Call to Order
Roll Call

**ORAL COMMUNICATIONS**
This is the opportunity to address the Council on any matter scheduled for Closed Session.

**CLOSED SESSION:**
A. Closed Session Pursuant to:
   3- Government Code Section 54957 - Public Employee Appointment: Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Mayor Hamilton
Invocation

**PRESENTATIONS**
Employee of the Month – Jodi Harper

**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.

2. Claim – Flossie Jordan
3. Claim – Ronald Irish
4. Transit Claim – Candy Ibarra
5. Authorization to Advertise for Bids – Newcomb Street Trench Patch & Concrete Replacement Project (Westfield Avenue to San Lucia Lane)
6. Authorization to Advertise for Bids – Roche Sewer Project – Morton Avenue
7. Award of Contract – Traffic Signal #10 (Newcomb Street and Westfield Avenue) Project
8. Award of Contract – D Street and Hockett Street Alley Reconstruction Project
9. Authorization to Reject All Bids and Re-Advertise Core Area Two and Four Project
10. Airport Lease Renewal – Lot 46D
11. Airport Hangar Purchase – Woodmansee – FBO Lots 4, 5 and 5A
12. Purchase of Specialized Equipment
13. Acceptance of Project – Well No. 29 Pumping Facility
14. Home Investment Partnership Program (HOME) Application
15. Code Enforcement Update
16. Adoption of Annual Appropriation Limit
17. Authorization to Roll Weed Abatement Balances to the Property Tax Rolls
18. Council Support of an Amendment to Measure R to Fund the Preservation of Railroad Rights-of-Way and Related Infrastructure
19. Consideration of Resolution Supporting the National Park Centennial Initiative and Maintaining and Preserving America’s National Parks
20. Approval of Appointment of Special Legal Counsel
21. Consideration of City Charter Review
21a. A Resolution of the City Council of the City of Porterville Designating a Survey Area and Authorizing Staff to Prepare a Preliminary Plan in Connection with the Proposed 2009 Amendment to the Redevelopment Plan for the Porterville Redevelopment Project No. 1, as Amended
21b. Sikh Center Development in County Jurisdiction

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

PUBLIC HEARINGS
22. Hillside Development Ordinance
23. Zone Change Amendment 2-2008 (Downtown “D” Overlay)
24. Resolutions Authorizing the Calling of an Emergency Election/Ordinance Adding Article VI of Chapter 22 of the Porterville Municipal Code Concerning Utility Users Tax-Communications Services

SCHEDULED MATTERS
25. Emergency Repair of Pipe Supports at Westwood and Tule River Bridge
26. Amendment to Traffic Ordinance No. 1162 – Authority to Issue Transit User Parking Permits
27. Street Performance Measure – 4th Quarter Update
28. Interim Financial Status Reports and Grants Summary Report
29. Quarterly Portfolio Summary
30. Designation of Voting Delegates for League of California Cities 2008 Annual Conference
31. Request by Council Member – Consideration to Allow Auto Dealerships to Park Vehicles for Sale of City Streets

Adjourn to a joint meeting of the Porterville City Council and the Porterville Redevelopment Agency.
Roll Call: Agency Members/Chairperson

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

SCHEDULED MATTER
PRA-1. Authorization to Advertise for Bids – Hockett/Mill/Oak Parking Lot Reconstruction

Adjourn the Joint City Council/Redevelopment Agency meeting 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 meeting of August 13, 2008 at 5:30 p.m.

It shall be the policy of the City Council to complete meetings, including closed sessions, by 11:00 p.m. unless, upon consensus, Council elects to continue past the adjournment hour.

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 Chief 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.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, during normal business hours.
PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING – DECEMBER 8, 2007, 9:00 A.M.
PORTERVILLE LIBRARY, COMMUNITY ROOM, 2ND FLOOR
41 WEST THURMAN AVENUE, PORTERVILLE

Call to Order at 9:00 a.m.

Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez
Absent: Mayor Hamilton

Pledge of Allegiance led by Mayor Pro Tem Felipe Martinez
Invocation – A moment of silence was observed.

ORAL COMMUNICATIONS
- Don Beardsley, 910 Williford, spoke against the construction of the Heritage Center parking lot, and of the need for maintenance of Murry Park.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council adjourn the meeting by 12:00 p.m.
AYES: McCracken, P. Martinez, F. Martinez, Hernandez
NOES: None
ABSTAIN: None
ABSENT: Hamilton

Disposition: Approved

SCHEDULED MATTERS
1. CITY GOALS AND PROJECT PRIORITIES

City Manager John Longley spoke briefly about the process of selecting priority projects. He then outlined the schedule for the day and went on to explain the “dot” voting system. He added that the results of the voting would be provided to Council for consideration in January, and that the Council would then define the priority projects for 2008.

Parks & Leisure Services Director Jim Perrine presented the Council with his department's projects; spoke of grants awarded to the department; and recommended priority projects.

- Greg Shelton, spoke of the importance of prioritizing tree trimming; spoke against spending $500,000 for a parking lot that would not provide a play area for children; and spoke in favor of improving maintenance at Murry Park.

Police Chief Chuck McMillan, briefly spoke of the Police Department's completed projects. He then reviewed his department's project list, and identified its priority projects.
Fire Chief Mario Garcia reviewed his current project list, priority projects, and the department's completed projects.

Public Works Director Baldo Rodriguez spoke of the prior year's priority projects, identified current priority projects, and noted that there were forty-two projects on his department's list. During his presentation, Mayor Pro Tem Felipe Martinez requested that the Indiana Low Water Crossing be added to the “Other Projects” list; and a lengthy discussion ensued regarding the needs of annexation areas.

Community Development Director Brad Dunlap presented his department's project list; noted the importance of the General Plan; spoke of the Hillside Development Ordinance; and identified his recommended priority projects. He then reviewed his completed projects, and indicated that his department was fully staffed and well suited to proceed with future endeavors.

In response to questions posed by the Council, Mr. Dunlap briefly spoke about the Downtown Planning Area, the Courthouse Commons, Riverwalk Marketplace, the Redevelopment Project Amendment, Transportation Enhancement Act monies, and the possibility of a Downtown parking structure.

The Council recessed for five minutes.

Deputy City Manager/Administrative Services Manager John Lollis briefly updated the Council on GASB 34 and provided a brief presentation of current and priority projects for the Administrative Services Department.

Mayor Pro Tem Felipe Martinez invited the public to come forward to comment or ask questions.

- Sharon Patterson, 441 N. Jennifer Way, Library Board of Trustees Member, inquired about the Library Master Plan.
- Myron Wilcox, 550 W. Fairhaven, Friends of the Library, suggested that everyone go by the Library to see the newly acquired children's furniture.
- Cathy Capone, 806 W. Westfield, spoke of the tree maintenance program; suggested that the City work towards maintaining a “Tree City” designation; and spoke of her desire to work with the City to move the Tule River Wetlands Project forward.

Council Member Pedro Martinez spoke of improvements to the transit operations to include increased service hours and Sunday service. City Manager Longley suggested a study session or agenda item for Council's consideration. Council Member Pedro Martinez also acknowledged the importance of library services and the need to continuously move forward. He voiced support for the expansion of after-school programs and spoke of the importance of gang prevention.
Council Member Eddie Hernandez voiced support for going “green” on the new Public Safety building; and spoke of the need to designate a new library as a priority.

Mayor Pro Tem Felipe Martinez requested that the Indiana Low Water Crossing be added to the study session; spoke of a damaged eucalyptus tree in Murry Park; and suggested a study session on the new library. City Manager Longley indicated that a study session would be scheduled.

A brief discussion ensued regarding the expansion of the Redevelopment Area.

At the City Manager's direction, each department head identified their “Blue Dot” or carryover projects. Then the Council and staff commenced voting with the colored dots.

Following the voting period, Council Member Pedro Martinez stated that he was very pleased with the Casas Buena Vista Project, and that he would like to see the City work on another project of that type. Community Development Director Dunlap indicated that the Porterville Hotel Project was a contemporary version of that project in that it would be more challenging. Council Member Martinez also spoke of his desire to see the City of Porterville and the Chamber of Commerce meet to discuss branding initiative.

City Manager Longley explained that the votes would be tabulated, and the results presented to Council in a future City Council meeting.

**ORAL COMMUNICATIONS**
- Sarah Villicana, inquired about who had identified ballfield lighting as a priority during voting.

**OTHER MATTERS**
- Council Member Hernandez:
  1. Noted the two green dots on the Library Project, and spoke of its importance; and
  2. Invited everyone in attendance to the Boys & Girls Club ribbon cutting on Wednesday, December 12th.
- Council Member Pedro Martinez:
  1. Spoke of the Mariachi Event on Sunday, December 9th; and
  2. Encouraged donations to the Toys for Tots bins located in City Hall.
- Mayor Pro Tem Felipe Martinez spoke of the gang forum and the information he received.

**ADJOURNMENT** to the Council Meeting of December 18, 2007 at 6:00 p.m.

______________________________
Patrice Hildreth, Acting Chief Deputy City Clerk

______________________________
Cameron Hamilton, Mayor
Call to Order at 6:00 p.m.
Roll Call: Vice-Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   4- Government Code Section 54957 - Public Employee Appointment: Title: City Manager.

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

Pledge of Allegiance Led by Vice-Mayor McCracken
Invocation – A moment of silence was observed.

PROCLAMATIONS
   Barn Theater 60th Anniversary

PRESENTATIONS
   City Manager’s Featured Project
   Introduction of New City Employees

   City Attorney Julia Lew introduced Urgency Item No. 1- Resolution Approving Amendments to the Measure R Expenditure Plan, to be added to Consent Calendar. She clarified that the request met the qualifications for adding an urgency item to the Agenda. She indicated that because the item came up after the posting of the Agenda and because action was required prior to the next Council Meeting, no additional notice regarding the item was required. She stated that a 4/5 majority was needed to add the item, and provided a brief description of the item for the public.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the addition of Urgency Item No. 1- Resolution Approving Amendments to the Measure
R Expenditure Plan to the Consent Calendar as Item No. 16. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS

• Dick Eckhoff, 197 N. Main, spoke favorably of the Barn Theater, and extended an invitation to the ribbon cutting ceremony at the Barn Theater on Wednesday, July 16th.
• Robert Roman, 846 N. Main, provided an update on the “Time Marches On” clock; indicated that the clock would be dedicated to the City on Veteran’s Day; and extended an invitation to a fundraising event on Saturday, July 19th.

CONSENT CALENDAR


Documentation: M.O. 02-071508
Disposition: Approved

2. REQUEST TO FILE LATE CLAIM – THE HARTFORD

Recommendation: After consideration and investigation, staff recommends that the City Council deny said Application to File Late Claim submitted by The Hartford; refer the matter to the City's insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 03-071508
Disposition: Approved

3. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – TRAFFIC SIGNAL NO. 10 (NEWCOMB STREET AND WESTFIELD AVENUE)

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

Documentation: Resolution 73-2008
Disposition: Approved

4. APPROVAL OF ARCHITECTURAL ELEVATIONS FOR BUILDING PAD 4 OF RIVERWALK MARKETPLACE

Recommendation: Staff recommends that the City Council Approve the proposed architectural elevations, colors and materials for “Carl’s Jr.” located on Building Pad 4.
5. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY

Recommendation: That the City Council:
1. Accept SCE’s request to have the City convey an easement for the installation and maintenance of underground electrical facilities;
2. Accept SCE’s $7,000 easement compensation;
3. Authorize the Mayor to sign the Grant of Easement; and
4. Authorize the City Clerk to mail the signed Grant of Easement to SCE for recordation.

Documentation: Resolution 64-2008
Disposition: Approved

6. AUTHORIZATION TO EXECUTE CONSULTANT SERVICE AGREEMENTS FOR TOPOGRAPHIC SURVEYING - BEVERLY STREET, NEWCOMB STREET AND PROSPECT STREET WIDENING PROJECTS

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Consultant Service Agreement with James Winton & Associates at an agreed fee of $3,900 for the Beverly Street services described herein;
2. Authorize the Mayor to execute the Consultant Service Agreement with Dee Jaspar & Associates at an agreed fee of $9,996 for the Newcomb Street services described herein;
3. Authorize the Mayor to execute the Consultant Service Agreement with Provost & Pritchard at an agreed fee of $8,121 for the Prospect Street services described herein; and
4. Authorize progress payments up to 100% of each of the fee amounts and authorize a 10% contingency per project to cover unforeseen design efforts.

Documentation: M.O. 05-071508
Disposition: Approved

7. AUTHORIZATION TO NEGOTIATE A CONTRACT WITH SW COMPRESSORS FOR A TEMPORARY CNG FUELING STATION

Recommendation: That the City Council:
1. Authorize staff to negotiate with SW Compressors for a minimum 6 month lease agreement at $2,500.00 per month;
2. Authorize staff to negotiate a month to month lease agreement with SW Compressors until completion of the permanent CNG facility; and
3. Authorize staff to make payment to SW Compressors for transportation
8. SIERRA MANAGEMENT TRANSIT CENTER LEASE

Recommendation: That the City Council:
1. Approve the Lease with Sierra Management; and
2. Authorize the Mayor and the City Clerk to execute the Lease which will go into effect as of July 1, 2008.

Documentation: M.O. 07-071508
Disposition: Approved

9. FEASIBILITY OF TRANSIT BUS CONVERSION INTO A MOBILE LIBRARY

Recommendation: That the City Council consider the alternatives and request that staff compile and implement a survey of library patrons to determine the interest for a mobile library and/or transit use to access city libraries.

Documentation: M.O. 08-071508
Disposition: Approved

10. LETTER OF PUBLIC CONVENIENCE OR NECESSITY/ALI AWNALLAH – 758 N. MAIN STREET

Recommendation: That the City Council approve a letter supporting the issuance of a Type 20 off-sale beer and wine license within Census Tract No. 37 for the Ranchito Market located at 758 N. Main Street.

Documentation: M.O. 09-071508
Disposition: Approved

11. REQUEST FOR PROMOTIONAL DISPLAY ON PUBLIC RIGHT-OF-WAY (RELAY FOR LIFE 2008)

Recommendation: That the City Council authorize the non-advertising displays commemorating the “Paint the Town” special event subject to the recommended conditions of approval.

Documentation: M.O. 10-071508
Disposition: Approved

12. APPROVAL FOR COMMUNITY CIVIC EVENT – MARIACHI ACADEMY FOUNDATION – FABULOUS MUSIC UNDER THE STARS

Recommendation: That the City Council approve the Community Civic Event Application and
Agreement from the Mariachi Academy Foundation, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

13. RESPONSE TO GRAND JURY REPORT – BOARDS AND COMMISSIONS IN TULARE COUNTY

Recommendation: That the City Council:
1. Review and approve the City’s response to each of the Grand Jury’s finding; and
2. Authorize the Mayor to sign and transmit the Response to the Grand Jury.

14. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES


15. APPROVAL OF ADDITIONAL FINANCIAL SUPPORT FOR THE COUNCIL OF CITIES IN THE RETENTION OF LEGAL SERVICES IN CONNECTION WITH THE COUNTY OF TULARE’S GENERAL PLAN

Recommendation: That the City Council approve the commitment of additional financial support in the amount of $448.27 for the Council of Cities in the retention of legal services in connection with the County of Tulare’s General Plan, and authorize a budget adjustment of the same amount from prior year carryover.

16. RESOLUTION APPROVING AMENDMENTS TO THE MEASURE R EXPENDITURE PLAN

Recommendation: That the City Council approve the draft Resolution Approving Amendments to the Measure R Expenditure Plan.

PUBLIC HEARINGS
16. HILLSIDE DEVELOPMENT ORDINANCE

Comment: Staff pulled this item to notice the public hearing for the August 5, 2008 City Council Meeting in order to fully comply with the California Environmental Quality
Act (CEQA) noticing time and to resolve a few technical issues that need to be addressed in the document.

17. LANDSCAPE AND LIGHTING DISTRICTS ANNUAL ASSESSMENTS

Recommendation: That the City Council:
1. Conduct a public hearing on the 2008-2009 Assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2008-2009 Fiscal Year.

Deputy City Manager John Lollis introduced the item, and Parks and Leisure Services Director Jim Perrine presented the staff report. Mr. Doug Wilson, Engineer of Record, was in attendance via telephone to address questions from Council.

The hearing was opened to the public at 7:22 p.m.; seeing no one, the Mayor closed the public hearing at 7:23 p.m.

Council requested that staff provide them with periodic reports regarding complaints made, and look into the consolidation of districts where feasible.

COUNCIL ACTION: MOVED by Vice-Mayor McCracken, SECONDED by Council Member Resolution 65-2008 Felipe Martinez that the City Council adopt the resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2008-2009 Fiscal year. The motion carried unanimously.

Disposition: Approved

18. REQUEST TO ALLOW THE MODIFICATION OF CONDITIONAL USE PERMIT 4-2000 TO UPGRADE AN EXISTING TYPE 20 OFF-SALE (BEER AND WINE) LICENSE TO A TYPE 21 OFF-SALE (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR AN EXISTING CONVENIENCE STORE “FRANK’S STOP AND GO MARKET” LOCATED AT 610 W. OLIVE AVENUE

Recommendation: That the City Council adopt the draft resolution approving the Modification of Conditional Use Permit 4-2000 subject to conditions of approval.

Deputy City Manager Lollis introduced the item, and Community Development Director Brad Dunlap presented the staff report.

The hearing was opened to the public at 7:32 p.m.

• Ali Rahim, applicant, 610 W. Olive, spoke in favor of the upgrade; indicated that he was utilizing a counterfeit identification card detector; and spoke of improvements made to mitigate dust.
• Donnette Silva Carter, 93 N. Main Street, representing the Chamber, spoke in favor of the item.
The hearing was closed to the public at 7:35 p.m.

**COUNCIL ACTION:** MOVED by Vice-Mayor McCracken, SECONDED by Council Member Pedro Martinez that the City Council adopt the draft resolution approving the Modification of Conditional Use Permit 4-2000 subject to conditions of approval. The motion carried unanimously.

Disposition: Approved

**SECOND READINGS**

19. **ORDINANCE 1744, LIMITS FOR CITY EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND**

Recommendation: That the City Council give Second Reading to Ordinance No. 1744, waive further reading, and adopt said Ordinance.

Deputy City Manager Lollis introduced the item and presented the staff report.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council give Second Reading to Ordinance No. 1744, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER II, ARTICLE VII, “EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND,” waive further reading, and adopt said Ordinance. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

**SCHEDULED MATTERS**

20. **SHORT RANGE TRANSIT PLAN**

Recommendation: That the City Council review the Short Range Transit Plan and give staff direction which options the Council would like to pursue. Staff will then proceed to schedule a public hearing to address any service level increases/reductions, or fare increases that may be part of any option.

Deputy City Manager Lollis introduced the item. Administrative Analyst Linda Clark introduced Charles Clouse of TPG Consulting, Inc., who gave a Powerpoint presentation about the Short Range Transit Plan and took questions from the Council.

In response to questions from the Council, Linda Clark spoke about the issuance of county-wide passes, ridership on Route 6, and the feasibility of weekend routes.

Disposition: No action taken.

The Council recessed for ten minutes.
21. REQUEST TO RATIFY BUDGET FOR FISCAL YEAR 2008-2009

Recommendation: The City Manager proposes that the City Council ratify the adopted 2008-2009 Fiscal Year Budget, as modified.

Deputy City Manager Lollis introduced the item, and at Council’s request, the staff report was waived.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council ratify the adopted 2008-2009 Fiscal Year Budget, as modified. The motion carried unanimously.

Disposition: Approved

22. MURRY PARK POND USE AND WATER QUALITY GOALS

Recommendation: That the City Council receive recommendations from the Parks & Leisure Services Commission and provide direction to staff on the goals for use and water quality of the Murry Park Pond.

Deputy City Manager Lollis introduced the item, and Parks & Leisure Services Director Perrine presented the staff report.

A brief discussion ensued about the ducks that inhabit the Murry Park Pond, and Council indicated that they did not wish for the ducks to be removed. Council Member Ward suggested that staff seek the assistance of biology and/or zoology experts at Porterville College, who may have information on how to remedy some of the issues with the water fowl, such as population control.

Disposition: No action taken.

23. RELOCATION OF VETERAN’S PARK PLAYGROUND

Recommendation: That the City Council:
1. Receive the recommendations from the Parks & Leisure Services Commission and provide direction to staff on the location for installation of the replacement Veteran’s Park playground equipment; and
2. Direct the preparation of a budget adjustment to allocate $45,655 in additional general fund carry-over to the Veteran’s Park Playground Replacement Project.

Deputy City Manager Lollis introduced the item, and Parks & Leisure Services Director Perrine presented the staff report.

A discussion ensued about the safety of younger children, and the placement of fencing was suggested in lieu of relocating the playground.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the installation of
the replacement Veteran’s Park playground equipment at the current playground site. The motion carried unanimously.

Disposition: Approved

24. COUNCIL MEMBER TO SERVE ON THE PUBLIC SAFETY BUILDING COMMITTEE

Recommendation: That the City Council:
1. Select and assign a representative to serve on the Public Safety Building Committee; and
2. Authorize the Public Safety Building Committee to begin the process for the new Public Safety Building.

Deputy City Manager Lollis introduced the item, and the staff report was waived per Council’s request.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Felipe Martinez that the City Council select Council Member Felipe Martinez to serve on the Public Safety Building Committee; and authorize the Public Safety Building Committee to begin the process for the new Public Safety Building. The motion carried unanimously.

Disposition: Approved

25. REQUEST BY COUNCIL MEMBER – CONSIDERATION OF BALLOT MEASURE TO AMEND CITY CHARTER

Recommendation: None

Deputy City Manager Lollis introduced the item and provided background information on the item.

