below are major public and nonprofit agencies involved in affordable housing activities in the region.

1. HOUSING AUTHORITY OF TULARE COUNTY

The Housing Authority of Tulare County (HATC) provides rental assistance to very low to moderate-income families, seniors and the handicapped throughout the County. HATC offers many different programs, including the conventional public housing program, Section 8
Vouchers, farm labor housing for families with farm labor income, senior housing programs, and other housing programs. HATC also owns or manages some individual subsidized rental complexes.

According to HATC, 662 households are currently receiving Section 8 rental assistance in the Porterville area. In addition, the HATC owns and operates 285 scattered units in Porterville for very low income renters.

2. **Self-Help Enterprises**

Self-Help Enterprises is a non-profit housing developer that assists residents of rural areas with building their own home. Self-Help Enterprises (SHE) was incorporated in 1965 as the first rural self-help housing organization in the nation. The mission of Self-Help Enterprises is to improve the lives of low-income residents in the San Joaquin Valley through housing and related programs and services. The concept of "self-help" housing refers to housing that is built in part by the future occupants of the home. Self-help housing allows families to use their "sweat equity" as the downpayment on the new home they might otherwise not be able to afford. In the San Joaquin Valley, Self-Help Enterprises of Visalia is actively involved in helping farm laborers and other low income families in becoming homeowners both through training and supervision as self-help builders, and assembling public and private funds in support of new construction. Self-Help Enterprises also develops multi-family housing. Self-Help Enterprises recently assisted with the construction of ten homes in Porterville.

The City had previously worked with Self-Help Enterprises and the HATC to provide weatherization services for more than 280 lower income households. Currently, Self-Help Enterprises refers households needing assistance to the City’s Housing Rehabilitation Loan Program and First-Time Home Buyer Program.

3. **Community Services Employment Training (CSET)**

CSET offers a weatherization program using the State Low Income Home Energy Assistance Program funds. Low income households earning less than 60 percent of the State median income are eligible for home improvements for energy conservation measures. Minor/basic repairs such as weatherstripping, broken windows, and holes/cracks in walls, are eligible for up to $2,218. More major repairs such as repair or replacement of furnace and water heater are qualified for up to $3,218. In FY 2002, CSET assisted 41 households in Porterville with weatherization improvements.
D. OPPORTUNITIES FOR ENERGY CONSERVATION

Utility-related costs can directly impact the affordability of housing in California, particularly in light of the 2002 energy crisis. Title 24 of the California Administrative Code sets forth mandatory energy standards for new development and requires adoption of an "energy budget." In turn, the home-building industry must comply with these standards, while localities are responsible for enforcing the energy conservation regulations.

The following are among the alternative ways to meet these energy standards.

- **Alternative 1:** The passive solar approach which requires proper solar orientation, appropriate levels of thermal mass, south-facing windows, and moderate insulation levels.

- **Alternative 2:** Generally requires higher levels of insulation than Alternative 1, but has no thermal mass or window-orientation requirements.

- **Alternative 3:** Also is without passive solar design but requires active solar water heating in exchange for less stringent insulation and/or glazing requirements.

Additional energy conservation measures include: (1) locating the home on the northern portion of the sunniest location of the site; (2) designing the structure to admit the maximum amount of sunlight into the building and to reduce exposure to extreme weather conditions; (3) locating indoor areas of maximum usage along the south face of the building and placing corridors, closets, laundry rooms, power core, and garages along the north face; and (4) making the main entrance a small enclosed space that creates an air lock between the building and its exterior; orienting the entrance away from winds; or using a windbreak to reduce the wind velocity against the entrance.

The City assists lower income households with energy conservation improvements. The City’s Housing Rehabilitation Loan Program (HRLP) covers weatherization improvements as eligible activities.
CHAPTER 5
EVALUATION OF 1992 HOUSING ELEMENT ACCOMPLISHMENTS

In order to develop an effective housing plan for the 2003-2008 period, the City must evaluate the achievements of the existing housing programs. This assessment allows the City to revise the programs as necessary to ensure that City resources are being used in the most effective manner to meet the housing needs of residents.

A. ACCOMPLISHMENTS SINCE 1992

The 1992 Housing Element had a production goal of 2,723 units in the City. Among these units, 790 were designated for very low income households, 518 for low income households, 436 for moderate-income households, and 979 for above moderate-income households. Between 1990 and 2001, the total housing production in the City was 2,919 units, with a majority of units consisting of single-family homes. Based on listed prices/rents and deed restrictions, the income distribution of these units was:

- 308 units affordable to very low-income households (39 percent of allocation)
- 1,262 units affordable to low-income households (244 percent of allocation)
- 1,117 units affordable to moderate-income households (256 percent of allocation)
- 232 units affordable to above-moderate-income households (24 percent of allocation)

Therefore, housing production in the City exceeded the allocation for low and moderate-income households, but did not reach the allocation target for very low and above-moderate income households.

To supplement the City’s limited CDBG and redevelopment housing set-aside funds, the City continued to apply for funding available under various funding programs. As needed, the City applied for HOME funds administered by the State HCD. Specifically, to promote affordable home ownership opportunities in the City, the City established a First-Time Home Buyer (FTHB) program, and pursued and received funding from various State programs. Funding for the FTHB program includes:

- $300,000 HOME funds in 1993/94
- $500,000 HOME funds in 1995
- $472,999 BEGIN funds in 1996
- $500,000 HOME funds in 2000
- $500,000 CalHOME funds in 2001
• $600,000 HOME funds in 2002
• $375,000 Redevelopment set-aside funds for the matching requirements of HOME funds
• Program income from HOME and CDBG funds

The City recognized affordable homeownership opportunities are aspirations of many in the community. In addition to the FTHB program, the City joined a joint-power authority with other communities in California to offer lease-to-own opportunities. The City has also offered homebuyer education classes monthly to help many understand the process and financial responsibility of homeownership.

In addition, the City continued to operate its Housing Rehabilitation Loan Program (HRLP) using primarily CDBG and State HOME funds. Funding for the HRLP includes:

• Annual allocations from the CDBG program
• $250,000 HOME funds in 1995
• $200,000 HOME funds in 2002
• Program income from HOME and CDBG funds

To facilitate affordable housing development, the City pursued and received a CalHFA loan to the Porterville Redevelopment Agency to help finance Casas Buena Vista (formerly known as Casa del Rio), a single-family subdivision with affordable units set aside for low income households. The City also used a 1998 HOME grant of $1,000,000 to assist the development of St. James Place, a mixed-use development with three retail spaces and 14 affordable housing units.

Preserving the existing affordable housing stock is an important goal in the City. During the last ten years, two rental projects at risk of conversion to market-rate uses, Evergreen and Alderwood Apartments, extended their commitment to providing affordable housing opportunities in the City.