City Attorney Julia Lew indicated that there were some clerical errors relative to gender neutrality that could be corrected without Council action. Council Member McCracken voiced concern with the Council re-organizational meeting, and the use of the Mayor Pro Tem title. The City Attorney indicated that non-clerical corrections would need to be changed via ballot measure. After a brief discussion, staff was directed to bring back the costs and proposed language associated with a ballot measure at the August 5, 2008 meeting for Council consideration.

Disposition: Direction given.

The Council adjourned at 9:04 p.m. to a joint meeting of the Porterville City Council, the Porterville Redevelopment Agency and the Porterville Finance Authority.
Recommendation: That the Porterville Redevelopment Agency:

1. Adopt the draft resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions; and

2. Adopt the draft resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions.

That the Porterville City Council:

1. Adopt the draft resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within or of benefit to Porterville Redevelopment Project Area No. 1; and

2. Adopt the draft resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1; and

3. Authorize the Mayor to sign all necessary documents.
That the Porterville Public Financing Authority:

1. Adopt the draft resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) and approving related documents and actions; and

2. Adopt the draft resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) and approving related documents and actions; and

3. Authorize the Chair to sign all necessary documents.

Deputy City Manager Lollis introduced the item. Vice-Mayor McCracken and Council Member Felipe Martinez recused themselves due to conflicts of interest. Community Development Director Dunlap indicated that the Mayor was within 500 feet of the housing project site, but he had been incorporated into the process by invoking the rule of necessity. At Council’s request, the staff report was waived.

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Agency Member Ward that the Porterville Redevelopment Agency adopt the draft resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions; and adopt the draft resolution approving the issuance and sale by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1 approving the form and authorizing the execution of related documents and approving related actions.

AYES: P. Martinez, Ward, Hamilton
NOES: None
ABSTAIN: McCracken, F. Martinez
ABSENT: None

Disposition: Approved
COUNCIL ACTION:  MOVED by Council Member Ward, SECONDED by Council Member Pedro Martinez that the Porterville City Council adopt the draft resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) to finance and refinance redevelopment activities within or of benefit to Porterville Redevelopment Project Area No. 1; and adopt the draft resolution approving the issuance by the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and its Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) to finance and refinance low and moderate income housing activities within, or of benefit, to Porterville Redevelopment Project Area No. 1; and authorize the Mayor to sign all necessary documents.

AYES:  P. Martinez, Ward, Hamilton
NOES:  None
ABSTAIN:  McCracken, F. Martinez
ABSENT:  None

Disposition:  Approved

AGENCY ACTION:  MOVED by Agency Chair Hamilton, SECONDED by Agency Member Pedro Martinez that the Porterville Public Financing Authority adopt the draft resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series A (redevelopment projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series B (redevelopment projects) and approving related documents and actions; adopt the draft resolution approving the purchase and sale of the Porterville Redevelopment Agency of its Redevelopment Project Area No.1 Tax Allocation Refunding Bonds 2008 Series C (housing projects) and the Redevelopment Project Area No. 1 Taxable Tax Allocation Bonds 2008 Series D (housing projects) and approving related documents and actions; and authorize the Chair to sign all necessary documents.

AYES:  P. Martinez, Ward, Hamilton
NOES:  None
ABSTAIN:  McCracken, F. Martinez
ABSENT:  None

Disposition:  Approved

Mr. Dunlap introduced Bud Levine from Wulff, Hansen & Co. and Raymond Haight,
Attorney at Law, who both commented on staff’s outstanding job performance.

The Council adjourned the Joint City Council/Redevelopment/Finance Authority Agency meeting at 9:11 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

- Dick Eckhoff, address on record, stated that the Murry Park Pond was a valuable feature, and spoke about the need to control the water fowl population.

**OTHER MATTERS**

- Council Member Pedro Martinez thanked the Police and Fire Departments for their hard work during the 4th of July holiday weekend.

**ADJOURNMENT**

The Council adjourned at 9:16 p.m. to the meeting of July 16, 2008 at 4:00 p.m.

SEAL

Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Mayor
SUBJECT: CLAIM – FLOSSIE JORDAN

SOURCE: Administration

COMMENT: Ms. Flossie Jordan has filed a claim against the City in an amount of $7,000 for medical expenses and lost wages. Claimant alleges that she sustained injuries when she tripped and fell over a water meter lid at the 900 block of Springville Avenue on June 5, 2008.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.
RECEIVED

JUN 11, 2008

CITY OF PORTERVILLE
CITY CLERK OFFICE

Claim Against (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: Flossie Jordan

Claimant's Address: 550 West Springville Apt # G 104

Claimant's Telephone No. (Home) 788-2348 (Work) 350-0269

Address where notices about claim are to be sent, if different from above: Same.

Date of incident/accident: June 5, 2008

Date injuries, damages, or losses were discovered: June 5, 2008

Location of incident or accident: 895 Springville

What did entity or employee do to cause this loss, damage, or injury? Due to Check valve is Failed to close the meter properly.

What are the names of the entity's employees who caused this injury, damage, or loss (if known): Water Meter (unknown here)

What specific injuries, damages, or losses did claimant receive? Broken rib, continuous pain and suffering of the fall at 895 Springville

What amount of money is claimant seeking or, if the 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)].

$9,000.00

How was this amount calculated (please itemize): Obtain Hospital bill from Ulu

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

Date Signed: June 11, 2008 Signature: Flossie Jordan

If signed by representative:

Representative's Name

Telephone:

Address:

Relationship to Claimant
Attachment #1

While I was completing my daily walk in my neighborhood, I tripped over the water meter in the sidewalk at 895 Springville. This water meter concrete lid was lifted up to the point that I was able to trip over it and thrown to the ground and immediately being rushed to the Emergency Room at Sierra View District Hospital. This is where I found out that I received a broken rib as a cause to the fall I received at 895 Springville sidewalk.
Attachment #2

Minimal mobility due to the cause of severe pain in my rib and back area. Needing to return to work to avoid losing my job due to the cause of absences from this injury. Last, the mental fear of walking on that same particular side walk and the fear of falling again. It's very difficult dealing with the pain of having a broken rib that could cause pneumonia.
SUBJECT: CLAIM – RONALD IRISH

SOURCE: Administration

COMMENT: Mr. Ronald Irish has filed a claim against the City in an amount of $810.20 for reimbursement for vehicle damages. Claimant alleges that his vehicle sustained damages on June 26, 2008 when he struck a brick wall that abuts a driveway at the northeast corner of Indiana Street and Olive Avenue.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council approve settlement in the amount of $810.20, and direct the City Clerk to authorize the City's insurance adjustor to make payment to claimant in said amount upon execution by Claimant of a Release of all Claims.

Item No. 3

DCM

Appr./ Funded

CM
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE

Claimant's Name: Ronald L. Irish
DOB: [Redacted]
Claimant's Address: 768 N. Prospect
Claimant's Telephone No. (Home) 359-7036 (Work) 781-3310
Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 26 June 2008 10:15 Am
Date injuries, damages, or losses were discovered: 26 June 2008 10:15 Am
Location of incident or accident: City Built Driveway NE corner Indiana & Olive
What did entity or employee do to cause this loss, damage, or injury? Designed and built a Driveway & Brick Wall with Built-in Hazard. Wall extends into (Back #1)

(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):

What specific injuries, damages, or losses did claimant receive? See Attached Repair Order from Faggart Buck.
(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 the 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)].

Eight Hundred Ten Dollars & 20/100 ($810.20) Exact Cost to Repair

How was this amount calculated (please itemize): See Attached

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

Date Signed: 26 June 08 Signature: [Signature]
If signed by representative:
Representative's Name Telephone:
Address #
Relationship to Claimant:
1. Driveway. Both sides of driveway has a short wall extending into driveway area. Wall has been hit several times in last 2 years. See photo #1.
FAGGART BUICK PONTIAC, GMC
License #:AA000380 Federal ID #:941533513
Faggart Buick Body Shop
133 South Main Street
Porterville, CA 93257
(559)781-2979 Fax: (559)781-6731

PRELIMINARY ESTIMATE

Written By: JOHNNY ALVARADO
Adjuster:

Insured: RON IRISH
Owner: RON IRISH
Address: 760 N PROSPECT
PORTERVILLE, CA 93257
Cellular: (559)781-3310

Inspect

Location:

Insurance
Company:

Days to Repair

2008 GMC C2500 4X2 SIERRA CREW SLT 8-6.0L-FI 4D SHORT Int:
VIN: 1GTHC23K08F158365 Lic: Prod Date: Odometer:
Air Conditioning
Cruise Control
Theft Deterrent/Alarm
Message Center
Dual Mirrors
Clear Coat Paint
Power Windows
Power Passenger Seat
AM Radio
Search/Seek
Anti-Lock Brakes (4)
Front Side Impact Air Bag
Leather Seats
Rear Step Bumper
Aluminum/Alloy Wheels

Rear Defogger
Intermittent Wipers
Steering Wheel Controls
Tinted Glass
Overhead Console
Power Steering
Power Locks
Power Mirrors
FM Radio
CD Player
Driver Air Bag
4 Wheel Disc Brakes
Bucket Seats
Automatic Transmission

<table>
<thead>
<tr>
<th>NO.</th>
<th>OP.</th>
<th>DESCRIPTION</th>
<th>QTY</th>
<th>EXT. PRICE</th>
<th>LABOR</th>
<th>PAINT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>FRONT BUMPER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>O/H front bumper</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3*</td>
<td></td>
<td>Repl Bumper 3/4 &amp; 1 ton</td>
<td>1</td>
<td>372.73</td>
<td>Incl.</td>
<td>0.0</td>
</tr>
<tr>
<td>4</td>
<td></td>
<td>Repl Air deflector 3/4 &amp; 1 ton</td>
<td>1</td>
<td>192.81</td>
<td>Incl.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td>FENDER</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td>Repl LT Fender liner GMC 3/4 &amp; 1 ton</td>
<td>1</td>
<td>38.25</td>
<td>0.4</td>
<td></td>
</tr>
</tbody>
</table>

1
Limited Warranty –
We Guarantee Our Service Work For One (1) Year or 12,000 miles, Whichever Comes First.

If Your Repair or replacement fails in normal service within that period, we'll fix it free of charge. No guarantee on rust work. All parts are new unless otherwise specified.

"By law you may choose another licensed smog check facility to perform any needed repairs or adjustments, which smog check indicates are necessary."

NOTICE TO CUSTOMERS –
We make a separate charge for the storage and disposal of toxic waste. Rather than recover these costs by increasing our labor rates to all of our service customers, we make this charge only on these particular repairs or services which generate these wastes. These are uniform charges which are calculated annually for each particular service and are available on request. Estimates are good for 90 days.
SUBJECT: TRANSIT CLAIM – CANDY IBARRA

SOURCE: Administration

COMMENT: Ms. Candy Ibarra has filed a claim against the City in an amount not to exceed $25,000, in the limited civil jurisdiction of Tulare County Superior Court, for personal injuries allegedly sustained on January 22, 2008 while she was a passenger on a City of Porterville Transit Bus. Claimant alleges she sustained said injuries when the bus on which she was traveling stopped suddenly to avoid a collision on Main Street near the intersection of Vandalia Avenue.

RECOMMENDATION: After consideration and investigation, staff recommends that the Council reject said claim; refer the matter to the City’s transit insurance adjustor; and direct the City Clerk to give the Claimant proper notice.
CLAIM AGAINST (Name of Entity): CITY OF PORTERVILLE

Claimant's Name: Candy Ibarra minor, by mother Alma Rev. 

Claimant's Address: 877 S. Halsey Porterville, California 93257

Claimant's Telephone No. (Home) 559-733-3858 (Work) 559-733-3859

Address where notices about claim are to be sent, if different from above: Law Offices of Joseph Durante 1007 N. Demaree St. Suite B Visalia, California 93291

Date of incident/accident: January 22, 2008

Date injuries, damages, or losses were discovered: January 22, 2008

Location of incident or accident: Main St at its intersection with Van dalia Ave.

What did entity or employee do to cause this loss, damage, or injury? Operating city bus at unsafe speed, traveling too close to vehicle ahead causing (refer to back side)

What are the names of the entity's employees who caused this injury, damage, or loss (if known):

Timothy Ross Bauer /Cal.

What specific injuries, damages, or losses did claimant receive? Abdominal pain, neck pain, mid and low back pain as well as headaches (see Demand Attached)

What amount of money is claimant seeking or, if the 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)].

(15,067.86) Superior Court, limited civil jurisdiction 10,000 to 25,000

GC 70613 (a)

How was this amount calculated (please itemize): 4,567.86 medical specials and 10,500 general damages for pain and suffering (see Demand attached)

Date Signed: 7-15-2008 Signature: 

If signed by representative:
Representative's Name Joseph Durante Telephone: 559-733-3858

Address# 1007 N. Demaree St. Suite B Visalia, California 93291

Relationship to Claimant Attorney Representative
July 15, 2008

Laura Harmon
Liability Claims Department
GREGORY BRAGG & ASSOCIATES
8200 Stockdale Hwy. M-10, PMB #246
Bakersfield, CA 93311-1029

Re: Your Client: CalTIP- City of Porterville
    Claim Number: 2008071601
    Date of Loss: January 22, 2008
    Our Client: Candy Ibarra

Dear Ms. Harmon:

Please be advised that my client, Candy Ibarra has now reached a stationary position in the course of her medical treatment. Therefore, please accept this correspondence as our formal settlement package in this matter.

A. LIABILITY:

As you may recall, the facts of this accident are that my client was a passenger in your clients bus who was traveling southbound on Main Street when the driver of the bus when the driver made an abrupt stop. The braking caused my client to fall forward hitting the seat in front of her with her stomach. When my client struck the back of the seat, it twisted her around and she began stumbling backwards down the isle but was unable to prevent falling. Therefore, liability rests solely with your insured for this loss. (Please, see Traffic Collision Report attached hereto).
B. DAMAGES:

I am enclosing medical charges and reports for your review from the following health care providers regarding Ms. Ibarra’s injuries as follows:

<table>
<thead>
<tr>
<th>MEDICAL SPECIALS FOR CANDY IBARRA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Description</strong></td>
</tr>
<tr>
<td>-----------------</td>
</tr>
<tr>
<td>1. Imperial Ambulance</td>
</tr>
<tr>
<td>2. Sierra View Hospital</td>
</tr>
<tr>
<td>3. Mendonca Chiropractic</td>
</tr>
<tr>
<td><strong>Total Medical Specials</strong></td>
</tr>
</tbody>
</table>

As a result of this incident, my client Candy Ibarra, 8 months pregnant sustained immediate abdomin pain, cervical strain/sprain, thoracic strain/sprain, lumbar strain/sprain as well as headaches.

Following the accident Ms. Ibarra was transferred by ambulance to Sierra View District Hospital due to severe abdomin pain as well as back and neck pain. An ultrasound was taken to monitor the baby which was to be normal.

Two days later, Ms. Ibarra returned to the emergency room at Sierra View District Hospital due to the pain that Ms. Ibarra was experiencing to her neck and upper back and headaches. Examination of back was mild to moderate pain and with decreased range of motion and muscle spasm. Ms. Ibarra was also given a soft C-spine collar for her neck. An x-ray of her cervical spine was taken which found no cervical fractures. Ms. Ibarra was prescribed 325mg Tylenol for the pain every six hours and to follow up with a doctor if the to her neck and back continues.

Ms. Ibarra sought treatment with Mendonca Chiropractic due to continuing complaints of headaches and pain to her neck and upper and lower back. Examination found palpable tenderness of the cervical, thoracic and lumbar spine with associated
paraspinal myospasm, restricted cervical and lumbar range of motion with pain as well as bilateral shoulder distraction and altered intersegmental biomechanics. Treatment consisted of massage therapy, flexion/distraction and manipulation.

On March 2, 2008 due to bleeding, Ms. Ibarra returned back to Sierra View Hospital for observance and urinalysis.

It was noted by Dr. Mendonca that Ms. Ibarra responded fairly well to therapy and due to the pregnancy x-rays were not taken. Ms. Ibarra has currently experienced some residual lower back discomfort.

C. SETTLEMENT DISCUSSION:

Please accept this letter as our formal demand for settlement of Candy Ibarra's claim for the amount of $15,067.86 ($10,500.00 General Damages and $4,567.86 Medical Specials).

I look forward to hearing from your prompt reply so that we may discuss a possible and amicable settlement of my clients claim. Thank you for your continued courtesy and professionalism throughout the duration of this matter.

Very truly yours,

[Signature]

Joseph C. Durante, Jr.

JCD/mam
Enclosure: As stated.
cc: Client
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – NEWCOMB STREET TRENCH PATCH & CONCRETE REPLACEMENT PROJECT (WESTFIELD AVENUE TO SAN LUCIA LANE)

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Newcomb Street Trench Patch & Concrete Replacement Project. The project includes installation of trench patch, catch basin, raising storm drain manholes and water valve, replacement of concrete curb, gutter, sidewalk, drive approaches and related pave-outs within Newcomb Street right of way from Westfield Avenue to 250 feet south of San Lucia Lane.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review.

For informational purposes, it should be noted that the developer (Beni Ruth Webb) of Madisyn Estates Subdivision installed a Master Plan pipeline in Newcomb Street from Westfield Avenue to San Lucia Lane and has failed to complete the remaining improvements, nor has he requested reimbursements from the City. Staff determined that the temporary pavement trench patch had deteriorated to an unsafe condition thereby necessitating Public Works to step in and finish these Master Plan improvements.

The Estimate of Probable Cost for the entire project is $64,311.50 with $6,431.15 required for the construction contingency (10%). An additional $3,215.58 is required for construction management, quality control and inspection (5%). The total estimated cost associated with the project is $73,958.23. An Estimate of Probable Cost is attached for Council’s review.

Funding is provided by Storm Drain Developer Impact Fees and was approved in the 08/09 Annual Budget.

RECOMMENDATION: That City Council:

1. Approve staff’s recommended plans and project manual; and

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

ATTACHMENTS: Estimate of Probable Cost
Locator Map

P:\pubwork\Engineering\Council Items\Authorization to Advertise for Bids - Newcomb Street Trench Patch & Concrete Improvements - 2008-08-05.doc

Dir Appropriated/Funded CM Item No. 5
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
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<th>TOTAL PRICE</th>
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<td>1</td>
<td>Mobilization and Demobilization</td>
<td>LS</td>
<td>1</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
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<tr>
<td>2</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>3</td>
<td>Clearing and Grubbing including concrete, dirt, and asphalt</td>
<td>LS</td>
<td>1</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Install Curb and Gutter</td>
<td>LF</td>
<td>128</td>
<td>$25.00</td>
<td>$3,150.00</td>
</tr>
<tr>
<td>5</td>
<td>Install Sidewalk</td>
<td>SF</td>
<td>300</td>
<td>$5.00</td>
<td>$1,500.00</td>
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<tr>
<td>6</td>
<td>Install Driveway</td>
<td>SF</td>
<td>279</td>
<td>$15.00</td>
<td>$4,185.00</td>
</tr>
<tr>
<td>7</td>
<td>Adjust Manhole Frame and Cover</td>
<td>EA</td>
<td>1</td>
<td>$800.00</td>
<td>$800.00</td>
</tr>
<tr>
<td>8</td>
<td>Install Manhole Frame and Cover and adjust to grade.</td>
<td>EA</td>
<td>1</td>
<td>$1,500.00</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>9</td>
<td>Install Valve Box and Adjust to Grade</td>
<td>EA</td>
<td>1</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>10</td>
<td>Install Catch Basin Top per City Std. D-3</td>
<td>EA</td>
<td>1</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>11</td>
<td>Install Trench Patch</td>
<td>SF</td>
<td>3833</td>
<td>$10.00</td>
<td>$38,330.00</td>
</tr>
</tbody>
</table>

Subtotal: $58,485.00  
10% Estimating Contingency: $5,846.50  

TOTAL: $64,331.50

Project Manager: Daniel  
Date: 7-12-08

City Engineer: Michael K. Reed  
Date: 5-3-08

City Manager:  
Date:  

PPP Works Director: L. Rodriguez  
Date: 7/18/08
SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – ROCHE SEWER PROJECT – MORTON AVENUE

SOURCE: Public Works Department - Engineering Division

COMMENT: Plans and Project Manual have been prepared for the Roche Sewer Pipeline Project. The project includes installation of 6" sanitary sewer pipeline, manholes, trench patch and related appurtenances along the north side of Morton Avenue from Roche School to Henranan Street. Portions of the existing 6" sanitary sewer pipeline, south of Morton Avenue in Henranan Street and a portion east of Second Street, will be replaced.

The Plans and Project Manual have been completed and are available in the La Barca Conference Room for Council’s review.

The Estimate of Probable cost is $72,336 with $7,234 required for the construction contingency (10%). An additional $3,617 is required for construction management, quality control and inspection (5%). The total estimated cost associated with the project is $83,187. An Estimate of Probable Cost is attached for Council’s review.

Funding is provided by the Sewer Revolving Fund and was approved in the 08/09 Annual Budget.

Available funding for this project is approximately $69,700. An appropriation of $13,487 from the Sewer Revolving Fund will become necessary to cover all project costs should the bids be relatively close to staff’s estimate.

RECOMMENDATION: That City Council:

1. Approve staff’s recommended plans and project manual; and

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

ATTACHMENTS: Estimate of Probable Cost Locator Map

[Signature]

Item No. 6
<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
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<th>TOTAL PRICE</th>
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<tbody>
<tr>
<td>1</td>
<td>Mobilization and Demobilization</td>
<td>LS</td>
<td>1</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Traffic Control</td>
<td>LS</td>
<td>1</td>
<td>$4,000.00</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Install 6&quot; SDR 35 Pipe</td>
<td>LF</td>
<td>450</td>
<td>$60.00</td>
<td>$27,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Remove and Replace 6&quot; SDR 35 Pipe</td>
<td>LF</td>
<td>48</td>
<td>$80.00</td>
<td>$3,840.00</td>
</tr>
<tr>
<td>5</td>
<td>Install Manhole</td>
<td>SF</td>
<td>2</td>
<td>$5,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Connect to Existing Sewer per detail as shown on plans</td>
<td>LS</td>
<td>1</td>
<td>$1,200.00</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>7</td>
<td>Remove and Relocate Handicap Sign, and Electric Hand Hole, Protect wires and irrigation lines in place</td>
<td>LS</td>
<td>1</td>
<td>$500.00</td>
<td>$500.00</td>
</tr>
<tr>
<td>8</td>
<td>Remove and Replace 16 square feet of sidewalk and 6 linear feet of planter curb.</td>
<td>LS</td>
<td>1</td>
<td>$500.00</td>
<td>$500.00</td>
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<tr>
<td>9</td>
<td>Install Trench Patch</td>
<td>SF</td>
<td>1960</td>
<td>$7.00</td>
<td>$13,720.00</td>
</tr>
</tbody>
</table>

Subtotal $65,760.00
10% Estimating Contingency $6,576.00

TOTAL $72,336.00
ROCHE SEWER PROJECT

PROJECT LOCATION

ROCHE ELEMENTARY SCHOOL
SUBJECT: AWARD OF CONTRACT – TRAFFIC SIGNAL #10 (NEWCOMB STREET AND WESTFIELD AVENUE) PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: On July 24, 2008, staff received two (2) bids for Traffic Signal #10 (Newcomb Street and Westfield Avenue) Project. The project includes the installation of a traffic signal, loop detectors, new disabled ramps, signing and striping.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-C Electric Company</td>
<td>$204,800</td>
</tr>
<tr>
<td>Visalia, CA</td>
<td></td>
</tr>
<tr>
<td>Loop Electric</td>
<td>$214,395</td>
</tr>
<tr>
<td>Bakersfield, CA</td>
<td></td>
</tr>
</tbody>
</table>

Staff has found the low bid acceptable.

The Engineer’s estimate of probable cost is $220,000. The low bid is 6.9% below the Estimate of Probable Cost. An additional $20,480 is required for construction contingency (10%) and $10,240 for construction administration for a total project cost of $235,520.

Funding was approved in the 2008/2009 Annual Budget and will be paid with a CMAQ grant at 88.53% and from Local Transportation Funds at 11.47%.

RECOMMENDATION: That City Council:

1. Award the Traffic Signal #10 (Newcomb Street & Westfield Avenue) Project to A-C Electric Company in the amount of $204,800;

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

Item No. **7**
SUBJECT: AWARD OF CONTRACT – D STREET AND HOCKETT STREET ALLEY RECONSTRUCTION PROJECT

COMMENT: On July 15, 2008, staff received eight (8) bids for the Alley Reconstruction between D Street and Hockett Street. The project consists of the installation of new paving, a concrete V-Gutter and two wheelchair ramps.

The estimate of probable cost for the entire project is $40,826.50. The low bid is 2.6% below the Engineer's estimate. An additional $3,977.64 is required for the construction contingency (10%) and an additional $3,500 is required for construction management, quality control and inspection (5%). Funding for the project was approved in the 2008/2009 Annual Budget under Miscellaneous Alley and the funding source is Local Transportation Funds.

The bids are as follows:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Halopoff &amp; Sons, Inc. Porterville, CA</td>
<td>$39,776.42</td>
</tr>
<tr>
<td>3. Victory Engineers Fresno, CA</td>
<td>$58,561.00</td>
</tr>
<tr>
<td>4. Granite Construction Fresno, CA</td>
<td>$62,214.00</td>
</tr>
<tr>
<td>5. Garcia Paving Company Inc. Fresno, CA</td>
<td>$62,974.00</td>
</tr>
<tr>
<td>6. Mineral King Construction Inc. Visalia, CA</td>
<td>$64,928.00</td>
</tr>
<tr>
<td>7. Mark Hoffman General Eng. Tulare, CA</td>
<td>$65,498.69</td>
</tr>
<tr>
<td>8. Central Valley Asphalt Lindsay, CA</td>
<td>$74,318.00</td>
</tr>
</tbody>
</table>
RECOMMENDATION: That the City Council:

1. Award the D Street and Hockett Street Alley Reconstruction Project to Halopoff and Sons in the amount of $39,776.42;

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
SUBJECT: AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE CORE AREA TWO AND FOUR

SOURCE: Public Works Department - Engineering Division

COMMENTS: On July 29, 2008, staff received three (3) bids for the Core Area Project Two and Four. The project consists of the installation of new curbs, gutters and sidewalk as needed along various streets. The project includes concrete improvements within the following City limits, Henderson Avenue to the North, Jaye Street to the West, Plano Street to the East, and Highway 190 to the South.

The Engineer’s Estimate for the base bid of the project is $810,194.09. The low bid exceeded the Engineer’s Estimate by 13%.

The base bids are as follows:

1. Halopoff and Sons Inc. $915,435.89
   Porterville, CA

2. American Paving Co. $1,016,864.70
   Fresno, CA

3. Granite Construction $1,133,044.00
   Fresno, CA

Council has implemented a policy stipulating that bids received by staff exceeding the Engineer’s Estimate by more than 10% shall be rejected. This has been a beneficial program and Council has been consistent in its application. The funding source in this particular instance makes this project unique.

Available funding for this project is $950,000 and the funding source is Congested Mitigation Air Quality (CMAQ) Grant. Caltrans informed the City that should the plans and specification change to meet budget constraints and/or local agency policies, a full project resubmittal is necessary, which will be extremely time consuming. In addition, should the City not award the project, these funds will be redistributed through TCAG, which will preclude this project from being constructed in the City.
The City can fund and construct the “base bid” including staff’s time and quality control. It is staff’s desire to construct additional concrete improvements beyond the base bid to the maximum allowed by the grant funds.

In order to pursue this strategy, the quantity of work identified in the base bid schedule shall not exceed $915,435.89. All remaining funds up to the maximum allowed in the grant ($950,000) shall be directed towards work described in the “Add Alternate” schedule.

POLICY RECOMMENDATION:

1. Reject all bids and direct staff to re-advertise for construction bids.

STAFF RECOMMENDATION:

1. Waive policy due to potential loss of funds;

2. Award the Core Area Two and Four Project to Halopoff and Sons, Inc. in the amount of $915,435.89;

3. Authorized flexibility in quantity of work to be performed within the base bid so that the project contract amount does not exceed $915,435.89; and

4. Authorize staff to continue construction of concrete improvements as described in the “Add Alternate” schedule to the maximum allowed ($950,000) by the CMAQ grant.
SUBJECT: AIRPORT LEASE RENEWAL – LOT 46D

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT: Mr. William Vandersande is the current leaseholder of Lot 46D at the Porterville Municipal Airport. The lease expires on August 31, 2008; however, the lease terms allow for options to extend the lease for an additional five-year period, provided the City receives a request to exercise the option 120 days prior to expiration. Paragraph 2 of the Lease Agreement (attached) further states the City's granting of the option is discretionary, but will not be unreasonably withheld. We have received a request from Mr. Vandersande dated June 27, 2008, asking to continue his lease on Lot 46D. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2013.

RECOMMENDATION: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. William Vandersande of Camarillo, CA, for Lot 46D at the Porterville Municipal Airport.

ATTACHMENT: Locator Map
Letter from Mr. Vandersande requesting renewal
Paragraph 2 of original Lease Agreement

D.D. [ ] Appropriated/Funded [ ] C.M. [ ] Item No. 10
June 27, 2008

To: City of Porterville

From William L. Vandersande

Re: Lease lot 46D, at PTV Airport

My current lease expires on August 31, 2008. By copy of this letter, I would like to exercise my option for an additional period of 5 years, to lease lot 46D at PTV Airport.

Wm. L. Vandersande
39119 Village 39
Camarillo, CA 93012-5666
805-389-6869
LEASE AGREEMENT
PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"), executed at Porterville, California the first day of September 1998, by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as “City” and William L. Vandersande hereinafter referred to as “Lessee”.

WHEREAS, City owns and operates an airport in the City of Porterville, State of California, commonly known and described as “Porterville Municipal Airport”; and

WHEREAS, Lessee desires to lease a portion of said airport for the construction of a hangar; and

WHEREAS, it is the desire of City to utilize said airport for the general public by its development and use in providing aeronautical-related facilities and service.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Premises: Demised Premises: City, for and in consideration of the covenants, conditions, agreements, and stipulations herein set forth, does hereby demise and lease to Lessee, and Lessee hereby hires from City, those certain premises situated in the City of Porterville, State of California, described as Lot 46 D at the Porterville Municipal Airport, more particularly described in Exhibit A being attached hereto and by this reference made a part hereof.

2. Term: The term of this lease shall commence on September 1, 1998, both parties having executed the same, and shall terminate on August 31, 2008, provided Lessee is not in default with respect to any of the conditions or covenants of this lease. Lessee shall have an option to request an extension of the terms hereof for an additional period of five (5) years, by giving written notice thereof to Lessor not less than 120 days prior to expiration of this agreement or any five (5) year extension. Lessor is not obligated to grant any extension but said option shall not be unreasonably withheld.
SUBJECT: AIRPORT HANGAR PURCHASE – WOODMANSEE – FBO LOTS 4, 5 & 5A

SOURCE: ADMINISTRATIVE SERVICES/PURCHASING DIVISION

COMMENT: On May 6, 2008, Council authorized Staff to enter into negotiations with Mr. Ray Woodmansee to purchase his hangar, office and shop complex located on FBO Lots 4, 5 & 5A at the Porterville Municipal Airport, the amount of which was subject to a formal appraisal. As outlined in the May 6 staff report, the purchase of this hangar complex will augment the City’s aircraft rental facilities, and upon renovation, the office and shop complex will house the Airport business and operations offices and provide expanded City storage. The appraisal has now been received, and Mr. Woodmansee’s asking price of $40,000 is consistent with the appraisal. Staff has, therefore, prepared the attached Purchase Agreement which will require the Mayor’s signature upon Council approval.

Upon close of escrow on or before September 1, the City will take possession of the building and begin relocating the Airport business and operations offices during the renovation process. Mr. Woodmansee will occupy a portion of the hangar until October 1, thereafter renting one of the storage areas on a month-to-month basis. Staff anticipates having the offices fully functional by November 1 and the pilots’ lounge completed shortly thereafter.

In order to complete the sale, a budget adjustment will be required utilizing Airport Capital funds. Upon approval by the Council, Staff will open an escrow and deposit $5,000 earnest money to begin the transfer of the hangar to the City.

RECOMMENDATION:

That City Council:
1. Authorize the budget adjustment of $40,500 for the purchase of the hangar complex (and escrow fees) from the Airport Capital Fund;
2. Authorize the Mayor to sign all necessary documents;
3. Authorize Staff to open an escrow with a deposit $5,000 earnest money with the City paying usual and customary escrow fees;
4. Authorize Staff to make the payment to Mr. Ray Woodmansee in the amount of $40,000 less his share of the escrow fees; and
5. Authorize Staff to record all documents with the County Recorder.

ATTACHMENTS: Locator Map
Purchase Agreement

PURCHASE AGREEMENT
AIRCRAFT HANGAR COMPLEX

SELLER: Mr. Ray Woodmansee
1893 N. Newcomb Street
Porterville, Ca 93257

BUYER: City of Porterville
291 N. Main St.
Porterville, Ca 93257

Effective on August 5, 2008, Seller agrees to sell to Buyer an aircraft hangar complex located on FBO Lots #4, 5 & 5A at the Porterville Municipal Airport for the sum of FORTY THOUSAND ($40,000.00) DOLLARS, CASH. This sale includes all items affixed to the hangar, office and shop building, and any and all improvements to the property.

The real property is currently owned by the Buyer and leased to Seller. Upon execution of this agreement, the real property lease will be terminated and Seller shall be relieved of his obligations under said lease with the City, excluding Seller’s obligations as described below. Seller shall notify the Tulare County Tax Collector of the transfer of ownership and shall assure all obligations due the Tulare County Tax Collector are paid prior to the close of escrow.

Seller assures that the property described above is free of all liens and is in good working order at the time of transfer.

Seller, or his agent, agrees to sign escrow instructions promptly and to comply with all requirements of the title company. The normal and customary escrow fees shall apply to this transaction, which fees shall be shared equally by Seller and Buyer.

Mr. Ray Woodmansee, Seller

Cameron Hamilton, Mayor
City of Porterville
### PRO FORMA FOR DEVELOPMENT OF PORTERVILLE AIRPORT BUSINESS AND OPERATIONS OFFICE (2008)

<table>
<thead>
<tr>
<th>Allocation to Business/Operations Office</th>
<th>$90,000.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less Purchase Price for Building</td>
<td>($40,000.00)</td>
</tr>
<tr>
<td>Cost of Purchase</td>
<td>($5,000.00)</td>
</tr>
<tr>
<td><strong>Net Remaining for Renovation of Facility</strong></td>
<td><strong>$45,000.00</strong></td>
</tr>
<tr>
<td>BUSOFFICE: Purchase of Materials for Renovation (Not to Exceed)</td>
<td>($24,000.00)</td>
</tr>
<tr>
<td>BUSOFFICE: Labor for Remodel (600 hours at $14 salary &amp; $16 total comp)</td>
<td>($9,600.00)</td>
</tr>
<tr>
<td>BUSOFFICE: Assistance for Remodel (400 hours at $10 salary &amp; $11.50 total comp)</td>
<td>($4,600.00)</td>
</tr>
<tr>
<td>Installation of Computer Items</td>
<td>($2,000.00)</td>
</tr>
<tr>
<td>Contingency</td>
<td>($4,800.00)</td>
</tr>
<tr>
<td><strong>Net Remaining Against Line Item</strong></td>
<td><strong>$0.00</strong></td>
</tr>
</tbody>
</table>
SUBJECT: PURCHASE OF SPECIALIZED EQUIPMENT

SOURCE: Administrative Services Department/Purchasing

COMMENT: In accordance with the City's Purchasing Policy and Procedure Manual, as amended by Resolution No. 122-87 adopted by Council on October 10, 1987, Staff hereby requests approval to begin negotiations for the purchase of the following specialized equipment for the various departments:

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>(4) Patrol Vehicles</td>
</tr>
<tr>
<td>Engineering</td>
<td>(2) CMAQ Funded Hybrid Vehicles</td>
</tr>
<tr>
<td>Parks</td>
<td>2500 Gallon Water Truck (used)</td>
</tr>
<tr>
<td></td>
<td>Electronic Message Board</td>
</tr>
<tr>
<td></td>
<td>(2) Nighthawk Light Towers</td>
</tr>
<tr>
<td>Golf Course</td>
<td>(9) Golf Carts (used)</td>
</tr>
<tr>
<td>Water Distribution</td>
<td>(2) CMAQ Funded Hybrid Vehicles</td>
</tr>
<tr>
<td></td>
<td>Radix System Upgrade (Meter Reading)</td>
</tr>
<tr>
<td></td>
<td>(3) Chlorine Generation Stations</td>
</tr>
<tr>
<td>Sewer Fund</td>
<td>Lab Refrigerator</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>(1) Automated Front Loader</td>
</tr>
<tr>
<td></td>
<td>(2) CMAQ Funded Hybrid Vehicle</td>
</tr>
<tr>
<td></td>
<td>Commercial Bins &amp; Roll-off Containers</td>
</tr>
<tr>
<td></td>
<td>Custom Lift-gate Body</td>
</tr>
<tr>
<td>Equipment Maint.</td>
<td>Fuel Station Vapor Recovery Sys.</td>
</tr>
<tr>
<td>Airport</td>
<td>2000 Gallon AvGas Fueler (used)</td>
</tr>
<tr>
<td>Streets</td>
<td>(1) CMAQ Funded Hybrid Vehicle</td>
</tr>
<tr>
<td></td>
<td>Monoshell Belly Dump Trailer</td>
</tr>
<tr>
<td></td>
<td>(1) CMAQ Funded Hybrid Vehicle</td>
</tr>
</tbody>
</table>

Funds for the purchase of this equipment are available in the Equipment Replacement Funds, Measure H, Grants and Capital Outlay Budgets.

RECOMMENDATION: That Council authorize purchase by negotiation of the specialized equipment listed and authorize payment for said equipment upon satisfactory delivery.

D.D. Appropriated/Funded  C.M.  Item No. 12
SUBJECT: ACCEPTANCE OF PROJECT - WELL NO. 29 PUMPING FACILITY

SOURCE: Public Works Department - Engineering Division

COMMENT: Vulcan Construction and Maintenance, Inc. have completed the construction of Well No. 29 Project per plans and specifications. The project consisted of the construction of a municipal water well and pumping plant facility on the north side of Henderson Avenue, west of the Porter Slough (2250 W. Henderson Avenue).

The City's consultant, Dee Jaspar & Associates, was involved with the project inspection and has provided the City with inspection reports, as-built plans and other appurtenant information related to the construction project.

City Council authorized expenditure of $658,900. Final construction cost is $611,355.62. This water well has been fully operational since June of this year. Funding source is Water Developer Fees.

Vulcan Construction and Maintenance, Inc. requests that the City accept the project as complete. Staff has reviewed the work and found it acceptable.

RECOMMENDATION: That City Council:

1. Accept the Well No. 29 Pumping Facility Project as complete;

2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

ATTACHMENT: Locator Map
CITY COUNCIL AGENDA: August 5, 2008

SUBJECT: HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) APPLICATION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: The City has received notice from the California Department of Housing and Community Development (HCD) for funding availability for rental new construction projects, first-time homebuyer projects, and program activities under the HOME Investment Partnership Program (HOME), with funding authorized by the Cranston-Gonzales National Affordable Housing Act of 1990. Under HOME, the Department provides federal funding through specified recipients to conduct the following activities: (1) New Home Construction (2) Acquisition of Existing Residential Units (3) Rehabilitation of Existing Residential Units and (4) Tenant-based rental assistance.

The City is interested in submitting an application by the August 15, 2008 deadline for both the Villa Siena rental new construction rental project and for the continuation of the City’s First Time Low Income Homebuyer Program (FTHB) and the Owner Occupied Housing rehabilitation (HRLP) Program. Villa Siena is the 70 unit multi-family project proposed for the southeast corner of Putnam Avenue and “E” Street with 24 of the units planned to serve as a portion of the replacement units for the units lost at the Porterville Hotel. This project has already received the new Proposition 1c Infrastructure Grant and has pending applications for several other sources of funding assistance, including 9% Low Income Housing Tax Credits. Under the HOME regulations, the projects that might be receiving 9% tax credits are eligible to apply for up to $2 million dollars in HOME funds.

The City is also able to apply for HOME program funds up to $800,000 for program activities that are not designated for just one project. The City is planning on submitting a program application for $400,000 for the FTHB program and $400,000 for the HRLP program.

The City is able to apply for this amount of funding since the typical twenty five percent (25%) match requirement is again being waived for this round of funding.

Currently, the City is administering a HOME 2006 grant for $800,000 for the First Time Low Income Homebuyer Program and Owner Occupied Housing Rehabilitation Program. These funds will be depleted in the near future.

[Signature]

Appropriated/Funded

C.M.

ITEM NO. 14
In applying for these HOME funds, the City is once again taking measures to implement programs outlined in the City’s certified Housing Element, the 2005 Five Year Consolidated Plan, and the Redevelopment Implementation Plan.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving the submittal of a HOME Investment Partnership Program (HOME) funding application for $2,000,000 for a rental new construction project to the California Department of Housing and Community Development;

2. Adopt the draft resolution approving the submittal of a HOME Investment Partnership Program (HOME) funding application for $800,000 for continuation of the First Time Low Income Homebuyer Program ($400,000) and the Owner Occupied Housing Rehabilitation Program ($400,000);

3. Authorize the Mayor to execute all documents pertaining to the HOME program; and

4. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or the U. S. Department of Housing and Urban Development for administration of the HOME program.

Attachment: 1. Draft Resolution for HOME Rental New Construction Project Application
2. Draft Resolution for HOME Program Application
RESOLUTION NO.______________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE SUBMITTAL OF HOME INVESTMENT PARTNERSHIPS (HOME)
PROJECT FUNDING APPLICATION TO THE CALIFORNIA STATE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND IF SELECTED,
THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO,
AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME
INVESTMENT PARTNERSHIPS PROGRAM

WHEREAS: The City of Porterville has adopted a Housing Element and prepared its Five
Year Community Development Block Grant (CDBG) Consolidated Plan (2005), CDBG Action
Plan (2005), and the Redevelopment Implementation Plan (2004), that identify goals, policies,
and programs to help in the provision and maintenance of affordable housing within the City; and

WHEREAS: Pursuing state and federal funding to assist in meeting the housing needs of
low and moderate income households is one of the implementation strategies identified; and

WHEREAS: The California Department of Housing and Community Development
(hereinafter referred to as the “Department”) is authorized to allocate HOME Investment
Partnerships Program (HOME) funds made available from the U.S. Department of Housing and
Urban Development (HUD) to be used for the purposes set forth in Title II of the Cranston-
Gonzalez National Affordable Housing Act of 1990, the federal implementing regulations set
forth in Title 24 of the Code of Federal Regulations, part 92, and Title 25 of the California Code
of Regulations commencing with Section 8200; and

WHEREAS: On June 2, 2008 the Department issued a 2008 Notice of Funding
Availability announcing the availability of funds for rental new construction projects, first-time
homebuyer projects, and program activities under the HOME program (the “NOFA”); and

WHEREAS: In response to the 2008 NOFA, the City of Porterville wishes to apply to the
Department for, and receive an allocation of, HOME funds for a rental new construction project
known as Villa Siena; and

WHEREAS: There is no match requirement for this funding application.

NOW, THEREFORE BE IT RESOLVED:

1. In response to the 2008 NOFA, the City of Porterville shall submit an application
to the Department to participate in the HOME program and for an allocation of
funds not to exceed Two Million dollars ($2,000,000) for a rental new
construction project known as Villa Siena to be located in the City of Porterville,
California.
2. If the application for funding is approved, the City of Porterville hereby agrees to use the HOME funds for the eligible activities in the manner presented in the application as approved by the Department in accordance with the statutes and regulations cited above. The City of Porterville may also execute a standard agreement, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor to execute in the name of the City of Porterville, the application, the Standard Agreement, and all other documents required by the Department or HUD for participation in the HOME program, and any amendments thereto. The City of Porterville also authorizes the Community Development Director to execute in the name of the City of Porterville project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or HUD for administration of the HOME program.