Table 5-1 provides a detailed assessment of the accomplishments of each program contained in the 1992 Housing Element. In addition, the continued appropriateness of the programs for the 2003-2008 period is also discussed.
<table>
<thead>
<tr>
<th>Program Name</th>
<th>1992 Objective</th>
<th>Accomplishment/ Continued Appropriateness</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adequate Sites for Housing</td>
<td>Use Planned Development processes on large tracts of undeveloped land as a method to meet future housing needs. Encourage infill housing and the housing in the redevelopment area.</td>
<td>Since 1992, two projects were developed using the Planned Development process - New Expressions, which contains 152 units and New Horizons, a 189-unit project. The City continues to encourage infill housing, with five infill housing target areas. St. James Place, a 14-unit mixed-use development, is an infill development in downtown that received significant financial assistance from the City (HOME and redevelopment set-aside funds). This program will be continued in the 2003-08 housing element.</td>
</tr>
<tr>
<td>2. Density Bonus</td>
<td>Offer a density bonus of 25% and at least one other financial or regulatory incentive to developers when a developer includes affordable units as set forth in State density bonus law.</td>
<td>The City has one project under review that is requesting a density bonus of 15 percent. No other project since 1992 has requested a density bonus. Since the City does not have the density bonus set forth in the zoning ordinance, the 2003-08 Housing Element will contain a program to codify the State density bonus provisions to the zoning ordinance.</td>
</tr>
</tbody>
</table>
### Table 5-1
Porterville 1992 Housing Element Program Accomplishments

<table>
<thead>
<tr>
<th>Program Name</th>
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</tr>
</thead>
<tbody>
<tr>
<td>3. Affordable Housing Requirements (Redevelopment)</td>
<td>Adopt formal policies and procedures implementing the affordable housing provisions of redevelopment law.</td>
<td>The City adopted a Housing Strategic Plan in 1994, which contained policies and procedures implementing the affordable housing provisions of redevelopment law. Redevelopment law now requires the preparation of a redevelopment implementation plan for each project area every five years. The plan must contain the Agency’s planned use of tax increment funds in removing blights and plan for fulfilling the inclusionary and replacement housing requirements. An implementation plan will be prepared for the 2004-08 period. This program is no longer relevant as a Housing Element program.</td>
</tr>
<tr>
<td>4. Pursue State and federal funding</td>
<td>Pursue available and appropriate state and federal funding sources in cooperation with private developers, non-profit housing corporations, Tulare County Housing Authority, and other interested entities.</td>
<td>The City continues to pursue a variety of funding sources, including HOME, CDBG, CalHOME, and CalHFA for the production and rehabilitation of affordable housing. The City supports the Tulare/Kings Continuum of Care Strategy, applications for McKinney funds, and efforts by the Housing Authority of Tulare County. This program is continued in the 2003-08 Housing Element.</td>
</tr>
<tr>
<td>5. Use of Tax Increment Funds</td>
<td>Develop guidelines for the use of tax increment funds for development of affordable housing.</td>
<td>See discussion under Program 3. The 2003-08 Housing Element describes the intended use of redevelopment housing set-aside funds.</td>
</tr>
<tr>
<td>Program Name</td>
<td>1992 Objective</td>
<td>Accomplishment/ Continued Appropriateness</td>
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</tr>
<tr>
<td>6. Weatherization and Energy Conservation for Existing Dwelling Units</td>
<td>Post and distribute information on currently-available weatherization and energy conservation programs in conjunction with housing rehabilitation.</td>
<td>Weatherization and energy conservation programs were covered under the City's previous rehabilitation program. The City’s new Housing Rehabilitation Loan Program also covers weatherization improvements. Self-Help Housing provides referrals to the City program and conversely the City has been referring eligible clients to Self-Help for assistance. No separate program on weatherization is included in the 2003-08 Housing Element.</td>
</tr>
<tr>
<td>7. Energy Conservation for New Construction</td>
<td>Enforce State requirements, including Title 24 requirements, for energy conservation in new residential projects.</td>
<td>The City continues to enforce State requirements, including Title 24 requirements, for energy conservation in new residential projects. However, since this is an existing State requirement, this program is not included in the 2003-08 Housing Element as a housing program requiring specific actions.</td>
</tr>
<tr>
<td>8. Federal and State Funding Housing Rehabilitation</td>
<td>Continue to use local, federal, and State funds for housing rehabilitation. Include bedroom additions as an eligible use of funds.</td>
<td>See Program 4. No separate program is included in the 2003-08 Housing Element.</td>
</tr>
<tr>
<td>9. Community Reinvestment Act</td>
<td>Contact financial institutions serving Porterville to solicit interest in providing financing for low and moderate income housing.</td>
<td>The City made efforts to contact lenders, including Bank of the Sierra, to solicit interest in providing financing for low and moderate income housing. In addition, the City held housing fairs in which lenders participated. However, the City feels that the developers are more suitable to seek out financing for low and moderate income housing. Therefore, this program is not included in the 2003-08 Housing Element.</td>
</tr>
<tr>
<td>Program Name</td>
<td>1992 Objective</td>
<td>Accomplishment/ Continued Appropriateness</td>
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</tr>
<tr>
<td>10. Annual Housing Element Monitoring Report</td>
<td>Annually evaluate and report to City Council on the progress in meeting the Housing Element objectives.</td>
<td>The City Building Department provides an annual report to the City Council on the number of units built each year. In addition, the City prepares annual reports for HCD on housing developed in the Redevelopment Project Area. Through the Consolidated Annual Performance Evaluation Report (CAPER) process, the City reports on its housing and community development activities using CDBG, HOME, and redevelopment housing set-aside funds. These reporting activities are regular requirements under various housing programs. No separate program in included in the 2003-08 Housing Element.</td>
</tr>
<tr>
<td>11. Section 8 Program</td>
<td>Continue to cooperate with the County Housing Authority in its administration of the Section 8 rental program.</td>
<td>The City continues to cooperate with the Housing Authority of Tulare County in its administration of the Section 8 program. According to the Housing Authority of Tulare County (HATC), 662 households in Porterville (in both incorporated and unincorporated areas) receive Section 8 vouchers. Recent market conditions have resulted in disincentives for property owners to participate in the Section 8 program. The 2003-08 Housing Element includes activities to promote the use of Section 8 assistance.</td>
</tr>
</tbody>
</table>
Table 5-1
Porterville 1992 Housing Element Program Accomplishments

<table>
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</thead>
<tbody>
<tr>
<td>12. Allow Alternative Housing Types</td>
<td>Continue to allow secondary dwelling units, group homes, homeless facilities, mobile homes, and community care facilities.</td>
<td>The City zoning ordinance currently allows secondary dwelling units, group homes, mobile homes, and community care facilities. The City has recently amended the zoning ordinance to comply with the new State requirements for second units. The 2003-08 Housing Element contains a program to revise the zoning ordinance to explicitly permit transitional housing and emergency shelters.</td>
</tr>
<tr>
<td>13. Development of a Plan for the use of Housing Set-Aside Funds</td>
<td>Establish and periodically update a set of policies and procedures to guide the implementation of the low and moderate income housing requirements for tax increment revenues.</td>
<td>The housing implementation plan required under AB 1290 serves the purposes of this program. Therefore, this program will no longer be included in the 2003-08 Housing Element.</td>
</tr>
<tr>
<td>14. Fair Housing Program</td>
<td>Continue to promote equal opportunities for all persons.</td>
<td>The City continues to promote equal opportunity for all persons. The City completed an Analysis of Impediments to Fair Housing Choice (AI) in 1996, and is currently in the process of updating the AI for 2003. This program will be included in the 2003-08 Housing Element.</td>
</tr>
<tr>
<td>15. Handicapped Accessibility</td>
<td>Continue to implement State standards for accessibility in new housing for persons with disabilities.</td>
<td>The City implements State standards for accessibility in housing. City staff works with applicants to ensure accessibility improvements, and allows encroachments into setbacks for ramps or other accessibility improvements. The 2003-08 Housing Element contains a program to address constraints for persons with disabilities as set forth under SB 520.</td>
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CITY OF PORTERVILLE 2003-08 HOUSING ELEMENT
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<thead>
<tr>
<th>Program Name</th>
<th>1992 Objective</th>
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</tr>
</thead>
<tbody>
<tr>
<td>16. Mixed Use Development</td>
<td>Encourage mixed commercial/residential developments in the downtown area.</td>
<td>The City allows housing by right in the C-2 zone, and amended the General Plan policies to promote mixed-use development. One mixed use project, St. James Place, is being developed with the assistance of HOME and redevelopment set-aside funds. The project will provide 14 units and 3 commercial spaces. In addition, a transit center has recently opened in the downtown area. The City had also used CDBG funds to assist in the conversion of two residential hotels in the downtown as affordable housing - Glenwood Hotel and Porterville Hotel. The 2003-08 Housing Element includes a program to promote mixed-use development.</td>
</tr>
<tr>
<td>17. Unmet Special Housing Needs</td>
<td>Address current and anticipated housing needs that cannot be met through the regular interaction of the private market, including housing for low income households, homeless persons, single parents, and persons with disabilities.</td>
<td>The City offers programs and collaborates with other entities to assist in meeting the needs of low income households, homeless persons, single parents, and persons with disabilities. Tax credit projects, the City's First-Time Home Buyer program, and the Central Valley Family Crisis Center are examples of programs and entities that assist these populations. The 2003-08 Housing Element contains several programs geared toward meeting the needs of these populations.</td>
</tr>
<tr>
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<tr>
<td>18. Monitor Status of At-Risk Housing Units</td>
<td>Monitor the owner's intent to prepay FmHA loans on the Evergreen and Alderwood Apartments for potential conversion to market-rate housing. Evaluate potential actions to maintain the units as affordable housing.</td>
<td>The Evergreen and Alderwood Apartments did not convert to market rate uses and remain as affordable housing. However, the renewed subsidy contracts for these two developments are only for short-term. These projects will become at risk of converting to market rate housing over the planning period of the 2003 Housing Element. In addition, two other projects with Section 8 assistance – Santa Fe Plaza and La Sarena – will be at risk of losing Section 8 subsidies. A program has been included in the 2003-08 Housing Element to address at-risk housing projects.</td>
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</tbody>
</table>
CHAPTER 6
HOUSING PLAN

A. GOALS AND POLICIES

Goal A: To preserve the existing housing stock and conserve existing affordable housing opportunities.

Policy A.1: The City will encourage private reinvestment and rehabilitation of housing in older residential neighborhoods.

Policy A.2: The City will pursue local, state, and federal funding assistance that is appropriate to the City’s rehabilitation needs.

Policy A.3: The City will assist interested individuals and non-profit housing corporations to acquire and/or rehabilitate housing in need of rehabilitation with the objective of preserving such units as affordable housing.

Policy A.4: The City will work with the Tulare County Housing Authority and other non-profit housing corporations to preserve Section 8 and other rent-subsidized units in the City.

Goal B: To provide adequate residential sites through appropriate land use designation and zoning to accommodate the City’s share of regional housing needs.

Policy B.1: The City will maintain an adequate supply of residential land with appropriate land use designations and zoning to accommodate projected household growth and to meet its regional share of housing for all income groups.

Policy B.2: The City will plan for a full range of housing types to maximize housing choices in relation to Porterville’s demographic profile, and employment, transportation, and commercial services.

Policy B.3: The City will implement flexible land use regulations through planned unit development zoning to allow for a range of housing types and densities within a single development.
**Goal C:** To expand the City’s low- and moderate-income housing opportunities.

**Policy C.1:** While promoting the provision of housing for all economic segments of the community, the City will seek to ensure design quality in all new residential development.

**Policy C.2:** The City will pursue local, state, and federal funding assistance that is appropriate to Porterville’s needs to expand affordable housing opportunities for low- and moderate-income households.

**Policy C.3:** The City will encourage government-assisted, below-market-rate housing units to be interspersed within the development and be outwardly indistinguishable from market-rate units.

**Policy C.4:** The City will provide for the development of secondary residential units, as required by State law, while protecting the single-family character of neighborhoods.

**Policy C.5:** The City will continue to provide assistance that enables low-and moderate income households to become first-time homebuyers.

**Goal D:** To address the housing needs of special populations.

**Policy D.1:** The City will continue to implement state law regarding the establishment of group homes and residential care facilities in residential zones, but will seek to avoid overconcentration of such residences in any particular neighborhood.

**Policy D.2:** The City will maintain an adequate supply of appropriately designated land for special needs housing, including seniors, disabled persons, large households, farmworkers, the homeless, and transitional persons.

**Policy D.3:** The City will encourage the development and rehabilitation of housing that is accessible to persons with disabilities.

**Policy D.4:** The City will pursue land use policies that allow small residential developments and individual housing units meeting special needs to be integrated into existing neighborhoods and new residential developments.

**Policy D.5:** The City will work with surrounding jurisdictions to address the needs of transient homeless persons on a regional basis.
Goal E: To assure that all present and future residents have equal access to housing, commensurate with the financial capacity, without discrimination.

Policy E.1: The City will provide public information on the state and federal fair housing laws.

Policy E.2: The City will refer discrimination complaints and requests for services to appropriate fair housing agencies.

Policy E.3: The City will cooperate with community-based organizations that provide services or information to victims of housing discrimination.

Goal F: To reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households.

Policy F.1: The City will establish and maintain development standards that support housing production while protecting quality of life goals.

Policy F.2: The City will continue to provide for timely and coordinated processing of residential development projects to encourage housing production within Porterville.

Policy F.3: The City will review its fee structure, including development fees, impact fees, and other municipal costs, periodically to ensure that they do not unduly constrain the production of housing, especially affordable housing.

Goal G: To Ensure Adequate Services to Infrastructure and Housing.

Policy G.1: New residential projects shall be designed to facilitate alternative modes of travel.

Policy G.2: The City will promote infill residential development within the Redevelopment Area and other older parts of the City where adequate public facilities and services are already in place.

Policy G.3: Support policies and programs that will help achieve compliance with Federal and State regulations relating to stormwater pollution prevention.
B. PROGRAMS AND ACTIONS

The goals and policies contained in the Housing Element address Porterville's identified housing needs and are implemented through a series of housing programs. These programs define the specific actions the City will undertake to achieve the stated goals and policies. Funding sources for implementing the five-year objectives are also listed. These housing programs include programs currently in operation in the City and new programs that have been added to address the City's unmet housing needs. A housing program often implements more than one policy and sometimes, more than one goal. The programs are categorized by the primary goal for which the programs are intended.

Goal A: To preserve the existing housing stock and conserve existing affordable housing opportunities.

A.1 Home Rehabilitation Loan Program

This program assists low income single-family homeowners with needed repairs by providing direct, 30-year, deferred loans of up to $15,000 for units built in 1979 or later or up to $5,000 for units built prior to 1979. The funds may be used to correct code violations, safety repairs, accessibility improvements, and energy conservation measures. The City received a $200,000 HOME grant from the State Department of Housing and Community Development (HCD) to provide home rehabilitation loans over the next three years. Currently, there is a long waiting list of applicants for home rehabilitation assistance. The City is processing loans for applicants on the waiting list and once the list is exhausted the City will reopen the program for new applications.

Five-Year Activities:
- Continue to offer rehabilitation assistance to income-qualified households
- Continue to market this program at public counters and through other media (e.g. newspaper)
- Depending on the rate of expenditure, re-apply to HCD for additional HOME funds in future years

Quantified Objectives: Assist approximately 20 households with current funding through April 2006, with an objective of assisting 10 households annually if additional funding becomes available.

Funding Sources: CDBG entitlement funds and program income; 2002 HOME funds and program income

Responsible Agencies: Community Development Department
A.2 Preservation of Affordable Rental Housing

Several publicly assisted housing projects may be at risk of converting to market-rate housing due to expiration of subsidy contracts. To the extent feasible, the City will work to preserve the affordability of these units in partnership with the property owners, public agencies, and other interested parties.