APPROVED and ADOPTED this _____ day of ________, 2008.

_________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By __________________________
   Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO.________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AUTHORIZING THE SUBMITTAL OF HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDING APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM

WHEREAS: The City of Porterville has adopted a Housing Element and prepared its Five Year Community Development Block Grant (CDBG) Consolidated Plan (2005), CDBG Action Plan (2005), and the Redevelopment Implementation Plan (2004), that identify goals, policies, and programs to help in the provision and maintenance of affordable housing within the City; and

WHEREAS: Pursuing state and federal funding to assist in meeting the housing needs of low and moderate income households is one of the implementation strategies identified; and

WHEREAS: The California Department of Housing and Community Development (hereinafter referred to as the “Department”) is authorized to allocate HOME Investment Partnerships Program (HOME) funds made available from the U.S. Department of Housing and Urban Development (HUD) to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, the federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, part 92, and Title 25 of the California Code of Regulations commencing with Section 8200; and

WHEREAS: On June 2, 2008 the Department issued a 2008 Notice of Funding Availability announcing the availability of funds for rental new construction projects, first-time homebuyer projects, and program activities under the HOME program (the “NOFA”); and

WHEREAS: In response to the 2008 NOFA, the City of Porterville wishes to apply to the Department for, and receive an allocation of, HOME funds for program activities; and

WHEREAS: There is no match requirement for this funding application.

NOW, THEREFORE BE IT RESOLVED:

1. In response to the 2008 NOFA, the City of Porterville shall submit an application to the Department to participate in the HOME program and for an allocation of funds not to exceed $800,000 ($400,000 for the First Time Homebuyer Program and $400,000 for the Owner Occupied Housing Rehabilitation Program).

2. If the application for funding is approved, the City of Porterville hereby agrees to use the HOME funds for the eligible activities in the manner presented in the application as approved by the Department in accordance with the statutes and
regulations cited above. The City of Porterville may also execute a standard agreement, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program.

BE IT FURTHER RESOLVED: The City of Porterville authorizes the Mayor to execute in the name of the City of Porterville, the application, the Standard Agreement, and all other documents required by the Department or HUD for participation in the HOME program, and any amendments thereto. The City of Porterville also authorizes the Community Development Director to execute in the name of the City of Porterville project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or HUD for administration of the HOME program.

APPROVED and ADOPTED this _____ day of ________, 2008.

____________________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ___________________________________
Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: CODE ENFORCEMENT UPDATE

SOURCE: FIRE DEPARTMENT

COMMENT: FOR INFORMATION ONLY

The Code Enforcement Officers have been very busy in dealing with new and outstanding code issues, citizen complaints, and educating the public while obtaining voluntary compliance from the citizens of this community.

At the direction of Council, this quarterly report is prepared for your information concerning the activities and code issues that Code Enforcement have addressed and the impact that the program has contributed to making this a safer community.

(See attached Code Enforcement Stats for April 1- June 30, 2008.)

Attachment: Code Enforcement Stats for April 1- June 30, 2008
# CODE ENFORCEMENT STATS FROM 4-1-2008 TO 6-30-2008

## General Complaints

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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Contacts and follow ups</td>
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</tr>
<tr>
<td>Complaints received</td>
<td>142</td>
</tr>
<tr>
<td>Letters sent</td>
<td>104</td>
</tr>
<tr>
<td>Notice of Violation issued</td>
<td>53</td>
</tr>
<tr>
<td>Administrative Citations issued</td>
<td>18</td>
</tr>
<tr>
<td>Complaints pending review</td>
<td>10</td>
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</table>

## Weed Abatement

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<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
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<td>Properties Completed upon review</td>
<td>194</td>
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<tr>
<td>Properties Assigned to Abatement Contractor</td>
<td>62</td>
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<tr>
<td>Properties incomplete upon review</td>
<td>53</td>
</tr>
<tr>
<td>Total Properties reviewed</td>
<td>323</td>
</tr>
</tbody>
</table>

## Business License

<table>
<thead>
<tr>
<th>Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>License checks</td>
<td>87</td>
</tr>
<tr>
<td>Permit checks</td>
<td>48</td>
</tr>
</tbody>
</table>
SUBJECT: ADOPTION OF ANNUAL APPROPRIATION LIMIT

SOURCE: Administrative Services - Finance Division

COMMENT: Article XIII – B of the California Constitution requires that each governmental agency must adopt an appropriation limit each fiscal year. This limit represents the maximum amount of tax revenue that can be appropriated during the fiscal year.

The State Department of Finance has provided the percentage change in population for the City of Porterville and the percentage change in per capita personal income for the 2008/2009 fiscal year calculation. Based on this information and the guidelines established by the State, the appropriation limit for 2008/2009 is $46,931,401. Budgeted tax proceeds subject to limitation are $28,852,007. The City continues to appropriate well below the maximum limit allowed by law.

RECOMMENDATION: That the City Council approve the attached resolution adopting the appropriation limit of $46,931,401 for the 2008/2009 fiscal year.

ATTACHMENTS: Draft Resolution
Worksheets

D.D. Appropriated/Funded G.M. Item No. 16
RESOLUTION NO. ________


WHEREAS, Article XIII – B of the California Constitution requires that each governmental agency adopt an appropriation limit each fiscal year, and

WHEREAS, the State of California has presented the guidelines for the consumer price index, the per capita personal income, and the population data for local governments to compute the appropriation limit;

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville the appropriation limit for the 2008/2009 fiscal year is $46,931,401 as computed on the attached worksheet.

Adopted and approved this 5th day of August 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:

______________________________
City Clerk
# CITY OF PORTERVILLE
## APPROPRIATION LIMIT DOCUMENTATION
### FISCAL YEAR 2008-2009

### PROCEEDS OF TAXES CALCULATION

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<th>PROCEEDS OF TAXES</th>
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### [2] Per State Department of Finance (per capita personal income).

### [3] Per State Department of Finance (population growth of City or County, whichever is greater).
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* Source: City of Porterville 2008-2009 Annual Budget.
SUBJECT: AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES TO THE PROPERTY TAX ROLLS

SOURCE: Administrative Services - Finance Division

COMMENT: Staff has prepared a draft Resolution for Council consideration, which will authorize the County Auditor to place uncollected weed abatement charges on the property tax rolls. Authorization to utilize this collection method is identified in the City Code in sections 12.3.4 through 12.3.12.

RECOMMENDATION: That the City Council adopt the attached resolution authorizing the County Auditor to place these items on the property tax rolls for collection.

ATTACHMENT: Draft Resolution
RESOLUTION NO. ________


WHEREAS, the City of Porterville City Charter Section 12.3.4, Nuisance and Authority to abate, sets forth the procedure for all weed, nuisance and hazard abatements in the City of Porterville, with Porterville City Code Section 12.3.12, Collection on Tax Roll, thereafter setting forth the procedure for placement of delinquent assessments on the Tulare County Tax Rolls; and

WHEREAS, the Porterville City Council, having duly received and considered evidence and documentation concerning the delinquent accounts proposed to be placed on the Fiscal Year 2008/2009 County Tax Rolls concerning the necessity for the placement of the contemplated tax liens;

NOW, THEREFORE, be it resolved by the City Council of the City of Porterville that the public interest and convenience require the submittal of the following liens, attached hereto as Exhibit “A”, to the Tulare County Auditor for placement on the property tax rolls for collection.

Adopted and approved this 5th day of August 2008.

Cameron Hamilton, Mayor

ATTEST:

City Clerk
### Weed/Hazard Abatement
**FY2008-2009 Tax Roll**
(from FY07-08 balances)

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## WEED/HAZARD ABATEMENT

**FY2008-2009 Tax Roll**  
(from FY07-08 balances)

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**Total amount of assessments**  
15,527.31  
15,524.00

**Total number of assessments**  
31
CONSENT CALENDAR

SUBJECT: COUNCIL SUPPORT OF AN AMENDMENT TO MEASURE R TO FUND THE PRESERVATION OF RAILROAD RIGHTS-OF-WAY AND RELATED INFRASTRUCTURE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: Elected representatives from Porterville, Exeter and Lindsay have served on the Tulare County Rail Committee along with Allen Ishida, Tulare County Association of Governments (TCAG) staff, and private citizens in an effort to preserve the rail lines serving the east side of the Valley within Tulare County. The existing rail line between these three cities has fallen into a state of neglect and disrepair and is in danger of being abandoned and dismantled. There is concern that once abandoned it would be significantly difficult to re-establish rail service in the future. With increasing fuel costs, growth pressures and air quality issues, rail service may be an economical and efficient way of moving goods in the future. Preserving existing lines would greatly increase the feasibility of re-establishing that service.

Measure R funds are intended for improving air quality through the transit/bike/environmental program. Rail service has the potential for meeting these goals in a way that is considered cost-effective.

A draft resolution has been prepared and is attached indicating Council support using Measure R funds.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution to indicate support of using Measure R funds to preserve existing rail lines.

ATTACHMENTS: 1. Draft Resolution
2. Letter of Support from the City of Lindsay

Item No. 18
RESOLUTION NO. _____-2008

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE REQUESTING
AN AMENDMENT TO MEASURE R TO FUND THE PRESERVATION
OF RAILROAD RIGHTS-OF-WAY AND RELATED INFRASTRUCTURE

WHEREAS, Tulare County’s rail system is instrumental to regional economic development, goods movement, and multimodal transportation strategies for a growing population; and

WHEREAS, Tulare County’s rail system has fallen into disrepair and is in danger of being abandoned and dismantled; and

WHEREAS, it is in County’s best interest to preserve existing rail corridors and related infrastructure to mitigate current and future highway traffic congestion, to promote highway safety, to reduce fuel consumption and costs, and improve air quality; and

WHEREAS, a goal of Measure R is to improve air quality through the Transit/Bike/Environmental Program of the Expenditure Plan; and

WHEREAS, Measure R funds are the most effective means to accomplish this.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby petitions the Tulare County Transportation Authority to program Measure R funds for the preservation of rail corridors and related infrastructure, with the following stipulations:

SECTION 1: That a Rail Preservation Fund be created within the Transit/Bike/Environmental Category in the amount of two-to-three (2-3) million dollars.

SECTION 2: That the Rail Preservation Fund would be used for rail system preservation only and not for rail operations. This Fund would be similar to the Regional Light Rail ROW preservation fund that already exists in the Measure R Expenditure Plan, Table 5.

PASSED, APPROVED AND ADOPTED this _____ day of August, 2008.

ATTEST:

John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy

Cameron Hamilton, Mayor
July 17, 2008

Mr. Ted Smalley
Executive Director
TCAG Administration
5961 S Mooney Blvd
Visalia, CA 93277-9394

Dear Mr. Smalley:

The City of Lindsay intends to petition the Tulare County Transportation Authority to program two-to-three (2-3) million dollars in Measure R funds for the preservation of rail corridors and related infrastructure. A resolution requesting this is on the Lindsay City Council agenda for July 22, 2008 and once adopted will be forwarded to your staff.

The City of Lindsay believes that Tulare County’s rail system is instrumental to regional economic development, goods movement, and multimodal transportation strategies for a growing population. Unfortunately segments of this rail system have fallen into disrepair and are in danger of being abandoned and dismantled.

Tulare County and the greater San Joaquin Valley have serious air quality issues, including smog. The San Joaquin Valley Air Pollution Control District reports that within the Valley, heavy duty trucks produce 27% of smog forming emissions, autos and light trucks produce 13% of smog forming emissions, and other mobile sources produce 23% of smog forming emissions. Growth Options for the 21st Century (Go21), a national, non-profit, public interest organization reports that one intermodal train can replace 280 truck trailers or 1000 autos, can move one ton of cargo over 400 miles on one gallon of fuel, and produces six-to-twelve times fewer pollutants than competing modes of transportation. Considering these factors it is in the County’s best interest to preserve its existing rail corridors and related infrastructure to mitigate current and future highway traffic congestion, to promote highway safety, to reduce fuel consumption and costs, and to improve air quality.

One of the goals of Measure R is to improve air quality through the Transit/Bike/Environmental Program of the Expenditure Plan; therefore, the City of Lindsay believes that these Measure R funds are appropriate for preserving rail corridors and related infrastructure in support of this goal. The Transportation Authority’s consideration in this matter is greatly appreciated.

Very Sincerely Yours,

Pamela Kimball, Mayor Pro Tem
City of Lindsay

ATTACHMENT
ITEM NO. 2
HEART OF CENTRAL CALIFORNIA ORANGE AREA
SUBJECT: CONSIDERATION OF A RESOLUTION SUPPORTING THE NATIONAL PARK CENTENNIAL INITIATIVE AND MAINTAINING AND PRESERVING AMERICA’S NATIONAL PARKS

SOURCE: ADMINISTRATION

COMMENT: In anticipation of the 100th birthday of the National Parks Service approaching in 2016, the President has proposed a National Park Centennial Initiative to address Park Service funding shortfalls. The initiative proposes a ten-year program to carry out special park projects that focus on maintaining and preserving America’s National Parks.

In light of the City of Porterville’s relative close proximity to both the Sequoia and Kings Canyon National Parks, and the likelihood that the City may be economically impacted by the consequences of such budget constraints, the National Parks Conservation Association has requested that the City of Porterville consider a resolution in support of this effort.

RECOMMENDATION: That the City Council approve the Resolution Supporting the National Park Centennial Initiative and Maintaining and Preserving America’s National Parks.

ATTACHMENTS: Draft Resolution

Item No. 19
RESOLUTION NO. ______-2008

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE SUPPORTING
THE NATIONAL PARK CENTENNIAL INITIATIVE AND MAINTAINING
AND PRESERVING AMERICA'S NATIONAL PARKS

WHEREAS the National Park system contains 83 million acres of culturally, historically, and naturally significant lands that are home to a wonderful diversity of biological species, scenic geological areas, irreplaceable archeological sites, an 80-million item museum collection, and 20,000 buildings of historic value; and

WHEREAS the Park Service’s annual operating budget falls at least $800 million short of what is needed; and

WHEREAS the Congressional Research Service has identified a $4.5- to $9.7-billion backlog of overdue maintenance and infrastructure repair projects, resulting from decades of annual shortfalls in our parks’ operating budgets; and

WHEREAS the Park Service’s operating budgets are shrinking in real dollars, resulting in only one interpreter per 100,000 park visitors, reduced operating hours and closures at visitors centers, reduced public education programs, lapses in scientific monitoring of flora and fauna, poaching of wildlife and American Indian artifacts, inadequate preservation of deteriorating historical buildings, and improper curation and inaccessibility to the public of priceless museum collections; and

WHEREAS the centennial of the establishment of our irreplaceable National Park System is in 2016; and

WHEREAS National Parks generate substantial economic benefit for surrounding communities through local employment, tax revenues, visitor spending on meals and lodging, businesses expenditures to service visitors, and Park Service expenditures for park employee salaries, supplies, services, construction projects, etc.; and

WHEREAS visitors to Kings Canyon, Sequoia and Yosemite National Parks spent $405 million in local communities in fiscal year 2005 and helped support 9732 jobs; and

WHEREAS, Sequoia and Kings Canyon National Parks’ 1.2 million visitors contribute over $75 million to local economies, yet struggles with a $14 million shortfall and has received insufficient funding to adequately employ enough rangers to ensure visitor safety, deter illegal marijuana cultivation, provide education programs for Valley children and educators, maintain park roads and infrastructure, and reopen four closed backcountry ranger stations; and
WHEREAS, the air quality in our Sierra parks is of great concern and must be addressed; and

WHEREAS the abovementioned National Park System units are important components of our region’s historic, cultural, economic, recreation, and social identity; and

WHEREAS, we believe that the region’s public lands could become a “significant tourist draw” for our community and that such additional visitors would add to our economic base in the form of tourism dollars; and

WHEREAS the Administration has initiated the National Park Centennial Initiative in order to further enhance and reinvigorate the national parks in time for their 100th birthday.

NOW, THEREFORE, BE IT RESOLVED that the City of Porterville supports the National Park Centennial Initiative and increased funding of the National Park Service annual operations budgets and elimination of maintenance and road repair backlogs for all park units.

APPROVED AND ADOPTED this ___ day of August, 2008.

______________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
CITY COUNCIL AGENDA: AUGUST 5, 2008

TITLE: APPROVAL OF APPOINTMENT OF SPECIAL LEGAL COUNSEL

SOURCE: CITY ATTORNEY

COMMENT: The joint advisory body comprised of members of the City Council and the Tule River Indian Tribal Council (the Southeastern Tulare Intergovernmental Coordinating Committee, also known as the Porterville Airport Area Development Association) is currently in the midst of discussions concerning the development of a resort project within the City limits. A Memorandum of Understanding between the City and the Tribe has been executed, but further agreements will be needed, and the process for development, and the respective responsibilities of the parties and the committee are still in the process of being defined. Given the anticipated complexity of the issues that are expected to arise, the Board directed the City and Tribe’s legal counsel to solicit letters of interest from attorneys with experience in the land use and development processes (environmental and otherwise) and tribal/governmental projects. STIG/PAADA sent out letters of interest to approximately 10 firms with experience in these areas, and received letters of interest from 5. Out of these 5, the STIG/PAADA Board chose 3 for the City and Tribe’s counsel to interview telephonically. Legal counsel selected the firm of McDonough Holland & Allen, and specifically attorneys Michelle Marchetta Kenyon and J. Leah Castella, and the STIG/PAADA Board at its last meeting approved their recommendation. Ms. Kenyon and Castella are highly qualified and have had extensive in these areas. Ms. Kenyon has successfully negotiated Memorandums of Understanding and Municipal Services Agreements between public entities and Tribes, and has successfully defended those Agreements from legal challenges, including environmental challenges. Ms. Castella has extensive experience in the areas of governmental law, Federal Indian Law, the fee to trust process, and issues related to tribal sovereignty. Their rates are $335/hour for Ms. Kenyon and $290/hour for Ms. Castella and were among the lowest of those who provided letters of interest. The STIG/PAADA Board intends to have the nonprofit corporation (once the Articles of Incorporation are filed) consider the special counsel appointment for approval. However, the STIG/PAADA Board is currently advisory, and therefore this office recommends that the City Council (and respectively the Tribal Council) approve the appointment.

RECOMMENDATION: That the City Council approve the appointment of the firm of McDonough, Holland & Allen, and Attorneys Kenyon and Castella as special counsel to the STIG/PAADA committee, and authorize the execution of a legal services agreement, subject to approval by the City Attorney.

Item No. 20
May 12, 2008

VIA EMAIL to jmlew@mkjw.com

Julia M. Lew, Esq.
Porterville Airport Area Development Association
1220 West Main Street
Visalia, California 93291

Re: Porterville Airport Area Development Association
Request for Special Legal Counsel Services

Dear Ms. Lew:

Thank you for your inquiry regarding McDonough Holland & Allen’s availability to provide special legal counsel services to the Porterville Airport Area Development Association (originally created and referred to as the Southeastern Tulare Intergovernmental Coordinating Committee). I am pleased to present our proposed team: Leah Castella and myself. I have attached our brief biographies.

I have provided legal representation for cities, redevelopment agencies and other public agencies as city attorney and special counsel for over twenty years. In this capacity, I have negotiated Memorandums of Understanding and Municipal Services Agreements between public entities and Tribes, and have successfully defended those Agreements from legal challenges. My work in this arena has led to multiple published opinions. In one, Citizens to Enforce CEQA v. City of Rohnert Park, the petitioners challenged the City’s MOU with a tribe on the basis that the City had failed to comply with CEQA. The appellate court affirmed the trial court’s dismissal of Petitioner’s complaint, finding that the MOU did not trigger CEQA review, because it was neither a development agreement nor a project under CEQA. (131 Cal.App.4th 1594.)

The attorney who would be working with me on these matters is Leah Castella. Leah has over eight years of litigation experience on behalf of public and private entities. She has in-depth knowledge of Federal Indian law and gaming law, and has counseled clients on issues related to Tribal sovereignty, the Indian Gaming Regulatory Act, and the fee to trust process. She has worked on significant litigation matters involving the regulatory requirements imposed by the IGRA, and has advised...
clients on the requirements applicable to Class I, Class II, and Class III gaming facilities, the appropriate classification for proposed gaming devices, the approval process for casino management contracts, and the applicability of CEQA to MOU's and other related agreements. She has also advised clients on the interpretation of state gaming compacts, the procedural steps required to initiate the fee to trust process, and the avenues that parties can utilize to challenge the Department of Interior's decisions on fee to trust applications.

Between Leah and I, we are very familiar with the issues that the Association/Committee will face as it pursues its plans to develop a Casino/Resort project. Our billing rates for this work would be, respectively, $335.00 and $290.00 per hour. Other attorneys in our firm would also be available to provide other expertise as needed. For more information on our public law practice and attorneys, please visit our website at www.mhalaw.com. I have also attached a copy of the firm's standard terms and conditions of representation for your information.

We appreciate the opportunity to present our team's qualifications for your consideration. Leah and I will call you in a few days to see whether you need additional information. If you have any questions in the meantime, please do not hesitate to contact myself or Leah directly.

Sincerely,

Michelle Marchetta Kenyon

SH:mmk

Enclosures

cc: Ed Quinn, Esq.
    Stacey Sheston, Esq.
Michelle Marchetta Kenyon | Shareholder

Professional Experience
Michelle assisted in establishing the firm's Oakland branch office which specializes in public and municipal law. Her management duties include branch administration, marketing, budgeting, recruitment and case management.

Michelle provides legal representation for cities, redevelopment agencies and other public agencies as city attorney and special counsel. Her areas of specialty include land use and planning law, environmental law, redevelopment, eminent domain, rent control, land use litigation and appellate advocacy. She is experienced in both state and federal trial and appellate courts, including written appearances in the U.S. Supreme Court. She has served as lead attorney in several successful published decisions in litigation involving CEQA, inverse condemnation, election law, police powers, civil rights and rent control. Some representative cases include: Hillsboro Properties v. City of Rohnert Park, 138 Cal.App.4th 379 (2006); 108 Holdings v. City of Rohnert Park, 136 Cal.App.4th 186 (2006); Citizens to Enforce CEQA v. City of Rohnert Park, 151 Cal.App.4th 1594 (2007); Milagro Ridge Partners Ltd. v. City of Pacifica, 62 Cal.App.4th 108 (1998); Broadmoor Police Protection Dist. v. San Mateo Local Agency Formation Commission, 26 Cal.App.4th 304 (1994); Sierra Lakes Reserve v. City of Rocklin, 938 F.2d 951 (1991) [113 S. Ct. 31; 121 L.Ed.2d 4]; and Northwood Homes, Inc. v. Town of Moraga, 216 Cal.App.3d 1199 (1989).

Michelle currently serves as Attorney for the Town of Moraga, City Attorney for the Cities of Rohnert Park and Calistoga, Special Counsel to the cities of Berkeley, Pacifica, San Bruno, San Mateo and Burlingame, General Counsel for the Livermore-Amador Valley Water Management Agency, and District Counsel for the Ross Valley Sanitary District. She previously has served as City Attorney for the Cities of Lincoln and Pacifica, Interim City Attorney for the cities of Danville, Pacifica, Pleasant Hill, San Bruno, Daly City, and General Counsel for the Eastern Contra Costa Transit Authority. Her practice includes advising city councils and staff in municipal law issues such as annexation procedures, bidding and claims procedures, CEQA, code enforcement, conflict of interest laws, contract review, elections, Government Tort Claims Act, initiatives, referenda, land use and planning, municipal finance, open meeting laws, personnel and redevelopment.

Presentations/Publications
Paper and Presentation, “Procedural Hurdles And Defenses In Litigating Regulatory Takings Claims Under The Fifth Amendment,” Georgetown University Law Center, CLE/Environmental Law & Policy Institute, October 2004


Paper and Presentation, “Land Use Litigation Update,” League of California Cities, Spring and Fall Conferences, 2002

Admitted to Practice
State Bar of California, 1987

Education
University of California, Davis, School of Law
J.D., 1986
La Raza Law Students Association
King Hall Legal Foundation
National Lawyers Guild

University of California, Berkeley
B.A., Political Science, 1980
Michelle Marchetta Kenyon | Page 2


Speaker, “Proposition 62 and the Guardino Decision,” Quarterly Meeting of Bay Area Municipal Finance Officers, Winter 1996


Leadership Positions/Affiliations
First Vice President, City Attorneys Department, League of California Cities, 2007-08.
Second Vice President, City Attorneys Department, League of California Cities, 2006-07
President, Contra Costa County City Attorneys Association, 2006 to Present
Advisory Board Member, California Community Land Use Project, 1998 to Present
Member, League of California Cities, City Attorneys Department Nominating Committee, 1993, 1996, 2003
Chair, League of California Cities, City Attorneys Department Legislative Committee, 1999-2000
Member, League of California Cities, City Attorneys Department Legislative Committee, 1998-2000
Chair, League of California Cities, Legal Advocacy Committee, 1995-96
Member, League of California Cities, Legal Advocacy Committee, 1994-96

Honors/Awards
Recognized as a 2004 & 2007 Northern California Super Lawyer ©
J. Leah Castella | Attorney

Professional Experience
Leah Castella joined McDonough Holland & Allen PC in 2007 as a member of the firm’s Public Law practice group in Oakland. Leah has extensive experience in civil litigation on behalf of public agencies and private entities. She specializes in litigating municipal law cases, including inverse condemnation, Proposition 218, election law, and land use matters. Leah also has in-depth knowledge of Federal Indian law, and counsels her clients on issues related to Tribal Sovereignty, the Indian Gaming Regulatory Act, and the fee to trust process.

Representative Matters
Represented municipality in an inverse condemnation trial in the Northern District of California

Court of Appeals victory upholding the constitutionality of a municipality’s transit occupancy tax

Represented a municipality in a Proposition 218 challenge to a 911 Fee

Obtained a landmark summary judgment ruling holding that a Tribe’s banishment and disenrollment of a tribal member is a punitive sanction and is reviewable under the Indian Civil Rights Act

Successfully settled a claim for breach of a casino management agreement for $50 million

Presentations/Publications


Leadership Positions/Affiliations
Executive Director, Women’s Debate Institute
Board Member, Bar Association of San Francisco Barristers
Board Member, Law Academy Advisory Board

Admitted to Practice
State Bar of California, 2000
All California State Courts
United States District Court, Northern, Southern, Eastern and Central Districts of California

Education
University of Texas School of Law
J.D., with honors, 1999
Notes Editor, Environmental Law Journal

Lewis and Clark College
B.S., Philosophy, 1995
J. Leah Castella | Page 2

Member, State Bar of California
Member, Bar Association of San Francisco
Coach, Thurgood Marshall High School Mock Trial Team
Coach, Boalt Hall Jessup Moot Court Team

Honors/Awards
Burton Award for Excellence in Legal Writing, 2003
McDonough Standard Terms & Agreement

This statement of standard terms, along with the terms stated in the accompanying letter, constitutes the Agreement for Legal Services ("Agreement") between you and McDonough Holland & Allen PC ("McDonough").

1. Effective Date
The Agreement is effective the date we first performed services on your behalf. If we have performed legal services at your request while waiting for you to sign and return this Agreement, you will still be required to pay for those services even if you decide not to sign and return this Agreement.

2. Fees for Legal Services
Our fees for legal services are based on the total amount of time expended on all work necessary to your representation, multiplied by the hourly rate then in effect for the person performing the work. We charge for our time in minimum units of 0.1 hours. Our current hourly rates for attorneys, paralegals, and other personnel are reflected in the accompanying letter or on the billing statement. These rates are reviewed and adjusted periodically. If McDonough revises its rates while this Agreement is in effect, the revised rates will be applied to the services rendered thereafter and the applicable rates will be reflected in each subsequent bill that you receive. From time to time, those assigned to work on your matter may need to confer among themselves concerning your representation. When that occurs, each person will charge for the time expended in conference. It may on occasion be necessary or advisable for more than one person to attend a meeting, court hearing or other proceeding and each will charge for the time that is spent in making those appearances. We also will charge for waiting time in court and elsewhere and for all travel time both out of town and locally.

Time spent on the telephone discussing your matter, including telephone calls with you, also will be billed, as will conferences with others such as investigators, consultants, or experts.

3. Advance Against Fees
Before undertaking a representation, we may request the payment of an advance against fees and we may request the payment of additional advances from time to time thereafter. The initial deposit, as well as any future deposits, will be held in our trust account to be applied against the fees and costs that you incur.

Any fee deposits remaining at the conclusion of this representation after payment of all fees and costs will be returned to you.

Our billings will be made against this advance, which you will replenish in the amount of the monthly billing, within thirty (30) days of the date of that billing. Failure to replenish the advance against fees will be cause for McDonough to withdraw from your representation.

4. Costs
We will incur on your behalf various costs and expenses in performing legal services under this Agreement. Miscellaneous expenses are covered by a standard administrative charge, currently set at 4%, which compensates the cost of normal photocopying, long distance telephone calls, regular mail postage, telecopy charges and other expenses as to which individual itemization is impractical. Costs specific to your matter such as investigation and filing fees, process server fees, required costs of travel, out-of-town lodging and meals, courier and express delivery and mail services, deposition and court reporter fees, computerized legal research, major photocopying, conference calls and staff overtime, as needed, are itemized and will appear on your monthly statement as separate items.

All costs and expenses are billed at our cost. In some instances, invoices for outside services will be sent directly to you for payment. You agree to pay the administrative charge and the costs itemized on your statements in addition to the hourly fees.
5. Billing Statements
We will send you statements on a regular basis for fees and costs incurred. In the usual case statements are sent to you once a month, reflecting work performed, date of the work, amount of time spent, and identity of the person performing the work along with a detail of costs the firm has incurred on your behalf. Payment of each statement will be due, in U.S. dollars, within 30 days of the statement's date.
Your failure to pay the full amount of the statement within 30 days of our billing will be cause for us to withdraw from your representation and pursue collection of your account. In that event, you agree to pay the costs of collecting the debt, including court costs, filing fees and reasonable attorneys' fees.
You agree to inform us in writing within 30 days if you question any part of a billing statement, and you agree that billing statements not questioned within that time are accurate.

6. Late Payment
In fairness to the majority of our clients who pay their bills promptly, we have established late-payment procedures designed to charge late payors the costs of carrying their overdue accounts. Payment is due within 30 days after the date on the billing statement. You agree to pay a late charge of 5% of the fees and costs incurred during the billing period covered by the billing statement to McDonough if payment is not received within 30 days.

7. Client's Duties
You agree to be truthful with us, to cooperate, to keep us informed of developments that relate to our services, to abide by this Agreement, to pay our bills on time, and to keep us advised of your current address, telephone number and your place of employment and telephone number.
You also agree to respond promptly, fully and accurately to requests for information or documents and to other requests for assistance made by McDonough.

8. Experts
To prepare or present your case or legal position, we may need expert witnesses, consultants, or investigators. We will select and engage them and you are responsible for their bills. When feasible we will consult with you before completing the engagement.

9. Settlement
If we are hired to pursue or defend a claim on your behalf, McDonough will not settle the claim without your approval, and you have the absolute right to accept or reject any offer of settlement. We will notify you promptly of the terms of any settlement proposal that we receive on your behalf.

10. Liens
You grant to McDonough a lien on any and all claims or causes of action that are the subject of our representation and on any advance against fees. Our lien is for any sums owing to us for any unpaid costs or attorneys' fees. The lien attaches to any recovery you obtain.

11. Disclaimer of Guaranty
McDonough can make no promises or guarantees about the outcome of this representation. Our comments about the outcome of your matter are expressions of opinion only.

12. Cessation of Representation
You may discharge us at any time. We may withdraw with your consent or for cause, subject to an obligation to give you reasonable notice to arrange alternative representation. "Cause" includes your failure to pay or other breach of this Agreement, refusal to cooperate with us or follow our advice on a material matter, or any fact or circumstance that would render our continuing representation unlawful or unethical.
After our services are concluded, we will, upon your request, deliver your file to you, along with any funds or property of yours in our possession.
13. Entire Agreement
This statement of standard terms and the letter to which it is attached constitute the entire agreement between you and McDonough. No other agreement or statement made on or before the effective date of this Agreement is binding.

14. Severability
If any provision of this Agreement is held in whole or in part to be unenforceable for any reason, the remainder of that provision and the rest of the Agreement will remain in effect.

15. Modification
This Agreement may be modified by subsequent agreement between you and McDonough only by a writing signed by both parties.

16. Conflict Waiver
In a large firm with multiple offices representing public and private clients, actual or possible conflicts sometimes arise between existing or potential clients. We may be required to ask for a conflict waiver in that event. McDonough asks for your understanding and cooperation if we request a conflict waiver in order to undertake or continue representation of another client in a manner that will not be specifically detrimental or adverse to you in any matter in which another McDonough attorney represents you.

17. Arbitration of Fee Dispute
If a dispute arises between you and McDonough regarding attorneys' fees or costs under this Agreement and if McDonough files suit, you have the right to stop the suit by timely electing to arbitrate the dispute under Business and Professions Code §§6200–6206, in which event McDonough must submit the matter to arbitration.

18. California Law
This Agreement is deemed to be entered into at our principal office in Sacramento, California and shall be interpreted according to California law, excluding its conflict of laws provisions.

19. Negotiated Agreement
This is a negotiated agreement that can be accepted or rejected by the parties. The terms of the Agreement are not set by law. You may consult independent counsel before entering into this Agreement.

20. Additional Terms
The scope of McDonough's representation in this matter is fully set forth in the letter which accompanies this Agreement as are any additional terms relating to this representation.

If, after initial representation, you decide to retain our services for other matters, and we agree to perform them, these Standard Terms shall apply.
SUBJECT: Consideration of City Charter Review

SOURCE: City Manager

COMMENT: At the last meeting, the City Manager indicated he would return with the cost of election for potential City Charter measures. The cost is $15,000, plus $1,500 per measure on the ballot.

This meeting of the Council would be the very last regular meeting, that a measure could be placed on the ballot.

Subsequent to the meeting, the City Audit Committee met and reviewed provisions of the City Charter against City practices. In the Audit Committee's determination, the greatest difficulty would not be the Charter's review for consistency with practice, but rather insufficient time to actually develop the documentation. Therefore, the Committee suggested that recommendations be made to the Council in time to qualify for next year's June election.

At this time, an election in June is not planned, however, the closer the date, the more likely that some measure will be placed before the Electorate with which we can consolidate. If the June date does not develop and the Council does desire to proceed, then a November date may be utilized.

RECOMMENDATION: No action is requested at this time.
SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DESIGNATING A SURVEY AREA AND AUTHORIZING STAFF TO PREPARE A PRELIMINARY PLAN IN CONNECTION WITH THE PROPOSED 2009 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1, AS AMENDED

SOURCE: COMMUNITY DEVELOPMENT

COMMENT: During the January 15, 2008 joint meeting of the City Council and Porterville Redevelopment Agency, the Council and the Agency approved pursuing a Redevelopment Area Amendment and during the May 6, 2008 joint meeting of the Council and the Agency, Urban Futures, Inc. (UFI) was approved as the consultant to assist with the Amendment process. The first step in the process is to designate a survey area and authorize staff to prepare a Preliminary Plan. It should be noted that the survey area includes the entire City limits and a portion of County area; however, only the conceptual boundaries previously approved by Council/Agency will be included in the blight survey. UFI recommends that the designated survey area be broad enough to allow for additional area to be brought into the project should the survey indicate that areas adjacent to the conceptual boundaries have a level of blight that would warrant inclusion in the amendment area.

OVERVIEW

On August 22, 1989, by its Resolution No. 110-89, the City Council of the City of Porterville (the "City Council" and "City," respectively) adopted a redevelopment survey area pursuant to Section 33310 of the California Community Redevelopment Law (CCRL, being Section 33000 et seq. of the Health and Safety Code). On July 10, 1990, by its Ordinance No. 1436, the City Council adopted the redevelopment plan for the Porterville Redevelopment Project No. 1 which included land within the survey area created by Resolution No. 110-89.¹

Since its adoption in 1990, said redevelopment plan has been amended two times as follows: i) by Ordinance No. 1504, adopted November 15, 1994, to amend Article VIII, Section G of said redevelopment plan to incorporate limitations required by the then recently adopted Assembly Bill 1290; and ii) by Ordinance No. 1655, adopted July 6, 2004 ("Amendment No. 1") which Amendment No. 1 detached certain territory² and eliminated the time limit on the Agency's establishment of loans, advances, and indebtedness authorized by the then recently adopted

¹ The Porterville Redevelopment Project No. 1 is sometimes referred to as the Porterville Redevelopment Project Area No. 1; however, Ordinance 1436 does not include "Area" in the title of the Project

² The area detached consisted of approximately 26 acres improved with two industrial facilities and is located at the northwest quadrant of State Highway 190 and Main Street.
Senate Bill 211. The Redevelopment Plan for the Porterville Redevelopment Project No. 1, as amended, is hereafter termed the "Redevelopment Plan" and the "Project" respectively. The area of the Project (the "Project Area") includes a net 445 acres and is located generally in the downtown portion of the City.

The Porterville Redevelopment Agency (the "Agency") is now initiating an amendment (the proposed "2009 Amendment") to the Redevelopment Plan for the purposes of adding territory (the "Added Territory") to the Project Area. The land currently proposed to be the Added Territory includes unincorporated territory within the County of Tulare (the "County").

SURVEY AREA

As described above, the City Council has already designated a redevelopment survey area. However, the existing redevelopment survey area does not include all those portions of the community (and County unincorporated territory) which the City Council and staff feel now could benefit from redevelopment pursuant to the CCRL. Therefore, the attached resolution replaces and supersedes the City's existing redevelopment survey area with a survey area (the "Survey Area") identified on Exhibit A of the attached resolution. The Survey Area, if approved, will include the entire City and certain portions of County unincorporated territory.

Any land ultimately to be made subject to redevelopment pursuant to the CCRL, such as the proposed Added Territory, must first be included into a "survey area." Designation as a survey area only establishes a large geography that is to be further evaluated to determine whether or not any of the parcels located within it qualify for inclusion within a redevelopment project area. In fact, many municipalities will include their entire city within a redevelopment survey area with no intention of making the entire city subject to redevelopment, but rather to provide flexibility in selecting only those specific portions of the community which would benefit from and be appropriate for redevelopment pursuant to the CCRL. The designation of a survey area in and of itself does not have any legal impact on properties included therein. If any of the Added Territory ultimately includes any County unincorporated territory, the County Board of Supervisors will need to, among other actions, adopt an ordinance agreeing to such inclusion.

PRELIMINARY PLAN

In order that the redevelopment plan amendment process may move forward, the City Council, in its capacity as the City’s planning commission, will work with the Agency, its staff, and advisors to select areas to be included within the Added Territory from within the boundaries of the Survey Area, and formulate a preliminary plan for the 2009 Amendment. Subsequent to the adoption of the Survey Area, and pursuant to CCRL Section 33322, the City Council, in its capacity as the
City's planning commission, will select preliminary Added Territory boundaries and consider approving a preliminary plan which:

(a) Describes the boundaries of the project area [Added Territory];
(b) Contains a general statement of the land uses, layout of principal streets, population densities, and building intensities and standards proposed as the basis for the redevelopment of the project area [Added Territory];
(c) Indicates that the redevelopment plan [2009 Amendment] would attain the purposes of the redevelopment law;
(d) Shows that the proposed redevelopment is consistent with the community's general plan; and
(e) Describes, generally, the impact of the project [2009 Amendment] upon the area's residents and upon the surrounding neighborhood.

Upon its approval by the City Council the Preliminary Plan will be transmitted to the Agency so that the Agency may work with the City Council, in its capacity as the City's planning commission, to select the boundaries of the Added Territory pursuant to CCRL Section 33323 and complete other 2009 Amendment related actions.

RECOMMENDATION: That the City Council:

1. Adopt the attached resolution; and
2. That Council authorize and direct Agency staff and consultants to conduct all other necessary analyses and actions pertinent to the adoption of the 2009 Amendment as necessary and appropriate.

ATTACHMENT: 1. Draft Resolution
2. Survey Area Map
3. Conceptual Boundaries
RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADOPTING A REDEVELOPMENT SURVEY AREA AND AUTHORIZING STAFF TO PREPARE A PRELIMINARY PLAN IN CONNECTION WITH THE PREPARATION OF THE PROPOSED 2009 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1, AS AMENDED

WHEREAS, the Porterville Redevelopment Agency (the "Agency") is a duly constituted redevelopment agency under the laws of the State of California and pursuant to such laws is responsible for the administration of redevelopment activities within the City of Porterville (the "City"); and

WHEREAS, on August 22, 1989, the City Council of the City (the "City Council"), by its Resolution No. 110-89 adopted a redevelopment survey area pursuant to Section 33310 of the California Community Redevelopment Law (CCRL; Health & Safety Code Section 33000 et seq.) which redevelopment survey area included only certain selected portions of the City; and

WHEREAS, on July 10, 1990, the City Council, by its Ordinance No. 1436 adopted the redevelopment plan for the Porterville Redevelopment Project No. 1, which Ordinance No. 1436 was subsequently amended by Ordinance No. 1504, adopted November 15, 1994, to amend Article VIII, Section G of said redevelopment plan to incorporate limitations required by the then recently adopted Assembly Bill 1290; and which redevelopment plan was further amended by Ordinance No. 1655, adopted July 6, 2004 ("Amendment No. 1") which Amendment No. 1 detached certain territory from the Porterville Redevelopment Project No. 1 and eliminated the time limit on the Agency's establishment of loans, advances, and indebtedness authorized by the then recently adopted Senate Bill 211, and which said redevelopment plan, as amended, is hereafter termed the "Redevelopment Plan" and which Porterville Redevelopment Project No. 1, as amended, is hereafter termed the "Project;" and

WHEREAS, the City Council and the Agency desire to prepare and adopt an amendment (the "2009 Amendment") to the Redevelopment Plan for the purposes of improving existing deleterious physical and economic conditions existing in certain parts of the City and portions of County of Tulare (the "County") unincorporated territory by adding certain territory (the "Added Territory") to the area of the Project (the "Project Area"); and

WHEREAS, pursuant to CCRL Section 33310, the City Council may designate one or more portions of the City and contiguous land within the County a redevelopment survey area; and

WHEREAS, the redevelopment survey area adopted by Resolution No. 110-89 does not include all portions of the City and County unincorporated area which may be appropriate for inclusion into a redevelopment project area; and
WHEREAS, pursuant to CCRL Section 33323, the community's planning commission is responsible for the preparation of a preliminary plan and the selection of the ultimate redevelopment project area boundaries; and

WHEREAS, the City Council acts as the City's planning commission.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the redevelopment survey area adopted by Resolution No. 110-89 is hereby replaced and superseded by the redevelopment survey area (the "Survey Area") attached hereto as Exhibit "A" and by this reference incorporated herein.

Section 2. Agency staff and advisors are directed to study the Survey Area with respect to the feasibility of selecting the boundaries of the Added Territory from within it.

Section 3. Agency staff and advisors are hereby authorized and directed to formulate a draft preliminary plan and related documents as additional initial steps in the redevelopment plan adoption process.