**Five-Year Activities:**
- Monitor the at-risk status of projects annually and contact project owners to discuss preservation options and incentives.
- Work with the HATC to provide technical assistance to tenants regarding the availability of Section 8 vouchers in case units are converted to market-rate housing.
- Work with property owners and nonprofit housing providers to pursue the preservation of the at-risk units.

**Quantified Objectives:** Work to preserve the affordability of 274 units.

**Funding Sources:** Rural Development subsidy renewals; HUD Section 8 vouchers; State Farmworker Housing funds; HOME; and others

**Responsible Agencies:** Community Development Department

Goal B: To provide adequate residential sites through appropriate land use designation and zoning to accommodate the City's share of regional housing needs.

B.1. Vacant and Underutilized Sites Inventory

As part of this Housing Element update, the City has reviewed its residential land inventory for vacant and underutilized sites available for housing development within the time frame of this Element. The City will ensure an adequate supply of residentially designated land to accommodate the Regional Housing Needs Allocation (RHNA).

**Five-Year Activities:**
- Annually, or upon major General Plan amendments or annexation, update the sites inventory and provide information on available sites to interested developers.
- Identify sites with infill and mixed-use opportunities (see Programs B.3 and B.4).

**Funding Sources:** General fund

**Responsible Agencies:** Community Development Department
B.2 Annexation

The City currently has two privately-initiated annexation applications in process that have significant potential for future residential development. One application involves an area of approximately 43 acres. This area is planned for low-density residential development. The second annexation application involves an area of approximately 80 acres. Land uses planned for this area include: a school (10 acres), low-density residential (60 acres), and high density residential (10 acres).

**Five-Year Activities:**
- Complete annexation of two areas, totaling over 120 acres, by the end of 2005.

**Funding Sources:**
- Private investment - annexation fees
- General fund - services

**Responsible Agencies:**
- Community Development Department

B.3 Mixed-Use Development

The City recently amended the Zoning Ordinance to permit residential uses above retail uses in the downtown. To facilitate mixed-use developments, the City offers a variety of incentives:

- The City has established a parking district to address parking demands in downtown. Developments that do not involve an increase in square footage are not required to provide for additional parking.
- For adaptive reuse projects, development application review and approval is performed at the staff level as long as the project meets fire, building, and health and safety codes, and addresses ingress/egress issues.
- A development envelope of 2.0 Floor-Area-Ratio (FAR) is provided.
- Potential funding assistance includes redevelopment and HOME funds, as well as other available resources.

**Five-Year Activities:**
- Identify potential sites for redevelopment into mixed-use projects by the end of 2004 and provide the list of available sites to developers to encourage residential development.
- Offer incentives, as appropriate and feasible, to promote mixed-use projects.
- Pursue additional HOME funds for other mixed-use projects.

**Funding Sources:**
- General fund; HOME funds; redevelopment funds

**Responsible Agencies:**
- Community Development Department
B.4 Infill Development

The City is in the process of researching the feasibility of various incentives to encourage infill development. These may include:

- Financial assistance to make infrastructure and other public improvements.
- Reduced to modify open space, parking requirements, and/or other development standards, as appropriate.

**Five-Year Activities:**
- If feasible, develop infill incentives by the end of 2005.

**Funding Sources:**
- Grants and general fund

**Responsible Agencies:**
- Community Development Department

**Goal C:** To expand the City’s low- and moderate-income housing opportunities.

C.1 Home Buyer Assistance

The City recognizes homeownership is a desire of many Porterville residents. Through the First-Time Home Buyer (FTHB) program and development of affordable ownership housing, the City extends affordable homeownership opportunities for many lower income households.

**First-Time Low Income Home Buyer Program:** Under this program, the applicant must be a first-time home buyer that earns 80 percent or less of the area median income. The applicant must also be able to qualify with a participating lender for a first mortgage and provide a percentage of the down payment from their own personal assets. The City provides a secured second trust deed loan to fill the gap, providing down payment and closing cost assistance up to $20,000. Existing homes to be financed under this program must be constructed after 1978, unless the dwelling unit passes a visual assessment that reveals no sign of deteriorated paint surfaces that could contain lead paint. Since the initiation of this program in 1993, this program has assisted nearly 200 families to purchase homes in the City of Porterville.

**Affordable Ownership Housing Development:** To expand affordable homeownership opportunities in Porterville, the City has assisted with the development of ownership housing. Specifically, the City utilized a CalHFA loan to the Redevelopment Agency for the development of Casas Buena Vista. A total of 82 affordable ownership housing units will be available to low income households. The City will continue to pursue similar opportunities as funding permits.
Five-Year Activities:
- Continue to assist income-qualified homebuyers in Porterville through the First-Time Home Buyer and other programs.
- Apply for additional funding under the CalHOME and HOME programs as needed.

Quantified Objectives: Assist 40 households with current available funding through October 2004, with an objective of assisting 20 households annually if additional funding becomes available. Complete construction of Casas Buena Vista with the objective of assisting 82 low income households achieve homeownership.

Funding Sources: CalHOME funds; CDBG program income; 2002 HOME funds; redevelopment set-aside funds and set-aside match for HOME funds; HOME program income

Responsible Agencies: Community Development Department; Community Development Financial Assistance Review Committee

C.2 Home Buyer Education Classes

The City currently provides home buyer education classes in English and Spanish to low income persons and families once a month during the evenings. The class provides information on the advantages and disadvantages of home ownership, how to work with a realtor, what to look for in selecting a home, understanding the loan and escrow process, and learning how to maintain a home. Upon completion of the class, the participant receives a Certificate of Completion making them eligible to participate in the City's First Time Home Buyer Program.

Five-Year Activities:
- Continue to offer Home Buyer Education Class once a month.

Funding Sources: CDBG entitlement funds

Responsible Agencies: Community Development Department

C.3 Mortgage Credit Certificate Program

The City participates in the County Mortgage Credit Certificates (MCC) program. The MCC program is administered by the Housing Authority of Tulare County (HATC) and allows lower and moderate income first-time homebuyers to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax.

Five-Year Activities:
- Continue to adopt resolution of approval to participate in this program.
C.4 Lease-to-Own Program

The City recently began participation in the Pacific Housing and Finance Agency (PHFA) Lease-to-Own Program. This program promotes affordable home ownership opportunities for low and moderate income households earning up to 140 percent of area median income.

PHFA, a joint powers authority, provides assistance towards home loan down payment and closing costs. Under the lease/purchase program, the purchaser must contribute an initial fee equal to one percent of the home's purchase price. The PHFA will put three percent down on each home. The lease/purchasers will then make monthly payments roughly equivalent to mortgage payments. After 38 months of leasing the property, the lease/purchasers can purchase the homes by assuming the mortgages. The joint powers authority will also pay closing costs.

Five-Year Activities:
- Continue participating in this program and advertise the availability of home buyer assistance at public counters, the City website, and newsletter.

Quantified Objectives: Assist 5 households annually

Funding Sources: PHFA bond financing to provide assistance via PHFA; no funding required from the City

Responsible Agencies: PHFA; City Council; Community Development Department

C.5 Section 8 Rental Assistance

The HATC administers the Section 8 Rental Assistance program for Porterville. The Section 8 program extends rental subsidies to very low income households who cannot afford the cost of rental housing. The Section 8 program offers a voucher that pays the difference between the current fair market rent established by HUD and what a tenant can afford to pay (typically at 30 percent of household income). As of March 2003, 662 households in Porterville (in both incorporated and unincorporated areas) receive Section 8 vouchers through HATC.