Section 4. Agency staff and advisors are further directed to conduct those additional analyses and actions that are necessary with respect to the adoption of the 2009 Amendment to add territory to the Project Area and complete other amendment procedures as appropriate, all in conformance with applicable law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Porterville on this ___ th day of August, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

Patrice Hildreth, Deputy City Clerk
STATE OF CALIFORNIA
COUNTY OF TULARE
CITY OF PORTERVILLE

I, ______________, hereby certify that I am the duly appointed City Clerk of the City of Porterville and that the foregoing resolution was duly adopted at a regular meeting thereof held on the ___th day of August, 2008.

____________________, City Clerk
EXHIBIT "A"

MAP OF THE SURVEY AREA

(See Attachment 2)
CONSENT CALENDAR

SUBJECT:  SIKH CENTER DEVELOPMENT IN COUNTY JURISDICTION

SOURCE:  COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: City Staff has received a number of telephone calls from a concerned citizen living in the vicinity of a proposed Sikh Center on West North Grand Avenue. A member of the City Council requested this application be reviewed by the Council for a potential recommendation to the County. The Center is proposed on the north side of Grand Avenue, outside of the City Limits, but within the Urban Development Boundary.

The nature of the concerns included the condition of the street pavement on North Grand Avenue, a claim to excessive truck traffic, and how this proposed development might exacerbate an existing problem with excessive traffic in the area. The claim was that a large number of trucks use North Grand Avenue to connect with other highways.

It should be noted that North Grand is not a designated truck route and any truck activity is an enforcement issue and should be reported to the Code Compliance or Engineering Divisions.

The stated reason for contacting the City of Porterville for a county project was the understanding that much of the roadway is located within the City Limits of Porterville and therefore maintained by Porterville. The caller thought the City of Porterville might want to file concerns with this project regarding potential road degradation.

Staff visited the roadway in question and found it to be in generally good condition with the exception of the western end of the road where it connects with Westwood Avenue, and the eastern end of the road where it connects with Highway 65. There was some deterioration in those areas.

Staff contacted the County staff assigned to this project to make them aware of the complaints that we had received, and to recommend that the applicant be required to put in standard street improvements along their frontage and that they be constructed to City of Porterville standards. The County will typically require an applicant to put in curb, gutter, and sidewalk at the time of construction if the County determines that a significant portion of the surrounding neighborhood has it. If not, the County will defer the construction of these items and collect a monetary assurance in order to put the improvements in at a later date, when it can be applied to the whole neighborhood. The County stated that they would insert a condition of approval that all street and sidewalk improvements be installed to City of Porterville standards. Staff also discussed with County Staff the classification of North Grand Avenue as being designated an Arterial
Road in the newly adopted Porterville 2030 General Plan and that measures should be taken to insure proper street improvements and right-of-way acquisitions for all properties that develop along this roadway. The County replied that they were already aware of this designation and that they were going to require a land dedication from the property owner to accommodate this designation.

The issue of water availability was also discussed with County staff, and they acknowledged the City of Porterville’s policy not to allow city water connections to the project as it is outside of the city.

Among the attachments to this report is a copy of the only traffic count that the city has on file for North Grand Ave. It contains traffic counts at the intersection of North Grand and Newcomb Street taken on February 5, 2004 and has been included for your reference.

RECOMMENDATION: Informational only.

ATTACHMENTS:
1. County Staff Report
2. County Negative Declaration of Environmental Impact
3. Correspondence from City of Porterville, February 2008
4. Other Correspondence Received by the County
5. County Map Exhibits
6. Traffic Counts for North Grand Avenue and Newcomb Street
TULARE COUNTY RESOURCE MANAGEMENT AGENCY
-PLANNING BRANCH-

STAFF REPORT ENVIRONMENTAL ASSESSMENT INITIAL STUDY

APPLICATION: Special Use Permit No. PSP 08-004 (ZA)

APPLICANT/OWNER:
Sikh Center-Porterville
2002 N Chris St
Porterville CA 93257

AGENT:
Mark Hillman
Hillman Building Designers
250 N Main St
Porterville CA 93257

PROPOSAL: Special Use Permit to establish a church facility on 211,850 square feet (4.8± acres) of a 5± acre parcel in the R-1-217 (Single Family Residential-217,000 sq. ft. minimum) Zone.

LOCATION: On the north side of West North Grand Avenue (Avenue 170), about 300 feet west of Prospect (Road 236), in Porterville.

APN: 243-240-015 Sec. 15, T. 21 S., R. 27 E., MDB&M

ZONING AND LAND USE:

Entitlement:
Section 16 of the Zoning Ordinance lists churches as special uses that are permitted in the R-A Zones upon the granting of a Special Use Permit.

The Zoning Administrator is authorized to hold hearings and make decisions on applications for special use permits for churches, except when an environmental impact report is required, according to Board of Supervisors' Resolution No. 76-3034, effective 11/9/76, and as amended by Resolution No. 78-1902, effective 7/5/78.

Section 16 of Ordinance No. 352, as amended, the Zoning Ordinance, states: "A Special Use Permit shall be granted only if it is found that the establishment, maintenance, and operation of the use of the building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. Special Use Permits may be granted subject to such conditions as will insure compliance with the aforementioned standards."
Site: R-1-217 – 12’ x 40’ mobilehome, 20’ x 80’ recreation room / shop, domestic well, septic system.

Surrounding Properties:
North: R-1-217 – vacant pasture
South: North Grand (Ave 170), Porterville city limits (R-1 Zone), County road yard
East: R-1, M-1 – residential, cabinet shop
West: R-1, C-1 – residential, convenience store/gas station

GENERAL PLAN ELEMENTS:

Urban Boundaries Element:
The site is located within the Porterville Urban Area Boundary and Urban Development Boundary. Porterville City Limits run along the north side of West North Grand Avenue and the subject property line. Per a letter dated 2/7/08 from the Porterville Planning Department, the City has no plans to annex the site and will not require the applicant to apply for annexation.

Land Use Element:
The site is subject to the Porterville Area Land Use Plan (GPA 87-06), as amended, which designates it “Residential (Low Density)”.

Open Space Element:
The 1972 Environmental Resources Management Element (ERME) designates the site for “Urban Expansion.”

Noise Element:
According to the 1988 Noise Element, the subject site is not in a noise-impacted area, but residences and churches are considered noise-sensitive uses. Per the Noise Element Technical Reference Document, a noise environment of 50 to 60 dBA Ldn is considered to be “normally acceptable” for residential uses. The worship facility will be open seven days per week between 8AM – 6PM. On Tuesdays, Wednesdays, Thursdays and Sundays, activities may extend until 10PM. Neighboring properties on the east and west contain houses, whose occupants might be disturbed by late evening noise. The 25 foot yard areas required for churches and schools in the R-A Zone will place parking and buildings farther from the residences and the solid wall and landscaping recommended by County Development Standards will muffle noise. While the County has adopted no Noise Ordinance, common practice is to prohibit loud and excessive noise between 10PM and 7AM. Limits on operating hours will be recommended as conditions of approval for the proposed project.

Other Applicable Policies and Elements:
According to the City of Porterville’s General Plan, the area is designated for Low Density Residential (R-1) development. The City of Porterville’s Zoning Ordinance allows churches in the R-1 Zone when conducted wholly within buildings on a lot of three acres or more, subject to a conditional use permit. The City’s parking requirement for churches is one space for every five seats in the main sanctuary.
HISTORY:
The parcel was created before 1979 and was a portion of Lot 28 of Pioneer Company’s second subdivision. It was rezoned from A-1 (Agricultural) to R-1-217 with the Porterville Area Land Use Plan (GPA 87-06 and PZ 89-008). A 1,200 square foot shop building on the site was extended by 400 square feet and a 1,240 square foot porch was added with building permit A0703195 (dated 9/6/07) and converted to a recreation center with A0704079 (dated 11/19/07). Another building permit is pending for enclosing a carport for storage, so a condition of approval is included to obtain all required building permits for existing and future buildings.

In the neighborhood, across Grand Avenue from the site and just west along Wilson, subdivision map TM 726 was approved in 1995. A labor camp is noted on the Permit Center’s Assessor’s records about 400 feet west of the site. A legally non-conforming convenience store/gas station has long existed about 200 feet west of the subject site and was zoned C-1 with PZ 76-50 (Ordinance No 1991, 1/4/77), but erroneously rezoned R-1 with the Area Rezoning. The oversight was discovered with special use permit application PSP 03-036 to upgrade the fueling system, tanks and a canopy. The application was withdrawn when County RMA staff determined that the existing R-1 zoning was established on the site in error and that the use would have been allowed in the previous C-1 Zone without use permit approval. Another parcel about 150 feet east of the subject site was zoned M-1 before the Area Rezoning.

ENVIRONMENTAL CHARACTERISTICS:

Topographical Features: Generally level, with a very slight slope to the south.

Flooding Potential:

Biotic Conditions:
The California Natural Diversity Database shows the site is not within the range of any threatened or endangered species identified by the U.S. Fish and Wildlife Service or the California Department of Fish and Game. A Biotic Analysis of “Habitats of Special Concern” in the Porterville Area Land Use Plan does not show the subject site as habitat for special species. The site is mostly vacant in an area that is developed with scattered rural residential development.

Soils:

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<th>Type</th>
<th>Shrink-Swell Potential</th>
<th>Septic Tank Absorption</th>
<th>Class (wet/dry)</th>
<th>Prime?</th>
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<tbody>
<tr>
<td>San Joaquin Loam, 0-2% slope *</td>
<td>High</td>
<td>Severe</td>
<td>IIIa-3 wet; IVs-3 dry</td>
<td>Yes if ripped</td>
</tr>
<tr>
<td>Tujunga Sand</td>
<td>Low</td>
<td>Slight</td>
<td>IIIa-1 wet; VIs dry</td>
<td>No</td>
</tr>
</tbody>
</table>
* The San Joaquin loam soils appear to occur only on the northern portion of the site, which is labeled “undeveloped” on the site plan. For projects and main buildings where the soils have a high shrink-swell potential, a soil report (foundation investigation) for the expansive properties of the building pads must be prepared by a Registered Civil Engineer or Registered Geologist, and submitted to the County Resource Management Agency with the building permit application. A condition of approval is included to require review and approval of the study before a building permit may be issued.

**Water Table:**

**Agriculture Preserve:** None in the area

**Archeological Concerns:**
The site is not known to be archeologically sensitive and has no waterways.

**PROJECT FACTS:**

**Applicant’s Proposal:**
Applicant proposes developing the land for a religious facility in three phases. An existing 12’ x 40’ mobilehome will be a worship leader’s residence until a new residence can be constructed. An existing single story 22’x60’ recreation room attached to a 24’ x 40’ converted shop with a covered patio will continue being used for the same purposes. In Phase 1, a 3,444 square foot (42’x82’) sanctuary will be constructed to provide non-fixed seating for 300 people. Approximately 78 parking spaces will be prepared and surfaced temporarily with decomposed granite, with paving anticipated in 12-18 months. In Phase 2, a 3,200 square foot (40’x80’) fellowship/ dining hall with a kitchen will be constructed just west of the sanctuary. In Phase 3, three 40’ x 60’ classroom units and one 2,000 square foot (40’ x 60’) residence with an attached garage will be built and replace the mobilehome as a worship leader’s residence. The timing for the future improvements will depend on the growth of the worship center.

The applicant proposes a ponding depression on the southeast corner of the site, in order to retain stormwater drainage on the site. The north 0.4 acre portion of the parcel will remain undeveloped.

The facility will be open seven days per week between 8AM – 6PM. On Tuesdays, Wednesdays, Thursdays and Sundays, activities may extend until 10PM. As noted above in the Noise Element section, a condition of approval will limit operating hours and excessive noise after 10PM to avoid disturbing residential neighbors.

The City of Porterville requests that all onsite and offsite improvements (including trash enclosures) be constructed to City Standards. All mechanical equipment for heating, cooling, etc. should be screened from public view. Conditions of approval have been included for the applicant to comply with City standards.
Access:
North Grand Avenue (Avenue 170) is a county-maintained road that currently has pavement width of 34 feet. Existing right of way on North Grand is within the City of Porterville, which designates the road as an Arterial Street with 84 feet of right of way. The City requests dedication of 42 feet of right of way from the centerline of Grand Avenue, included as a condition of approval. The pavement type is asphalt composite, per the 2003 Pavement Management System database. Daily trips on Grand Avenue in the area were reported to average about 2,050 in the 2003 PMS. The project is expected to generate an additional 200 trips on Sundays.

The Porterville Community Development Department Planner responded to a request for consultation. The plan indicates a five foot wide sidewalk, which must have a minimum of 42 inches of sidewalk clearance around the major utility poles existing by the street. Conditions of approval have been included for applicant to comply with City standards.

Yards:
Church or school buildings must be located at least 25 feet from every property line in the R-A-217 Zone, according to County Zoning Ordinance Section 15.C.c (page 24). No front or side yards shall be used for parking or play areas. A condition of approval has been included that the applicant to comply with the R-A-217 Zone’s yard requirements.

Building Heights:
The R-A-217 Zone limits building heights to 35 feet at the uppermost part of the roof. However, flagpoles and similar structures may be erected above the height limits, per the County Zoning Ordinance Section 15.b.2.d. (page 21).

Parking:
Tulare County Planning Commission Development Standards require places of assembly, such as churches, to provide one off-street parking space for every three seats. The City of Porterville requires one space for every five seats in the main sanctuary. The site plan proposes 78 parking spaces for 300 seats, which exceeds Porterville requirements, but is less than the County-recommended 100 spaces. Available parking area on the site was reduced by the zoning-required wider yard areas for churches, as noted above, and dedication of more right of way for Grand Avenue, required by Porterville for a future arterial. A compromise condition of approval has been included that recommends the applicant provide one off-street parking space for every four seats in the sanctuary.

Fencing:
The County Development Standards recommend that any commercial use next to a residential zone should have a solid masonry wall or other solid fence that is between six and eight feet high located within one foot of the zone boundary / property line. The fence shall be reduced in height to three feet within the front yard setback area for the residential zone. A condition of approval is recommended for applicant to erect a solid fence or plant evergreen hedges along the west, north and east property lines. The City of Porterville asks that all mechanical equipment, such as heating and cooling, be screened from public view and that any trash/recycling enclosure be constructed to City standards.
**Landscaping:**
Development Standards recommend landscaping to cover at least five percent of the net area of the church facility. The periphery of the development next to residential zones should have a minimum five foot landscaped area. The area around the base of buildings should also be landscaped or treated architecturally. The City recommends that all landscaping should be on an automatic watering system.

Development Standards require off-street parking areas for more than five vehicles to include landscaping in the required setback area, planting islands at the ends of each row of ten or more parking spaces and tree pockets at least every 50 feet between planting islands. Parking islands should contain a minimum 100 square feet and pockets should have a minimum of 25 square feet. A condition of approval has been included that requires the applicant to submit a landscaping plan for the project site.

**Signage:**
The County Development Standards allow one or two identification signs for non-residential and non-agricultural uses in the urban fringe areas. The sign(s) may have an aggregate area of up to 15% of the area of the front face of the building. Standards also allow religious uses to have one reader panel or bulletin board, which may be freestanding, but may not exceed 32 square feet. A condition of approval is included.

**Water Supply:**
On-site well. The City of Porterville will allow use of the existing well and will not require annexation or connection to City water. The Tulare County Environmental Health Services provided conditions of approval to require tests for bacteria and nitrates and possible regulation as a Non Community Public Water System if the facility serves 25 or more individuals daily for more than 60 days in a year.

**Liquid Waste Disposal:**
Porterville Public Works Department has provided a “will serve” letter to applicant and will provide a connection to the City’s sewer system upon payment of fees. The City of Porterville requests that the existing septic system for the mobilehome be abandoned and that the buildings be connected to the 21 inch sewer main existing in Grand Avenue prior to final building inspection for any and all new structures. A condition of approval has been included.

**Fire Protection:** County Fire Station located in Porterville
The Porterville Fire Department requires that any building located more than 150 feet from the street should have a fire hydrant installed, as well as sufficient area for a fire truck to maneuver around the proposed sanctuary, existing mobilehome and future residence. The Tulare County Fire Inspector has also provided conditions of approval.

**Police Protection:** Tulare County Sheriff’s Department substation in Porterville
CORRESPONDENCE:

Agencies Notified:  Reponses Dated
RMA Permits/Subdivision Division  2/19/08
HHSA Environmental Health  2/12/08
Tulare County Fire Warden  2/11/08
Tulare County Sheriff's Department  None received
City of Porterville Community Development Dept  2/11/08
Porterville Elementary School District  None received
Porterville High School District  None received
SJV Air Pollution Control District  None received
Caltrans  2/21/08 phone call - "no response"
Calif Dept of Fish & Game Dist 4  None received

SUBSEQUENT ACTIONS:

Appeals:
Any announced decision of the Zoning Administrator for approval or denial of an application is tentative until the date a written decision is signed by the Zoning Administrator. The written decision becomes final ten (10) calendar days after the date the decision is signed unless appealed in writing to the Board of Supervisors. The appeal letter should be sent to the Tulare County Board of Supervisors, 2800 West Burrel Avenue, Visalia, CA 93291-4582. The written appeal shall specifically set forth the grounds for the appeal and shall be accompanied by the appropriate appeals fee.

Fish and Game Fee:
A Negative Declaration has been prepared for this project by the Environmental Assessment Officer indicating that the project will not have a significant effect on the environment. However, the Negative Declaration does indicate that there will be minor impacts, either individually or cumulatively, on wildlife resources, and as such, Section 711.4 of the Fish and Game Code requires that the applicant pay a fee of $1,876.75 as a user fee (effective 1/1/08) to allocate the transactional costs of fish and wildlife protection to those who consume those fish and wildlife resources through urbanization and development. The Fish and Game Code also requires that the applicant pay to the Tulare County Clerk's office a $58 document handling fee for the required filing of the Notice of Determination. The Notice of Determination is required to be filed within five (5) days of project approval (after the 10 day appeal period has run) providing no appeal has been filed. If an appeal is filed within the 10 day appeal period, the Notice of Determination cannot be filed until the Board of Supervisors makes a decision on the appeal. The applicant shall pay the fee to the Tulare County Clerk's Office, Room 105, Tulare County Courthouse, Visalia, CA 93291-4593. Checks shall be made payable to: "County of Tulare". Applicants cannot avoid payment of the required $58 Department of Fish and Game fee since a provision of AB 3158 declares that decisions on private projects are not "operative, vested, or final" until the fee is paid to the County Clerk. No building permits shall be issued until the fee is paid.
School Impact Fees:
The subject site is located within the Porterville Elementary School District and the Porterville High School District which have implemented developer's fees for all assessable space for new residences and expansions to existing residences; and for chargeable covered and enclosed space for new commercial and industrial development pursuant to Government Code Section 53080. These fees are required to be paid prior to the issuance of any permit for the construction of new commercial or industrial structures, and/or installation or construction of new or expanded residential structures. [Please contact the TCRMA-Permits Center or the applicable school district(s) for the most current school fee amounts.]

NOTICE: Pursuant to Government Code Section 66020(d)(1), this will serve to notify you that the 90-day approval period, in which you may protest to the school district the imposition of fees or other payment identified above, will begin to run from the date on which they are paid to the school district(s) or to another public entity authorized to collect them on the district(s) behalf, or on which the building or installation permit for this project is issued, whichever is earlier.

Compliance Reporting and Monitoring Schedule Fees:
A Compliance Reporting and Monitoring Schedule has been established for this project pursuant to Section 22 of the Tulare County Zoning Ordinance. Fees, required to defray the expenses incident to the compliance reporting and monitoring, will be required to be deposited into a Compliance Reporting and Monitoring Account prior to recording the Resolution. (See Exhibit No. B)

Storm Water Permit:
General Construction Activity Storm Water Permit CAS000002 shall be required (prior to commencement of the construction) for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of more than five acres or which is less than five acres but is part of a larger common plan of development or sale. And, depending on the Standard Industrial Classification (SIC) Code of the final project, a General Permit No. CAS000001 for Discharges of Storm Water Associated with Industrial Activities may be required. A Notice of Intent (NOI) shall be obtained from and returned to: State Water Resources Control Board, Division of Water Quality, ATTN: Storm Water Permit Unit, P. O. Box 1977, Sacramento, CA 95812-1977 along with the appropriate annual fee. Permits shall be required until the construction is completed.

Air Impact Assessment:
The San Joaquin Air Pollution Control District has adopted the Indirect Source Review (District Rule 9510). Your project may require filing of an application for an Air Impact Assessment. Application forms and a copy of the rule that includes specific applicability criteria are available on the District Website at www.valleyair.org under “Land Use/Development” and then under “Indirect Source Review”, or at any District Office. Assistance with applications and advice as to the applicability of the rule can be obtained from the District’s ISR Group at 559-230-6000.
City of Porterville Standards:
The City of Porterville requests that all onsite and offsite improvements be constructed to City Standards, that all new buildings be connected to the City sewer line, and that a fire hydrant be installed near the buildings located 150 feet back from Grand Avenue. Application forms and information are available from the City Engineering, Fire and Community Development Departments.

ENVIRONMENTAL DETERMINATION:

A Negative Declaration was prepared for the project and approved for public review by the Environmental Assessment Officer, indicating that the proposed project will not have a significant effect on the environment.

CREDITS:

This Staff Report was prepared by:

April Hill, Project Planner  
Planning Branch, Project Review Division  

This report was approved by:

Beverly Cates, Division Manager  
Planning Branch, Project Review Division
NOTE: Listed below are suggested conditions of approval for PSP 08-004 (ZA) for discussion purposes only at the public hearing. The applicant should be aware that these are staff-level recommended conditions and may be added and/or deleted prior to or during the course of the public hearing on this proposal or prior to a written decision of the Zoning Administrator. Even though staff provides suggested conditions of approval, other evidence presented during the public hearing may be considered by the Zoning Administrator as a basis to deny the project. As a cautionary note, applicants should also be aware that there may be other County, State and Federal regulations applicable to the project that may impose additional requirements not covered by this decision.

1. Standardized conditions as set forth in Zoning Administrator Decision 2271 (Attachment 1).

2. The applicant shall comply with all requirements of the R-1-217 Zone, including minimum 25-foot yard areas, measured from each property boundary line, that shall not be used for play or parking purposes. Building heights shall not exceed 35 feet to the uppermost part of the roof.

3. A Grading and Drainage Plan shall be prepared by a licensed Civil Engineer or licensed Architect and shall be submitted to and approved by the Resource Management Agency – Engineering Branch prior to the issuance of any building permits. The Plan shall include existing and proposed contours and detail the means of disposal of storm water runoff from the site in such a manner that all such runoff shall be collected and disposed of on-site. The Plan shall specify a means of disposal such that runoff is not diverted to adjacent property or road frontage. A Letter of Certification shall be prepared by a licensed Civil Engineer or licensed Architect. The Engineer or Architect shall affix their stamp and seal to the Letter. The Letter shall serve as the means to notify the County that construction was completed according to the approved Grading and Drainage Plan/Erosion Control Plan. The Letter shall be submitted to the Tulare County RMA – Engineering Branch prior to the issuance of final occupancy permits.

4. The applicant shall provide surfaced year round access for emergency fire department response, including sufficient area for a fire truck to maneuver around the proposed sanctuary, existing mobilehome and future residence.

5. The applicant shall provide Fire Flow in accordance with the Tulare County Improvement Standards and Porterville Fire Department requirements. At minimum, a fire hydrant shall be installed 150 feet north of Grand Avenue to provide fire suppression for nearby structures.
6. The applicant shall make provisions for Fire and Life Safety at the time of building permit, which shall be inspected by the Fire Warden prior to Final Fire Clearance.

7. Sewer services shall be provided by the City of Porterville. Applicant shall submit a “Will Serve” letter from the City of Porterville prior to the building permit process.

8. The applicant shall submit a bacteriological water analysis to the Tulare County Environmental Health Services Division (TCEHSD) prior to the building permit process. The analysis shall be performed to the satisfaction of the TCEHSD and shall indicate that the water is bacteriologically safe for domestic use.

9. If this facility serves at least 25 individuals daily for a minimum of 60 days out of the year, the water system will be regulated as a “Transient Non Community Public Water System” by the TCEHSD. At such time, the applicant shall secure a Permit to Operate and perform all required analyses of the water system as outlined by the TCEHSD.

10. Out of service wells, septic tanks and underground fuel storage tanks shall be abandoned per Tulare County and City of Porterville permit requirements.

11. The applicant shall dedicate to the City of Porterville a total of 42 feet of right of way along the north side of North Grand Avenue. Said dedication shall be in the form of a grant of easement if road improvements are required or in the form of an irrevocable offer if no road improvements are required.

12. The applicant shall construct all onsite and offsite improvements to Porterville City Standards, including the driveway; any required curb, gutter, paveout and sidewalk; landscaping and irrigation; screening of mechanical equipment such as for heating and cooling; and trash/recycling bin enclosures.

13. The applicant shall install some type of barrier curb, chain link fence, and/or wheel stops to separate the proposed parking on Phase 1 from the future undeveloped area for Phase 2. Additionally, upon completion of Phase 2, the applicant shall install similar barrier by the northern undeveloped portion of the parcel, in order to prevent vehicular access.

14. The applicant shall provide a minimum of one off-street parking space for each four seats in the sanctuary / place of assembly. All on-site parking areas and driveways shall be surfaced for all-weather conditions and be continually maintained so that dust and mud do not create conditions detrimental to the surrounding roadways.

15. The applicant shall erect a solid six foot high fence or to plant evergreen hedges along the west, north and east property lines.
16. The applicant shall limit signage to 1) one reader panel / bulletin board / digital display with 32 square feet and 2) one or two identification signs, with an aggregate area not exceeding 15% of the area of the front face of the building.

17. The applicant shall have prepared, by a Registered Civil Engineer or Registered Geologist, a soil report (foundation investigation) for the expansive properties of any main building pads located on San Joaquin loam soil, which has high shrink-swell potential. The report shall be submitted to and approved by County Resource Management Agency prior to issuance of a building permit for construction of any main buildings.

18. A detailed landscaping plan shall be submitted to and approved by the Planning Director, in accordance with the County’s recommended development standards. The landscaping plan shall be completed and approved prior to the issuance of certificates of occupancy.
   a. The landscaping plan shall include planting islands at the ends of each single row of parking.
   b. All landscaped areas shall contain fertile, friable soils with adequate subsurface drainage, contain provisions for convenient irrigation in the form of hose bibs and/or sprinkler systems and be permanently maintained in a neat and viable condition.
   c. No landscape material shall be used that constitutes a threat to human safety, nor shall any landscape material be located in such a manner as to impair the vision of motorists or endanger the life and safety of pedestrians.
NEGATIVE DECLARATION

DESCRIPTION OF PROJECT:

Proposal, Zoning and Parcel Size:

A Special Use Permit to establish a church facility on 211,850 square feet (0.6± acres) of a 5± acre parcel in the R-1-217 (Single Family Residential- 217,000 sq. ft. Minimum) Zone.

Location:

On the north side of West North Grand Avenue (Avenue 170), about 300 feet west of Prospect (Road 236), in Porterville. APN: 243-240-015 Sec. 15, T. 21 S., R. 27 E., MDB&M

Project Facts:

Refer to Initial Environmental Study for a) project facts, plans and policies, b) discussion of environmental effects and mitigation measures and c) determination of significant effect.

Attachments:

Initial Environmental Study (X)

Maps (X)

Mitigation Measures ( )

Letters (X)

Staff Report (X)

DECLARATION OF NO SIGNIFICANT EFFECT:

This project will not have a significant effect on the environment for the following reasons:

(a) The project does not 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 an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory.
(b) The project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

(c) The project does not have environmental effects which are individually limited but cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual 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.

(d) The environmental effects of the project will not cause substantial adverse effects on human beings, either directly or indirectly.

This Negative Declaration has been prepared by the Tulare County Resource Management Agency, in accordance with the CEQA 1970, as amended. A copy may be obtained from the Tulare County Resource Management Agency, 5961 South Mooney Blvd., Visalia, CA 93277-9394, telephone (559) 733-6291, during normal business hours.

APPROVED
THERESA SYZMANIS
ENVIRONMENTAL ASSESSMENT OFFICER

BY: ____________________________

DATE APPROVED: __________________________

REVIEW PERIOD: 20-day

NEWSPAPER:
( ) Visalia Times-Delta
(x) Porterville Recorder
( ) Tulare Advance-Register
V. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

A. The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" "unless mitigated" 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

B. 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 or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

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

☐ I find that a previous EIR or Negative Declaration may be utilized for this project - refer to Section E.

__________________________
Signature

__________________________
Date

April Hill
Printed Name

__________________________
Project Planner
Title
C. EVALUATION OF ENVIRONMENTAL IMPACTS:

The following checklist contains an extensive listing of the kind of environmental effects that result from development projects. Evaluation of the effects must take account of the whole action involved, including off-site as well as on site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts, in addition to reasonably foreseeable phases or corollary actions. The system used to rate the magnitude of potential effects is described as follows:

A "Potentially Significant Impact" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

A "Less Than Significant With Mitigation Incorporation" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact."

A "Less Than Significant Impact" means that the environmental effect is present, but is minor in nature and/or not adverse, or is reduced to a level less than significant due to the application and enforcement of mandatory locally adopted standards.

"No Impact" indicates that the effect does not apply to the proposed project.

Using this rating system, evaluate the likelihood that the proposed project will have an effect in each of the environmental areas of concern listed below. At the end of each category, discuss the project-specific factors, locally adopted standards, and/or general plan elements that support your evaluation. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one proposed (e.g., Zone C of the FEMA maps). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants based on a project specific screening analysis). The explanation of each issue should identify:

a) the significance criteria or threshold, if any, used to evaluate each question; and

b) the mitigation measure identified, if any, to reduce the impact to less than significance

Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

"Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact” to a "Less Than Significant Impact.” The mitigation measures must be described along with a brief explanation on how they reduce the effect to a less than significant level (mitigation measures from Section E., “Earlier Analyses,” may be cross-referenced).
Earlier analyses may be used where, pursuant to the tiering program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration Section 15063(c)(3)(D). In this case, a brief discussion should identify the following.

a) Earlier Analysis Used. Identify and state where they are available for review.

b) Impacts Adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

c) Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated.” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
D. ENVIRONMENTAL IMPACTS CHECKLIST

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1. AESTHETICS

Would the project:

a) Have a substantial adverse effect on a scenic vista? ☐ ☐ ☐ ☒

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state or county designated scenic highway or county designated scenic road? ☐ ☐ ☐ ☒

c) Substantially degrade the existing visual character or quality of the site and its surroundings that are open to public view? ☐ ☐ ☐ ☒

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? ☐ ☐ ☐ ☒ ☐

Analysis: According to the Scenic Highways Element of the Tulare County General Plan, the subject site is not located adjacent to or near a designated or eligible Scenic Highway. Although the construction of a new church facility on a vacant parcel will create new sources of light and/or glare, it will not result in the destruction of scenic vistas, damage or degradation of scenic resources or have an adverse effect on the current visual character of the surrounding area. Any increase in light or glare will be minimal, due to standard conditions that require light to be directed away from neighboring properties and roadways. Thus, impacts to aesthetics are considered to be less than significant.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the Rural Valley Lands Plan point evaluation system prepared by the County of Tulare as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

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 or if the area is not designated on the Important Farmland Series Maps, would it convert prime agricultural land as defined in Section 51201(C) of
the Govt. Code to non-agricultural use?

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b) Conflict with existing zoning for agriculture use, or a Williamson Act contract?

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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 or otherwise adversely affect agricultural resources or operations?

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The subject site is located within the Porterville Urban Area Boundary and Urban Development Boundary. City limits run along the south edge of the subject site on the north side of North Grand / Avenue 170. The area is designated for urban development and no agricultural preserves are in the area. One type of soil on the site is San Joaquin Loam which is considered prime farmland if ripped and statewide important farmland soil if outside an urban or built-up area, which is not the case here. Thus, potential environmental impacts to agricultural resources in the area are considered to be less than significant.

3. AIR QUALITY

Where available, the significance criteria established by the San Joaquin Valley Unified Air Pollution Control Dist. may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

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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) Substantially alter air movement, moisture, or temperature, or cause any substantial change in climate?

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e) Expose sensitive receptors to substantial pollutant concentrations?

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

Analysis: The San Joaquin Valley is considered to be a non-attainment area for air quality standards for ozone and respirable particulate matter (PM 10) under the Clean Air Act. Nearly all development projects have the potential to generate pollutants that will worsen air quality, so it is necessary to evaluate air quality impacts to comply with the California Environmental Quality Act.

The site is currently vacant and is located in an area designated for residential/urban development. The project was considered based on the air quality emissions thresholds set forth in the San Joaquin Valley Air Pollution Control District’s (“District”) “Guide for Assessing and Mitigating Air Quality Impacts,” and due to the small scale of the proposed use, it qualifies under the Guide’s Small Project Analysis Level” (SPAL). The SPAL threshold of significance for “places of worship” is 48,000 square feet (January 2002 revision, Table 5-3(e)) and the built-out project is expected to total 15,844 square feet, which is below the threshold of significance. Further, potential dust created by construction on the site will be temporary, and all improvements will be subject to County standards for surfacing, grading, etc., which would further minimize air pollution.

However, the threshold for the District’s Indirect Source Review (District Rule 9510) for a church project, (classified as an educational space) is 9,000 square feet, which means the project may be required to file an application for an Air Impact Assessment. This requirement is included as a “Subsequent Action” in the project’s staff report.

Three hundred attendees, with an average three persons per vehicle, may generate 200 arrival and departure vehicle trips on Sundays and 100 trips on Tuesdays, Wednesdays and Thursdays. Average daily traffic is currently 2,050 trips, per the 2003 Pavement Management System database. A County Road Yard is located across the street from the subject site. Increased vehicle trips may cause additional localized air pollution.

Greenhouse gas emissions and climate change is potentially one of the most significant environmental issues of our time. This project has the potential, although slight, to increase the carbon footprint of the County. Every effort should be made to increase energy efficiency and decrease the release of greenhouse gases.

Based on these analyses, potential impacts to air quality from this project are considered to be less than significant.

4. BIOLOGICAL RESOURCES

Would the project:

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 Dept. 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, and regulations or by the California Dept. of Fish and Game or U.S. 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 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?

Analysis: The site does not contain any wetlands or riparian habitat, or other native habitat (September 2005 California Natural Diversity Database – California Department of Fish and Game). A Biotic Analysis of “Habitats of Special Concern” in the Porterville Area Land Use Plan does not show the subject site as habitat for special species. The site is mostly vacant in an area that is developed with residential and commercial development. The California Department of Fish and Game was consulted, but sent no comments. Potential environmental impacts to biological resources are considered to be less than significant.
5. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5? [ ] [ ] [ ] [ ]

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? [ ] [ ] [ ] [ ]

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value? [ ] [ ] [ ] [ ]

d) Disturb any human remains, including those interred outside of formal cemeteries? [ ] [ ] [ ] [ ]

e) Disturb unique architectural features or the character of surrounding buildings? [ ] [ ] [ ] [ ]

Analysis: The site is currently vacant land. The site is not within an archaeologically or historically sensitive area. There are no rivers or streams or geologic features on or near the site that may suggest the existence of archaeological resources. A standard condition will be imposed that requires cessation of grading or construction if any archaeological / historical artifacts or human remains are discovered during activities on the site. Thus, potential environmental impacts to cultural resources are considered to be insignificant.

6. GEOLOGY/SOILS

Would the project:

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

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 No. 42. [ ] [ ] [ ] [ ]
ii) Strong seismic ground shaking?

iii) Seismic related ground failure, including liquefaction?

iv) Landslides?

v) Subsidence?

b) Result in substantial soil erosion, siltation, changes in topography, the loss of topsoil or unstable soil conditions from excavation, grading or fill?

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 (1997), creating substantial risks to life or property?

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

f) Result in substantial soil degradation or contamination?

Analysis: According to the Seismic Safety Element of the Tulare County General Plan, the subject site is not located on or near a known earthquake fault. The subject site is relatively level. The soil on the majority of the site is Tujunga sand, which is not prime (Class III-4s if wet, Class VIIs if dry), with low shrink-swell potential and slight septic tank absorption. The soil on the northeastern corner of the site is San Joaquin Loam, 0-2 percent slopes, prime farmland if ripped (Class IIIs-3 if irrigated, Class IVs-3 if dry), with high shrink-swell potential and severe septic tank absorption. Soil with high shrink-swell potential requires a soil report (foundation investigation) for the expansive properties of the building pads for any main buildings. The report is required as a condition of approval for the special use permit, must be prepared by a Registered Civil Engineer or Registered Geologist, and submitted to the County Resource Management Agency for approval before the building permit is finalized.

The project will be connected to the City of Porterville's public sewage disposal system through a 21 inch sewer main in West Grand Avenue, so there will be a less than significant impact on
soil degradation or contamination. Conditions of approval require a "will serve" letter before the building permit process and abandonment of the existing septic system. Thus, potential environmental impacts from Geology/Soils are considered to be less than significant.

7. **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? ☐ ☐ ☐ ☒

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 or risk explosion? ☐ ☐ ☐ ☒

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

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? ☐ ☐ ☐ ☒

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 the project area? ☐ ☐ ☐ ☒

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? ☐ ☐ ☐ ☒

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

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?

i) Expose people to existing or potential hazards and health hazards other than those set forth above?

Analysis: According to the State of California "Hazardous Waste and Substances Site List" (2006), the subject property does not contain and is not proximate to a listed hazardous site. No hazardous materials are proposed to be used or stored on, or near, the site as a result of this project. The site is not within the vicinity of any airport or private airstrip, or in wildland that might be susceptible to fires. The proposal will result in a less than significant impact from hazards and hazardous materials.

8. HYDROLOGY AND WATER QUALITY

Would the project:

a) Violate any water quality standards or waste discharge requirements?

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge or the direction or rate of flow of ground-water 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)?

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 that would result in substantial erosion or siltation on- or off-site?

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course or stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?

e) Create or contribute runoff water that would
exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?  

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f) Otherwise substantially degrade surface or groundwater quality?  

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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?  

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h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?  

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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, or inundation by seiche, tsunami or mudflow?  

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Water service will be provided by an on-site well, installed in accordance with the requirements of the Tulare County Health and Human Services Environmental Health Services Division (EHSD). A Bacteriological Test was required by the EHSD and received on 7/2/08. Ground water surface level is about 40 feet, per the Department of Water Resources.

Sewage disposal will be provided by the City of Porterville. Conditions of approval require a "will serve" letter before the building permit process, abandonment of the existing septic system and a drainage plan. All surface runoff must be retained on site. Thus, the proposal will result in less than significant impact on hydrology and water quality.

9. **LAND USE AND PLANNING**

Would the project:

a) Physically divide an established community?  

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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? □ □ □ ☒

Analysis: The site is located within the Porterville Urban Area Boundary and Urban Development Boundary and is adjacent to Porterville City Limits. Right of way for North Grand Avenue is within city limits. The City has stated it has no immediate plans to annex the area. Porterville Area Land Use Plan designates the area for "Residential (Low Density)" and zoning is R-1 and R-1-217 for single family residences, with a C-1-zoned convenience store/gas station 200 feet to the west, an M-1 zoned parcel 150 feet to the east and a County road yard across the street. Churches are considered appropriate and compatible uses in residential and commercial areas. Therefore, the project will not conflict with any land use plan or policy.

10. MINERAL AND OTHER NATURAL RESOURCES

Would the project:

a) Result in a loss of availability of a known mineral or other natural resource (timber, oil, gas, water, etc.) 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? □ □ □ ☒

Analysis: According to the Environmental Resources Management Element of the Tulare County General Plan, the site does not contain any of the minerals or natural resources of local or state significance known to exist in the area and thus will have no impact to mineral and other natural resources.

11. 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 ground-borne vibration or ground-borne 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?  

   □   □   ✗   □


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?  

   □   □   □   ✗


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?  

   □   □   □   ✗


Analysis: The proposed use is not within a noise-impacted area, so no noise avoidance measures are required. The proposal is not a noise-generating use, but due to the assemblage of people in a residential zone, evening operating hours will be limited by a condition of approval. The proposed project is not in proximity to a school, hospital or other noise sensitive uses. The project is more than four miles from Porterville Municipal Airport and is not located within two miles of any private airstrip. Thus, potential environmental impacts from noise are considered to be less than significant.

12. POPULATION AND HOUSING

Would the project:

a) Cumulatively exceed official regional or local population projections?  

   □   □   □   ✗


b) Substantially change the demographics in the area?  

   □   □   □   ✗


c) 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)?  

   □   □   □   ✗


d) Substantially alter the location, distribution, or density of the area’s population?  

   □   □   □   ✗
e) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  

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f) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?  

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g) Conflict with adopted housing elements?  

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Analysis: The project site contains a single mobilehome occupied by a Sikh Center worship leader, which will be eventually replaced with a single family dwelling. No housing will be displaced. The area’s population or existing housing will not be changed due to the project.

13. PUBLIC OR UTILITY SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government and public services facilities, need for new or physically altered government 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:

a) Fire protection?  

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b) Police protection?  

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c) Schools?  

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d) Parks?  

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e) Electrical power or natural gas?  

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f) Communication?  

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g) Other public or utility services?  

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Analysis: The site is within an urbanized area designated for development. Per a 2/11/08 letter from the City of Porterville’s Community Development Department, Porterville will not require the subject parcel to be annexed. The City recommends a fire hydrant for any building located more than 150 feet from a public street. The County Fire Inspector has also recommended conditions of approval. The area’s need for government and public services will not be changed due to the proposed project. Thus, potential impacts to public or utility services are considered to be less than significant.
14. 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?

   □  □  □  X

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

   □  □  □  X

Analysis: The proposed project does not include any recreational uses nor will it significantly increase the use of any existing recreational facilities within the surrounding area. Thus, potential environmental impacts to recreation are considered to be less than significant.

15. TRANSPORTATION / TRAFFIC

Would the project:

a) Cause an increase in traffic that 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)?

   □  □  X  □

b) Exceed, either individually or cumulatively, a level of service standard established by the County Circulation Element?

   □  □  □  X

c) Result in a change in air, rail or water-borne traffic patterns, including either a significant increase in traffic levels or a change in location that results in substantial safety risks?

   □  □  X  □

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses, hazards or barriers for vehicles, pedestrians, or bicyclists?

   □  □  X  □

e) Result in inadequate emergency access?

   □  □  □  X

f) Result in inadequate parking capacity?

   □  □  X  □
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

h) Substantially accelerate physical deterioration of public and/or private roads?

Analysis: The site has direct vehicular access on West North Grand Avenue / Avenue 170, a County-maintained road with pavement width of 34 feet. Existing right of way is within the City of Porterville, which designates Grand Avenue as an “Arterial” street, requiring 84 feet of right of way and dedication of 42 feet from the centerline of the road. Average daily traffic is currently 2,050 trips, per the 2003 Pavement Management System database. As noted above in the “Air Quality” section, 300 attendees, with an average three persons per vehicle, may generate 200 arrival and departure vehicle trips on Sundays and 100 trips on Tuesdays, Wednesdays and Thursdays, but should have a less than significant impact on road capacity, the level of service and physical deterioration of the “Arterial”.

The site has adequate acreage to provide enough parking on-site. County Development Standards recommend one space for every three non-fixed seats, while Porterville City Standards require one for every five seats.

Construction of a church will not result in a change in non-vehicular traffic patterns, nor will the project conflict with adopted plans, etc. Thus, potential environmental impacts from transportation and traffic are considered to be less than significant.

16. UTILITIES AND SERVICE SYSTEMS

Would the project:

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

b) Require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction that could cause significant environmental effects?

d) Have sufficient water supplies (including fire...
flow) available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

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e) Result in a determination by the wastewater treatment provider that 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?