Five-Year Activities:
- Promote the use of Section 8 via City website, newsletter, and brochures at public counters.
- Encourage property owners to rent units through this program by providing information at public counters and referring property owners to the HATC.
• Work with affordable housing developers to obtain Section 8 assistance for new construction projects by providing letter of support for funding application.

**Funding Sources:** HUD Section 8 allocation

**Responsible Agencies:** HATC; Community Development Department

### C.6 Local, State, and Federal Funding

Development of affordable housing in Porterville, particularly for very low income housing, typically requires substantial leveraging with public funds. Often, multiple layers of funding are required to address the deep subsidies required. Recent affordable rentals for families (Porterville Family Apartments) were developed with Low Income Housing Tax Credits and affordable single-family homes for families (Buena Vista) were developed with Redevelopment Housing Set-Aside funds.

The City will continue to pursue available local, state, and federal funding sources in cooperation with private developers, non-profit housing corporations, the HATC, and other interested entities to provide affordable housing. Funding will be targeted to facilitate the development of housing for families (including large families and farmworker families), seniors, and persons with disabilities. The City has been successful in obtaining HOME and CalFHA funds to expand affordable housing opportunities through new construction or downpayment assistance. The City will continue to monitor the funding availability under these and other available programs and pursue funding as appropriate.

**Five-Year Activities:**
- Continue to work closely with developers to pursue Low Income Housing Tax Credits by expediting project review.
- Annually identify programs to pursue based on the likelihood of funding, including HOME funds and CalFHA.

**Funding Sources:** General fund

**Responsible Agencies:** Community Development Department
Goal D: To address the housing needs of special populations.

D.1 Emergency Shelters and Transitional Housing

State law requires that a jurisdiction specify the zoning district(s) where emergency shelters and transitional housing facilities for the homeless are permitted. The Porterville Zoning Ordinance currently does not specify the zoning district(s) in which emergency shelters and/or transitional housing are permitted. The Zoning Ordinance permits institutional uses (including residential care facilities) in R-3 and R-4 zones through the conditional use permit process. However, emergency shelters and transitional housing are not expressly identified as uses included under the category of institutional uses. The City will amend the Zoning Ordinance to specify emergency shelters and transitional housing as institutional uses permitted in the R-3 and R-4 zones with a conditional use permit. Conditions for approval will relate primarily to the performance and operation of the proposed facilities (such as parking requirements) and will not unduly constrain the development of such facilities. Specifically, conditions required will be similar to those for similar uses in the same zones, regulating only the use but not the users. The Porterville City Council serves also as the Planning Commission. Discretionary permit approval requires only one public hearing.

Five-Year Activities:
- Amend Zoning Ordinance to incorporate provisions for emergency shelters and transitional housing by the end of 2005 (see Program F.1).

Funding Sources: General fund

Responsible Agencies: Community Development Department

D.2 Housing for Persons with Disabilities

As required by SB 520, the City reviewed its zoning provisions, land use controls, permit and processing procedures, fees and exactions, and building codes to determine if any governmental constraint may impede the development and improvement of housing for persons with disabilities. Based on this review, the City did not identify any specific constraint that may impede housing opportunities for persons with disabilities. Requests for reasonable accommodation are reviewed and approved at the staff level. The Zoning Ordinance also contains provisions for licensed community care facilities that are consistent with State laws. Through plan checks and building inspections, the City ensures that developers comply with ADA requirements. However, the City will conduct more detailed research for promoting the development of such housing to meet the needs of its residents. Specifically, as part of the City's research on incentives to promote infill and affordable housing, the City will explore techniques and incentives to encourage the development of housing for persons with disabilities.

Five-Year Activities:
- Conduct research and develop infill housing incentives, including techniques to encourage housing for persons with disabilities by the end of 2005.
• Continue to monitor City development standards and policies to ensure such standards and policies do not impede housing opportunities for persons with disabilities.

Funding Sources: General fund

Responsible Agencies: Community Development Department

Goal E: To assure that all present and future residents have equal access to housing, commensurate with the financial capacity, without discrimination.

E.1 Fair Housing

Porterville cooperates with federal, state, and regional agencies to promote open housing choice and equal housing opportunity. Depending on the nature of the complaints, Porterville currently refers complaints regarding housing discrimination to the Legal Aid of Central California, California Rural Legal Aid, and Self Help Enterprises, Fresno County Housing Authority (Fair Housing Unit), and State Department of Fair Employment and Housing.

Five-Year Activities:
• Continue to implement fair housing referrals.
• Conduct an analysis of impediments to fair housing choice in 2003 to identify potential impediments in the public and private sectors and pursue measures to mitigate the identified impediments.
• Continue to post fair housing posters and referral information at City Hall, public counters, and community facilities.
• Add fair housing resources on City website by the end of 2004, including fair housing and legal assistance agencies, the State Department of Fair Employment and Housing, California Association of Realtors, and U.S. Department of Housing and Urban Development (local office of Civil Rights Monitoring)

Funding Sources: General fund; CDBG entitlement funds

Responsible Agencies: Community Development Department
Goal F: To reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households.

F.1 Zoning Ordinance Revisions

To facilitate and encourage the development, rehabilitation, and preservation of housing in Porterville, the City will address several zoning revisions.

a. Definition of Family Household

The Porterville Zoning Ordinance defines a family as “an individual, or two or more persons who are related by blood or marriage, or a group of not more than five persons not necessarily related by blood or marriage. This definition is a potential constraint upon low income individuals whose financial circumstances may force them to live in shared living quarters. Specifically, inclusion of the definition of a “family” in the Zoning Ordinance presents misconceptions about enforcement that is beyond the authority of the Ordinance.

b. Residential-Agricultural (R-A) District

California law requires that farmworker housing for 12 or fewer employees be permitted by right in all agricultural zones. While Porterville’s General Plan includes an agricultural land use designation, no corresponding zoning district implements this land use designation. The R-A district is intended to accommodate only small-scale agricultural pursuits and include some properties with “hobby farms.” The district is not intended for commercial-scale farming operations that warrant the provision of farmworker housing.

c. Density Bonus

In accordance with State density bonus law, the City will adopt a local ordinance that provides for density and other incentives for the development of affordable housing. Specifically, a 25 percent density bonus and at least one regulatory concession or incentive will be granted if a developer agrees to any one of the following:

- 20 percent of the total units of a housing development for lower income households
- 10 percent of the total units of a housing development for very low income households
- 50 percent of the total units of a housing development for seniors
- 20 percent of the total units in a condominium project for moderate income households
d. Emergency Shelters and Transitional Housing (see also Program D.1)

The City will amend the Zoning Ordinance to specify emergency shelters and transitional housing as institutional uses permitted in the R-3 and R-4 zones with a conditional use permit. City staff will work with nonprofit organizations to identify appropriate sites for such facilities. Process and procedures required for the development of transitional housing and emergency shelters will be similar to those established for similar uses in the same zones. In addition, the City participates in the countywide Continuum of Care Strategy to pursue funding to assist the homeless.

e. Compliance with ADA

The City will evaluate the Zoning Ordinance for compliance with ADA requirements, ensuring that development standards and permit procedures do not constrain the development and improvement of housing for persons with disabilities.

Five-Year Activities:
- By the end of 2005, the City will amend the Zoning Ordinance to:
  a) remove the definition of a "family";
  b) clarify the intent and permitted uses in the R-A district;
  c) adopt a density bonus ordinance;
  d) incorporate provisions for emergency shelters and transitional housing; and
  e) evaluate Zoning Ordinance for ADA compliance.

Funding Sources: General Fund

Responsible Agencies: Community Development Department

Goal G: To Ensure Adequate Services to Infrastructure and Housing.

G.1 Infrastructure Improvements

Infrastructure improvements represent a significant cost factor for housing development in Porterville. To facilitate the development of affordable housing, the City has provided financial assistance for necessary infrastructure improvements using redevelopment set-aside funds, CDBG funds, and other State and federal funds. The City will continue to evaluate appropriate projects for receiving financial assistance.

Five-Year Activities:
- Continue to leverage redevelopment funds, CDBG, and other funding sources for necessary infrastructure improvements to encourage the production of affordable housing units.
- Continue to pursue additional funding sources to expand affordable housing opportunities.
Funding Sources: CDBG funds; redevelopment tax increment

Responsible Agencies: Community Development Department; Public Works Department

Summary of Program Activities

Units to be Constructed: Ensure adequate sites are available for the construction of 3,453 units (1,029 very low income, 714 low income, 392 moderate income, and 1,318 above moderate income units).

Units to be Rehabilitated: Assist 20 households through 2006 (estimated 10 very low and 10 low income households)

Households to be Assisted: Provide homeownership assistance to 40 households (estimated 10 very low and 30 low income households)

Units to be Conserved: Conserve 274 very low income units at risk of converting to market-rate housing
February 20, 2004

Mr. Brad Dunlap  
Community Development Director  
City of Porterville  
291 North Main Street  
Porterville, California 93258

Dear Mr. Dunlap:

RE: Review of the City of Porterville’s Revised Draft Housing Element

Thank you for submitting the City of Porterville’s amended draft housing element received for our review on December 23, 2003. Supplemental material was also received on February 18, 19, and 20, 2004. The Department of Housing and Community Development (Department) is required to review draft housing elements and report our findings to the locality pursuant to Government Code Section 65585(b). Telephone conversations in February 2003 with the City’s consultant, Ms. Veronica Tam, facilitated our review.

The amendment and subsequent revisions adequately address the statutory requirements described in the Department’s November 14, 2003 review letter. In particular, the draft element now identifies adequate sites to accommodate the City’s share of regional need. The element will be in full compliance once adopted and submitted for review pursuant to Government Code Section 6685(g).

We appreciate the City’s diligence in revising the housing element to comply with State law and for its commitment to proactively address the housing needs of Porterville workers and families. We especially thank Ms. Tam for her assistance. If we can provide assistance to the City in implementing the housing element or you have any additional questions, please contact Mario Angel, of our staff, at (916) 445-3485.

In accordance with requests pursuant to the Public Records Act, we are forwarding copies of this letter to the persons and organizations listed below.

Sincerely,

Cathy E. Creswell  
Deputy Director

Attachment No. 5
SUBJECT: PROPOSED CHANGES TO CHAPTER 12 OF THE CITY OF PORTERVILLE MUNICIPAL CODE

SOURCE: Fire Department

COMMENT: In April 2001, Council approved sweeping changes to Chapter 12, Article II of the Porterville Municipal Code as it relates to the sale of safe and sane fireworks. For the past three years, staff has administered, monitored, and analyzed the fireworks program. This analysis has lead to the development of several modifications and additions to the Ordinance. The proposed changes were developed in post-event meetings between staff and the nonprofit groups authorized to sell fireworks within the City of Porterville.

Staff is also recommending one change to Chapter 12, Section 12.1.8. Staff recommends rescinding current Chapter 12, Section 12.1.8 “Recreational Fire” and replacing it with “Warming/Recreational Fire.”

The various changes and additions to Chapter 12, Articles I and II are attached hereto.

RECOMMENDATION: 1. That the City Council approve the draft modifications and additions to the ordinance and order it to print;

ATTACHMENTS: Current Code sections with revisions
Draft Ordinance

Dir. # Funded # C M U
Approp."
Editor's note—As originally adopted by Ord. No. 1083, the text of § 12-8 represented an addition to the 1973 Uniform Fire Code, formerly adopted in § 12-1. As constituted in § C of Ord. No. 1302, the provisions represent general provisions of the city, not specifically amendatory of the fire code adopted in § 12-1.

§ 12.1.7. Appeals from administrative decisions.

Whenever the Chief of the Fire Department or the Fire Marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of this code do not apply or that the true intent and meaning of this code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department or the Fire Marshal to the official appeals board, named and appointed under the Uniform Fire Code of the City within thirty (30) days from the date of the decision appealed and the decision of the appeals board shall be final.

(Ord. No. 715, § 7; Ord. No. 880, § G, 5-16-70; Ord. No. 1563, 1-19-99)

§ 12.1.8. Recreational Fire

Recreational Fire is the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill, barbeque pit, for cooking or religious purposes:

Warning/Recreational fires.

It shall be unlawful for any person to ignite or burn any type of material(s) for the purpose of disposal of rubbish, weeds, trimmings, lumber, wood, or any such material, for the purpose of creating a warning/recreational fire. Outdoor fires shall be limited to cooking or religious purposes.

§ 12.1.9. Permits for new materials, processes or occupancies.

The City Manager, Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in such code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Ord. No. 715, § 8; Ord. No. 880, § G, 5-16-67; Ord. No. 1568, 1-19-99)

§ 12.1.10. Violations; penalties.

Any person who shall violate any of the provisions of the Uniform Fire Code adopted by Section 12.1.1 of the Municipal Code, or its amendments, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the appeals board or by a court of competent jurisdiction, within the time fixed herein, and any person violating any of the terms and provisions of this chapter with its amendments, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment of not more than six (6) months in the City or county jail or by both such fine and imprisonment. (Ord. No. 715, § 10; Ord. No. 880, § H, 5-16-67; Ord. No. 1568, 1-19-99)

§ 12.1.11. Interference with operation or work of Fire Department.

It shall be unlawful for any person to interfere with any operation or work of the Fire Department of the City of Porterville or any of the members thereof while the same are responding to or operating at the same or any fire or other emergency within the City of Porterville. (Ord. No. 966, § A, 2-5-70; Ord. No. 1568, 1-19-99)

Cross reference—Interference with members of Fire Department, § 18-5.
ARTICLE II. FIREWORKS

Sec. 12.2.1. Definitions.

For the purposes of this chapter, definitions shall have the respective meaning ascribed to them in Sections 12500 et seq. of the Health and Safety Code of the State of California, and unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

(a) "Fireworks" shall mean any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other devices of like construction and any devices containing any explosive or flammable compound, or any tablet or other device containing an explosive substance; except that the term "fireworks" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five one hundredths (0.25) of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

(b) "Dangerous fireworks" shall mean any fireworks specified as such in the State Fireworks Law, Sections 12500 et seq. Of the Health and Safety Code of the State, and such other fireworks as may be determined to be dangerous by the State Fire Marshal

(c) "Safe and sane fireworks" shall mean and include any fireworks not designated as "dangerous fireworks", except that, in any case, only end fuses may be used. The California State Fire Marshal's Seal of Registration shall be applied to all classified fireworks and pyrotechnic devices by a licensed manufacturer, importer, exporter or wholesaler and shall indicate the classification assigned by the State Fire Marshal.

(d) "Eligible organization" shall mean an organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for the permit required by this chapter (and which continues to do so thereafter):

1. The organization must be duly organized not-for-profit charitable, religious, civic, patriotic or community service organization;
2. The organization must be headquartered within and clearly affiliated or identified with Porterville.
3. The organization must be one which provides direct and regular community services and benefits to the citizens of the City; and
4. The organization must hold its regularly scheduled meetings within the City;
5. Must maintain a bonafide membership of at least 20 members;
6. The organization must have a Tax Exempt Identification number assigned to them;
7. One application per Tax Exempt I.D. number will be allowed; and
8. One permit per Tax Exempt number will be allowed.

(e) "Stand" shall mean any building, counter, or other structure of a temporary nature used in the sale or offering for sale of fireworks pursuant to a permit duly issued.

(f) "City" shall mean the City of Porterville.

12.2.2. Sales of Fireworks: Permits Required.

(a) It shall be unlawful for any person to sell or offer for sale any dangerous fireworks in the City.
12.2.9. Time Period for Sale

"Safe and sane fireworks" may be sold within the City limits of the City of Porterville during the period beginning 12:00 noon on June 28 and ending at 8:30 p.m. on July 4. The hours of operation of any stand shall be limited to 9:00 a.m. to 8:30 p.m. daily during the days identified in this Chapter, except that hours of operation of any stand on June 28 shall commence at 12:00 p.m.

12.2.10. Prohibitions

(a) The manufacture of fireworks is prohibited within the jurisdiction.

(b) No person shall possess, sell, deliver, deal in, use, explode or fire, or cause to be used, exploded or fired, any form of fireworks designated as "dangerous fireworks" by Section 12505 of the Health and Safety Code of the State of California.

(c) The possession, sale, delivery, dealing in, use, exploding or firing of any form of fireworks designated as "safe and sane fireworks" by Section 12529 of the Health and Safety Code of the State of California is expressly prohibited, except as limited by this Chapter.

12.2.11. Regulations

It shall be unlawful for any eligible organization to which a permit has been issued:

(a) To operate in violation of State of California Title 19, Chapter 6, regulating the storage, transportation, sale and use of fireworks;

(b) To obtain or use more than one permit for one stand per year.

(c) To fail to clear all flammable or burnable materials within thirty (30') feet from any fireworks stand and to maintain such conditions during the period prescribed for the sale of fireworks;

(d) To allow smoking within twenty-five (25') feet of any such business location or stand or to fail to post "No Smoking" signs with such wording in red letters not less than four (4") inches in height on a white background on all sides of any such stand;

(e) To fail to have immediately available within the stand a certified fire extinguisher or other fire extinguishing device of a type approved by the Fire Department;

(f) To sell fireworks earlier than noon on June 28 or later than 8:30 p.m. on July 4;

(g) To fail to dismantle and remove any stand or structure of any nature where fireworks were sold as of 5:00 p.m. July 8;

(h) To sell fireworks to persons under 16 years of age.

(i) No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. At least one individual participating in the sale of fireworks in a stand must have attended a safety meeting provided by the Fire Department. A maximum of 4 members per stand (one member for every 4 linear feet of stand (i.e., if the stand is 32 ft. long, 32 divided by 4 equals 8 members allowed in the stand) is permitted within the stand at any one time, and all persons selling fireworks must be at least 18 years old.

(j) No sleeping inside the fireworks stand will be permitted at any time.

(k) No person shall use or handle fireworks while under the influence of intoxicating liquids or narcotics. Alcohol and narcotics are prohibited within the fireworks stand.

(l) All electrical/spark producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands.

12.2.12. Fireworks Stands – Requirements

All retail sales of "safe and sane fireworks" shall be permitted only from within a temporary fireworks stand and sales from any other building or structure is prohibited. Temporary stands shall be subject to the following provisions:

(a) No fireworks stand shall be located within twenty-five (25') feet of any other building nor within one hundred (100') feet of a gasoline pump;
(b) No stand shall have a floor area in excess of four hundred (400) square feet. The width and length of each stand shall be a maximum of ten (10) feet by forty (40) feet, respectively.

(c) Each stand must have at least two exits located on separate walls. Fireworks stands with only 3 sides and open from the back will not require exits.

(d) Each stand shall keep easily accessible a minimum of 1 two-and-one-half (2-1/2) gallon water pressure type fire extinguisher and one 2A10BC rated dry chemical fire extinguisher and each shall be in good working order and bear a current inspection sticker. Extinguishers must be of a type approved for such use by the Porterville Fire Department.

(e) All stands must be constructed of solid wood or metal.

(f) After hours, stands must be properly secured or a security guard must be provided to patrol the premise.

(g) All unsold stock and accompanying litter shall be removed from the location by 5:00 p.m. July 5.

(h) Fireworks stand may be brought to the site one week prior to June 28 and must be dismantled and removed by 5:00 p.m. July 8.

(i) Temporary lighting may be installed in the fireworks stands. Approved temporary lights must have a guard protecting the bulb/fixture and all wiring and fixtures must be three-wire and grounded.

(j) Primary power to the temporary lighting may be by means of on-site commercial power in a fixed facility or by means of an on-site portable generator. Either source of primary power must be located at least 25 feet from the fireworks stand. Location of portable generators must be approved by Fire Department.

(k) Fuel for portable generators is not allowed to be kept on the premise.

(l) No switches, electrical receptacles (plug-ins) are permitted in the stand.

12.2.13. Fireworks Stands - Locations

The adequacy and suitability of fireworks stand locations shall be pre-approved by the Fire Chief. In no instance shall any fireworks stand be located within a residential area.

12.2.14. Certificates of Insurance

Prior to the issuance of a permit, the eligible organization shall procure a certificate of insurance acceptable to the City. The certificate shall name the City of Porterville, its officers, agents, employees and volunteers as “additional insured”. The certificate shall evidence coverage in an amount determined by the City’s Risk Manager, providing, however, the amount shall not be less than One Million ($1,000,000.00) Dollars combined bodily injury and property damage for each occurrence, and the deductible, if any, shall not be greater than one thousand ($1,000.00) dollars. The certificate shall specify the time, location, and dates to be covered by the policy. The certificate shall be provided to the Fire Department no later than 5:00 p.m. on the last regular business day in April of the subject year or at such other time as the Chief of the Fire Department may allow.

12.2.15. State Fireworks Law

The provisions of this chapter shall be construed so as not to conflict with the State Fireworks Law.

12.2.16. Revocation of Permits

Any violation of this chapter or other City laws, or the terms and conditions of the permit, or State laws or administrative regulations, or safety rules of the Fire Department shall be grounds for the immediate revocation of the permit. All officers, agents, and employees of the eligible organization shall be responsible for compliance with all the provisions of this chapter.
ORDINANCE NO. 16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, FIRE PREVENTION, ARTICLE I AND ARTICLE II, OF THE PORTERVILLE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1: That Municipal Code Chapter 12, Fire Prevention, Article I, General, Section 12.1.8 is hereby revised to read as follows:

Sec. 12.1.8  Warming/Recreational fires.
It shall be unlawful for any person to ignite or burn any type of material(s) for the purpose of disposal of rubbish, weeds, trimmings, lumber, wood, or any such material, for the purpose of creating a warming/recreational fire. Outdoor fires shall be limited to cooking or religious purposes.

SECTION 2: That Municipal Code Chapter 12, Fire Prevention, Article II, Fireworks, Section 12.2.1, Definitions, subsection (d), is hereby revised to read as follows:

Sec. 12.2.1  Definitions.
(d) Eligible organization shall mean an organization which has met all of the following criteria for a continuous period of not less than one full year preceding submittal of an application for the permit required by this chapter (and which continues to do so thereafter):
(1) The organization must be duly organized not-for-profit charitable, religious, civic, patriotic or community service organization;
(2) The organization must be headquartered within and clearly affiliated or identified with Porterville;
(3) The organization must be one which provides direct and regular community services and benefits to the citizens of the City;
(4) The organization must hold its regularly scheduled meetings within the City;
(5) Must maintain a bonafide membership of at least 20 members;
(6) The organization must have a Tax Exempt Identification number assigned to them;
(7) One application per Tax Exempt I.D. number will be allowed; and
(8) One permit per Tax Exempt number will be allowed.

SECTION 3: That Municipal Code Chapter 12, Fire Prevention, Article II, Fireworks, Section 12.2.9 is hereby revised to read as follows:

Sec. 12.2.9. Time Period for Sale
"Safe and sane fireworks" may be sold within the City limits of the City of Porterville during the period beginning 12 noon on June 28 and ending at 10:00 p.m. on July 4. The hours of operation of any stand shall be limited to 9:00 a.m. to 10:00 p.m. daily during the days identified in this Chapter, except that hours of operation of any stand on June 28 shall commence at 12:00 p.m.

SECTION 4: That Municipal Code Chapter 12, Fire Prevention, Article II, Fireworks, Section 12.2.11, Regulations, subsections (f), (i) and (l) are hereby revised to read as follows:

Sec. 12.2.11. Regulations
(f) To sell fireworks earlier than noon on June 28 or later than 10:00 p.m. on July 4;

(i) No person other than a member (or their spouse) of the organization or a volunteer who is associated with the organization having a permit shall be permitted to sell or otherwise participate in the sale of fireworks. At least one individual participating in the sale of fireworks in a stand must have attended a safety meeting provided by the Fire Department. A maximum of one member for every 4 lineal feet of stand (i.e., if the stand is 32 ft. long, 32 divided by 4 equals 8 members allowed in the stand) is permitted within the stand at any one time, and all persons selling fireworks must be at least 18 years old.

(l) All electrical/spark producing appliances (fans, coolers, air conditioners, etc.) are prohibited inside the fireworks stands.

SECTION 5: That Municipal Code Chapter 12, Fire Prevention, Article II, Fireworks, Section 12.2.12, Fireworks Stands - Requirements, subsections (i), (j), (k), (l) and (m) are hereby added to read as follows:
Sec. 12.2.12. Fireworks Stands - Requirements

(i) Temporary lighting may be installed in the fireworks stands. Approved temporary lights must have a guard protecting the bulb/fixture and all wiring and fixtures must be three-wire and grounded.

(j) Primary power to the temporary lighting may be by means of on-site commercial power in a fixed facility or by means of an on-site portable generator. Either source of primary power must be located at least 25 feet from the fireworks stand. Location of portable generators must be approved by Fire Department.

(k) Fuel for portable generators is not allowed to be kept on the premises.

(l) No switches, electrical receptacles (plug-ins) are permitted in the stand.

(m) Extension cords to the stand are to be heavy duty, minimum of 15 amp capacity, and protected from vehicular damage. Romex is not an acceptable extension cord.

SECTION 6: This ordinance and code amendment shall be in full force and effect thirty (30) days from and after its publication and passage.

__________________________________________
Pedro R. Martinez, Mayor

ATTEST:

__________________________________________
Georgia Hawley, Deputy City Clerk
CITY COUNCIL AGENDA

March 16, 2004

SUBJECT: Report on Ad Hoc Committee Meeting for North Main Traffic Safety Issues and Requested Action

SOURCE: CITY MANAGER

On March 4, 2004, the Ad Hoc Committee regarding North Main Traffic met at City Hall. The condition of traffic on North Main was discussed. North Main was presented as a heavily used, non-conforming arterial. Mr. Mike Reed reported to the ad hoc committee that North Main was the first of a series of non-conforming arterials which are now being evaluated. Measures will be recommended for other heavily used, non-conforming arterials at subsequent meetings.

Regarding North Main, the following measures were recommended:

- Contact the County and request that a joint project be undertaken at Reid and North Main to improve the intersection’s safety.

- Re-evaluate the speed of traffic on North Main. A recommendation may be made to increase the speed somewhat, to assure effective enforcement in the future.

- Grade and restore the drainage on the East side of Main.

- Install no parking signs on the East side of Main and signing to indicate the presence of drainage structures.

- Authorize staff to accept and approve an event based parking area within the City limits on the West side of North Main. The facility would not require paving, but would require some type of surface, possibly decomposed granite.

The conclusion of the discussion was that the implementation of the five measures outlined above, would improve and facilitate traffic safety along the non-conforming, heavily used North Main Arterial.

It is suggested also, that appropriate measures be recommended from time-to-time to the Council for similar arterial sections within Porterville.

Recommendation: Approve the Ad Hoc Committee proposals as outlined; Authorize the installation of no parking signs on the Eastside of North Main, South of Reid as determined by the Public Works Director.
SUBJECT: VENDORS AND PEDDLERS

SOURCE: Administrative Services

COMMENT: Some concerns have been raised regarding the impact that peddlers, solicitors, and itinerant vendors have on local business. These temporary or mobile businesses are provided for in Chapter 15 of the City Code. These provisions are in accordance with state and federal laws designed to ensure free trade.

Staff is currently reviewing the existing language in Chapter 15, in anticipation of a revision to more clearly define these types of businesses. This opportunity could also be used to address any desired modifications to time and location restrictions that may be imposed on these temporary businesses.

Business License and Planning staff recently did a City-wide sweep in search of temporary or mobile businesses that were out of compliance with the City Code. Only one vendor was identified as being out of compliance. This operator was instructed to move his business to an appropriate site. Similar sweeps are planned for the upcoming holidays to ensure compliance.

RECOMMENDATION: That the City Council instruct staff to move forward with a draft revision to Chapter 15 of the City Code to further clarify the types and nature of temporary and mobile businesses and to establish any additional restrictions as desired by Council that are provided for in state and federal law.
PORTERVILLE REDEVELOPMENT AGENCY

SUBJECT:  AUTHORIZATION TO NEGOTIATE PROPERTY MANAGEMENT SERVICES – 287 N. HOCKETT STREET

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT:  On February 2, 2001, the Porterville Redevelopment Agency purchased the property located at 287 N. Hockett Street as a site for a future parking lot. A lack of funding for the construction of a parking lot prompted staff to consider other uses of the building. At the August 6, 2002 Redevelopment Agency meeting, the Agency approved a request from the Parks and Leisure Services Department to lease the building for the Adult Literacy program for a period not to exceed four (4) years.

In November 2003, the Adult Literacy program relocated from the building at 287 N. Hockett into the Library. The lack of a lessee in the building results in a net loss to the Redevelopment budget in the amount of $7,200 annually. Additionally, the Parks and Leisure Services have been overseeing the landscape maintenance of the property at a cost of $100 per month. This amount was the responsibility of the lessee, however, now it would be the responsibility of the Redevelopment Agency. No maintenance funds were budgeted for this service in fiscal year 2003-2004.

Upon inspection of the building, staff believes that the building could be utilized for professional offices and should be marketed for rent or lease.

Prior to leasing the property, Government Code Section 33433 requires that the legislative body shall approve the lease of property acquired with tax increment money by resolution after a public hearing. Furthermore, a rental analysis will need to be performed to determine the highest and best uses permitted under the Redevelopment plan (Sec. 33433, (a)(2)(B)(ii)).

Local firms offer property management services which includes acquiring a renter and maintaining property in rentable condition; obtaining a credit report from the proposed renter; property condition inspection prior to signing a rent/lease agreement; collection of rent; maintenance of property and landscaping. The costs for these services are a percentage of the rental amount.

In an effort to efficiently market and maintain the property located at 287 N. Hockett Street, staff is requesting authorization from Council to negotiate a property management agreement for the services listed above. Upon completion of the negotiations, staff will bring the item back to the Agency for approval.

DD_____ Appropriated/Funded_____ CM_____  Item No. PRA-1
RECOMMENDATION: That the Redevelopment Agency authorize staff to:

1) Solicit proposals from qualified property management professionals; and

2) Negotiate an agreement to undertake the property management and landscape maintenance services for the property located at 287 N. Hockett Street.

ATTACHMENT: Locator Map