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f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?

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g) Comply with federal, state, and local statutes and regulations related to solid waste?

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Analysis: Sewage disposal will be provided by the City of Porterville through connection to a 21 inch sewer main in Grand Avenue after payment of fees. The City has determined it has adequate capacity to serve the projected demand. A will-serve letter is required prior to the building permit process. The City asks that the existing septic system for a mobilehome on the site be abandoned when the buildings are connected to their sewer system.

Applicant was required to submit a bacteriological water analysis on the existing domestic well to the Tulare County Environmental Health Services Division (TCEHSD). Also, if the church serves at least 25 individuals daily for more than 60 days in a year, TCEHSD will regulate the well as a "Transient Non Community Public Water System". At that time the applicant must secure a Permit to Operate and perform all TCEHSD-required analyses of the water system. The site can connect to City water after the area is annexed.

Stormwater drainage on the site will be directed to a ponding depression in the southeast corner of the site, with size to be determined. Other conditions of approval require that Fire Flow be provided in accordance with County Improvement Standards. Solid waste service is available in the project area and the County has adequate capacity in its dumps. Potential impacts to utilities and service systems are considered to be less than significant with this project.

17. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to substantially 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 an endangered, rare or threatened plant or animal species, or eliminate
important examples of the major periods of California history or prehistory?

b) Does the project have environmental impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means 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)?

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

Analysis: Based on the analyses above, findings of "Less Than Significant Impact" are appropriate for the Mandatory Findings of Significance for this project. No "Potentially Significant Impacts" were identified, and no potential "Less Than Significant With Mitigation Incorporation" were identified that cannot be reduced to a level less than significant by application and enforcement of State standards and/or County ordinances and/or conditions of approval.
February 11, 2008

Resource Management Agency
5961 South Mooney Blvd.
Visalia, Ca. 93277

Attention: April Hill, Project Planner

RE: PSP 08-004 (Sikh Center) APN 243-240-15.

Dear Ms. Hill:

Thank you for the opportunity to review the proposed use permit for the proposed church.

In regard to our discussion the other day, and my correspondence sent to you regarding this project without seeing the site plan, I will try to reiterate the City’s comments regarding this project.

1. The subject site is located inside Porterville’s Urban Development Area Boundary and Urban Area Boundary.

2. Porterville’s General Plan designates the subject site for Low Density uses. Porterville’s General Plan designates West Grand Avenue as an Arterial Street (84 feet). The plan indicates that 30 feet of right-of-way is proposed. The City is requesting that 42 feet of right-of-way from the center line of West Grand Avenue to the property line of the church be required.

3. The plan indicates that a 5 foot wide sidewalk is proposed. A field inspection indicates that major utility poles exit across the frontage of the property. The City Engineering Division requires that a minimum of 42 inches of sidewalk clearance around utility poles is required.

4. The internal circulation of the site meets Porterville’s standards. The City request that the driveway to include all onsite and offsite improvements be constructed to City Standards.

5. If the site were within the City Limits of Porterville, the R-1 Zoning designation would be placed on the parcel. Pursuant to Section 221 A-5 of the Porterville Zoning Ordinance, churches, conducted wholly within a buildings, when on a lot of three (3) acres or more in size are allowed subject to a conditional use permit.

CountyPSP-08-004(ZA)
6. Section 2202 A-3 of the Porterville Zoning Ordinance requires that one (1) parking space is required for every five (5) seats in the main sanctuary. The site statistics indicates a total of 300 seats are proposed for the main sanctuary and that a total of 87 parking spaces are to be provided on the first phase. The parking is in excess of our requirements.

7. All landscaping shall be on an automatic watering system.

8. That all mechanical equipment such as heating and cooling be screened from public view.

9. The site plan does not indicate if a trash enclosure is to be provided. If in fact it is, the City requests that it be constructed to City standards.

10. Some type of barrier curb, chain length fence, wheel stops will be required to separate the proposed parking on Phase 1 from the future undeveloped area for Phase 2. Additionally, on completion of Phase 2, the same requirement to prevent vehicular access to the undeveloped area to the north would be required.

11. Based on the Porterville City Engineers earlier decision on a previous church proposal, the use of the existing well will be allowed and the need to annex into the City of Porterville will not be required. It should be noted that a 12 inch water main exists in West Grand Avenue.

The Porterville Fire Department requires that any building in excess of 150 feet form the street is required to install a fire hydrant in an area in excess of 150 feet and sufficient area for a fire truck to maneuver. The back of the sanctuary is approximately 270± feet from the street. The proposed future residence and classrooms are 400± feet form the street. The concern of fire suppression should be addressed as a condition.

12. A 21 inch sewer main exists in West Grand Avenue. The site plan indicates that an existing system is located at the rear of the property located next to the future residence and a septic tank & leach lines proposed for Phase 1 per County of Tulare specs. The City is requesting that the existing system be abandoned. Prior to any final inspection on any and all new buildings, connection to the City sewer line must be required. The request for this connection can be made through the City Engineering Division.

Other than mentioned above, the City of Porterville has no other comments.

Respectfully,

Bubba Frasher, Assistant Planner

CC: Ben Kimball, City Planner
Jose Ortiz, Associate Planner
February 19, 2008

TO: April Hill, Project Planner

FROM: Craig Anderson, Engineer III

SUBJECT: Case No. PSP 08-004 (ZA)

APPLICANT: Sikh Center Porterville
APN: 243-240-015

The subject Case No. PSP 08-004 (ZA) has been reviewed. The following comments and recommendations are submitted for consideration in processing this matter.

Based on the information provided in the consultation notice package, a Negative Declaration / Environmental Impact Report is recommended to assess impacts to the County road system.

The following flood zone information is based on our interpretation of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) for Community Number 065066 dated September 29, 1986, Panel No. 845. The subject site is located within Zone C.

Construction of buildings within a FEMA Zone C requires no specific flood mitigation measures.

The subject site is located within the Porterville Urban Improvement Area or Urban Development Boundary whichever is applicable.

The subject site is not located within the boundaries of any Specific Plan.

Existing right of way on North Grand is within the City of Porterville.

I have no recommended conditions for the subject case.

CA:mf
February 11, 2008

TO: April Hill, Project Planner

FROM: Al Miller, Tulare County Fire Inspector

SUBJECT: Case No. PSP 08-004 (ZA)

The Fire Department submits the following recommendations in response to this item. At the Building Permit stage of Construction the Developer shall meet the following conditions:

1. Provide surfaced year round access for emergency fire department response.
2. Provide Fire Flow in accordance with the Tulare County Improvement Standards.
3. Provisions for Fire and Life Safety are to be completed by applicant at the time of building permit and inspected by the Fire Warden prior to Final Fire Clearance.
4. All new construction, shall comply with the 2007 California Building Code. All building permit applications shall be reviewed and approved by the Tulare County Fire Department prior to their issuance. All required improvements shall be completed prior to occupancy of the structure and prior to the issuance of occupancy permits.

If you have any questions please call Al Miller at 733-6291 extension 4105.

ARM:mf

cc: Dave Dean
    File
June 4, 2008

APRIL HILL
RESOURCE MANAGEMENT AGENCY
5961 S MOONEY BLVD
VISALIA CA 93277

Re: PSP 08-004 (ZA) – Sikh Center (Revised)

Dear Ms. Hill:

This office has reviewed the above referenced matter. Based upon our review, we offer the following comments and conditions with this project:

1. Sewer services shall be provided by the City of Porterville. Applicant shall submit a “Will Serve” letter from the City of Porterville prior to the building permit process.

2. Domestic water services shall be provided by an on-site domestic well. Applicant shall arrange for a bacteriological water analysis prior to the approval of the project. The analysis shall be performed to the satisfaction of the Tulare County Environmental Health Services Division (TCEHSD) and shall indicate that the water is bacteriologically safe for domestic use.

3. If the water system serves at least 25 daily, at least 60 days out of the year, then the water system will be regulated as a Transient Non Community Public Water System. At such time, the applicant shall secure a Permit to Operate and perform all required analyses of the water system as outlined by the TCEHSD.

4. Out of service wells, septic tanks, and underground fuel storage tanks shall be abandoned per Tulare County and City of Porterville permit requirements.

Sincerely,

Allison Shuklian
Environmental Health Specialist
Environmental Health Services Division

AS:jp
February 21, 2008

TO: File for PSP 08-004

FROM: April Hill, Project Planner

SUBJECT: Consultation Response from Caltrans

Lorraine called from Caltrans with "no response" on PSP 08-004 for the Sikh Center.
Owner: LANSFORD HAROLD W & ZELMA Q (TRS)
Address: 231 S WILLIAMS DR
City, State ZIP: PORTERVILLE CA 93257
Applicant: Sikh Center - Porterville
Agent: Hillman Building Designer
Assessors Parcel #: 243240015
Location and Property Ownership Map for Hearing Notification for PSP 08-004 (ZA)

Owner: LANSFORD HAROLD W & ZELMA Q (TRS)
Address: 231 S WILLIAMS DR
City, State ZIP: PORTERVILLE CA 93257
Applicant: Sikh Center - Porterville
Agent: Hillman Building Designer
Assessors Parcel # 243240015

1 Project Site for PSP 08-004 (ZA)

Properties within 300' of project site, to receive written notification of proposal (as required by State Law)
DATE: Feb 5, 2004
24 hr. Count

LOCATION:
Newcomb St AT North Grand Ave

North Grand Ave
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| % Avg. Week | 0.0% | 73.7% | 101.0% | 95.8% | 34.4% | 100.0% | 0.0% | 0.0% |

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| Vol. | 30 | 57 | 61 | 60 | 59 |
| PM Peak | 17:00 | 18:00 | 17:00 | 17:00 | 17:00 | 17:00 |
| Vol. | 44 | 48 | 45 | 43 | 43 |

| Grand Total | 0 | 382 | 523 | 496 | 178 | 518 | 0 | 0 | 518 |

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Day Total: 0 753 892 961 245 940 0 0 940

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AM Peak Vol.: 11:00 08:00 08:00 08:00 08:00 08:00 08:00 08:00 08:00

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Grand Total: 0 753 892 961 245 940 0 0 940

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CITY COUNCIL AGENDA: AUGUST 5, 2008

PUBLIC HEARING

SUBJECT: HILLSIDE DEVELOPMENT ORDINANCE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT – PLANNING DIVISION

COMMENT:

The Hillside Development Zone is intended to facilitate the orderly development of property within the hillside areas through a set of hillside development goals and standards aimed at protecting the public health, safety and welfare; protecting and preserving natural and biological resources for the long-term benefit of the Porterville community and the broader community; recognizing the inherent value in the properties subject to this ordinance; allowing size, type, location, density, and intensity of development based on available infrastructure, the geographic steepness of terrain, presence of unique geographic conditions and constraints, presence of environmentally sensitive areas; and optimizing the use of sensitive site design, grading, landscape architecture, and architecture, all to achieve the City’s objectives.

BACKGROUND:

The following public meetings have taken place in the preparation of the Hillside Development Ordinance:

- September 6, 2005 – City Council adopted an Interim Urgency Ordinance regulating development for the protection of the hillside areas.
- October 18, 2005 – City Council approved the first extension of the interim ordinance and removed certain provisions requiring the submittal of additional information intended to provide clarity on what the ultimate project would look like.
- February 13, 2006 – City Council approved the second extension of that ordinance to February 13, 2007.
- November 21, 2006 – City Council held a special Study Session to discuss certain aspects of the draft ordinance.
- December 1, 2006 – City Council held a special Study Session review to review the status of the project.
- February 2, 2007 – City Council held a special Study Session to give staff direction regarding the creation of the ordinance.
- October 30, 2007 – City Council held a special Study Session to examine case study prepared to analyze effectiveness of draft policies.

Council’s interest in the hillside area of the city has consistently been expressed as wanting to encourage/facilitate hillside development to balance out growth, conserve prime farmland, proved an additional housing opportunity, and spur on revitalization of the eastern side of the community. This is evidenced by actions previously taken by the Council to create a hillside advisory committee, to prioritize the creation of the hillside ordinance, adjust fees for low

DD Appropriated/Funded CM Item No. 22
density development in the hills, undertake capital improvement efforts to improve water service in the hillside areas to facilitate development, and establish an Interim Urgency Ordinance regulating new proposals for hillside development.

The City of Porterville’s current standards for hillside development typically result in limited certainty as to the outcome of development there, as well as limited ability to consider slopes and other features in neighborhood design. Over the years, the City has seen a number of subdivision maps proposed for the hillside areas while few have been developed. It appears that maps have typically been intended for speculative development that has rarely materialized. The fundamental approach of this ordinance is to require the necessary information and define development requirements to the extent that the city decision makers can clearly understand the outcome of a development proposal in the hillside area and have the tools they need to require functional and quality neighborhoods.

ANALYSIS:

Significant public and Council input went into creating the current draft of the Hillside Development Ordinance, and the current draft is the best reflection possible of our shared community values, viewpoints, and desires, based upon this input. The Hillside Development Ordinance is intended to provide development that is consistent with, and serves to implement, the goals and policies of the Porterville General Plan. Specific regulations and standards address the following City objectives:

1. To establish a Hillside Development Application process that requires property owners to select suitable development sites on their real property for new hillside development projects founded on science-based conclusions, including the use of slope density calculations and maximum land holding capacity, to determine the appropriate density and intensity of a structure that can be built on a particular hillside slope.

2. To involve participation of affected resource agencies early in the application process of new hillside development projects.

3. To uphold the value of the community and the subject property by protecting ridgelines, prominent landforms, rock outcroppings, open space areas, hydrologic features, wildlife communities, unique and sensitive habitat and vegetation communities, and other natural, biological, and scenic resources.

4. To preserve and enhance the visual and aesthetic qualities of hillsides in the surrounding community.

5. To facilitate the protection of existing views from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development.

6. To minimize grading and cut and fill operations where possible to retain the natural character of the hillside areas.

7. Minimize water runoff and soil erosion incurred in adjusting the terrain to meet onsite and offsite development needs.
8. To encourage all the characteristics and qualities of a cohesive neighborhood that promotes a “sense of place” within a hillside setting.

9. To promote and encourage a variety of high-quality, alternative architectural and development designs and concepts appropriate for hillside areas by utilizing the highest quality of prescribed standards.

10. To preserve the public health, safety, and welfare and specifically protect the public and property from hazards such as seismic, geologic, hydrologic and fire, including damage to property from landslides, erosion, earth creep, and storm water runoff, and other hazards in and near hillsides.

11. To reflect the City's design goals and policies expressed in the General Plan.

This ordinance applies to all properties within the incorporated boundaries of the City of Porterville, as well as those properties within the City’s official Sphere of Influence that are designated as Hillside Development Zone on the City of Porterville’s General Plan Land Use Diagram.

The draft ordinance prohibits grading, erecting, or constructing into, over or on top of property within the Hillside Development Zone without first obtaining appropriate permits for Hillside Development. The following actions and activities, however, are exempt from the requirement for a Hillside Development Permit in the draft ordinance:

1. Construction that does not require a grading permit or a building permit.

2. The construction and installation (trenching, utility construction, and backfilling) of underground utility systems.

3. The re-grading of existing yard areas for landscaping installation provided such re-graded yard area does not exceed 2,500 square feet in area.

4. Swimming pools, spas, ponds, and associated hardscape and landscape improvements that do not involve the construction of any retaining walls over 3 feet in height, subject to the issuance of a grading permit and required building permits.

5. Additions to existing structures and/or construction of accessory structures which are less than 500 square feet in area, unless a grading permit for establishment of same is required.

6. Any project that has received final approval of a Hillside Development Permit prior to the effective date of this ordinance provided that such permit or approval has not expired or is not otherwise revoked and further provided that the development is in accordance with the approved Hillside Development Permit and related approvals.

7. Grading of flat areas in excess of 1,000 square feet including, but not limited to, such items as tennis courts or riding arenas are NOT exempt.
ENVIRONMENTAL: A negative declaration was prepared for this project pursuant to the requirements of the California Environmental Quality Act. No further environmental review is needed.

RECOMMENDATION: Approve the proposed Hillside Development Ordinance and give first reading to the draft ordinance.

ATTACHMENT: Attachment 1 – Draft Ordinance
ORDINANCE NO. ___________

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE ADDING A HILLSIDE
DEVELOPMENT ORDINANCE TO THE MUNICIPAL CODE

WHEREAS: For over eight years, the City Council and City Staff have
recognized a need to protect the hillside areas of Porterville from incompatible
development; and

WHEREAS: During this time, a committee was created, including members of
the Council and public at large to investigate strategies for encouraging development in
the eastern portion of Porterville and protecting hillsides; and

WHEREAS: The Committee found that there was a current and immediate threat
to the public health, safety, or welfare, arising from the lack of development standards to
ensure that hillside development does not create a detrimental affect on the community
through the establishment of grading and drainage problems a disconnected system of
streets and infrastructure, unduly limiting development opportunities on adjacent
properties by extending streets in wrong locations in the event there are natural features
on an adjacent site, lack of accessibility to proximately located parks and recreation
areas; and

WHEREAS: On September 6, 2005 the City Council adopted an Interim Urgency
Ordinance regulating development for the protection of the hillside areas; and

WHEREAS: The Interim Urgency Ordinance was extended on October 18, 2005
and again on February 13, 2006; and

WHEREAS: With the assistance of TRG Land Inc., staff is prepared a hillside
development ordinance that set out policies that will set forth definitions, procedures and
standards concerning the zoning, permitting, and regulations of hillside development; and

WHEREAS: Significant efforts were made to involve the public in the creation
of this ordinance; and

WHEREAS: A public hearing was held before the City Council on August 5,
2008, pursuant to the Planning and Zoning Law of the State of California and the
Municipal Code of the City; and

WHEREAS: Pursuant to State and local environmental regulations, a negative
declaration of environmental impact was prepared for the project and duly noticed, a
Notice of Determination was filed.

Attachment 1
NOW, THEREFORE, BE IT ORDAINED: That the City Council of the City of Porterville does hereby amend the Porterville Municipal Code to include in the Zoning Ordinance what is attached hereto and incorporated herein by reference as Exhibit A.

This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED APPROVED AND ADOPTED this 5th day of August, 2008.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

__________________________
Patrice Hildreth, Chief Deputy City Clerk
DRAFT HILLSIDE DEVELOPMENT ORDINANCE

For City Council Hearing of August 5, 2008

Exhibit A
Section 240.01  Purpose and Intent

A. This Article, H-D: Hillside Development Zone is established to achieve the City's objective to facilitate and permit the orderly development of property within the hillside areas through a set of hillside development standards aimed at protecting the public health, safety and welfare; protecting and preserving natural and biological resources for the long-term benefit of the Porterville community and the broader community; recognizing the inherent value in the properties subject to this Article; allowing size, type, location, density, and intensity of development based on available infrastructure, the geographic steepness of terrain, presence of unique geographic conditions and constraints, and presence of environmentally sensitive areas; and optimizing the use of sensitive site design, grading, landscape architecture, and architecture, all to achieve the City's objectives.

B. The Hillside Development (H-D) zoning district and the regulations contained in this Article are intended to provide development that is consistent with and serves to implement the goals and policies of the Porterville General Plan for properties classified in the H-D Zone. Specific regulations and standards address the following City objectives:

1. To uphold the value of the community and the subject property by protecting ridgelines, prominent landforms, rock outcroppings, open space areas, hydrologic features, wildlife communities, unique and sensitive habitat and vegetation communities, and other natural, biological, and scenic resources.

2. To establish a Hillside Residential Development Application process that requires property owners to select suitable development sites on their real property for new hillside development projects founded on science-based conclusions, including the use of slope density calculations and maximum land holding capacity, to determine the appropriate density and intensity of a structure that can be built on a particular hillside slope.

3. To provide for hillside development that maintains the integrity of the hillsides' natural characteristics and features.

4. To ensure the ridgelines that frame the City of Porterville will be preserved to the greatest extent possible.
Figure 242.01.A
Significant Ridgelines shall be preserved.

5. To facilitate the protection of existing views from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development.

6. To minimize grading and cut and fill operations where possible to retain the natural character of the hillside areas.

7. Minimize water runoff and soil erosion incurred in adjusting the terrain to meet onsite and offsite development needs.

8. To encourage all the characteristics and qualities of a cohesive neighborhood that promotes a "sense of place" within a hillside setting.

9. To promote and encourage a variety of high-quality, alternative architectural and development designs and concepts appropriate for hillside areas.

10. To preserve the public health, safety, and welfare and specifically protect the public and property from hazards such as seismic, geologic, hydrologic and fire, including damage to property from landslides, erosion, earth creep, and storm water runoff, and other hazards in and near hillsides.

11. To reflect the City's design goals and policies expressed in the General Plan.

12. To require that infrastructure such as but not limited to roads, utilities, drainage, and sound attenuation barriers serve both a utilitarian and aesthetic purpose.

13. To ensure that open space is an integral part of subdivision design.
Figure 244.00.A
Landscaping shall be used for aesthetic enhancement, erosion control and transition to natural open space areas.

14. To provide areas where residents can enjoy active and passive recreation.

Figure 242.02.A
Open space shall be an integral component of subdivision design, with developed open space areas

15. To ensure that proper landscape setbacks are provided to separate residential uses from non-residential uses and to allow for transitions between natural open space and development.
Bioswales and similar natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.

16. To ensure that the circulation system is a beneficial element in the hillside development setting and maintains, to the greatest extent possible, the natural characteristics of a hillside environment.

17. To ensure quality development that blends with the hillside environment, and to create neighborhoods that display a cohesive and harmonious form and complementary architectural styles.

18. To minimize resource consumption through the use of a drought-tolerant native plant palette.
Section 241.00    Administrative (Applicability and Permit Requirements)

A. This Article applies to all properties within the incorporated boundaries of the City of Porterville, as well as those properties within the City's official Sphere of Influence, as may be amended from time to time, that are designated H-D Zone on the City of Porterville General Plan Land Use Map.

B. No person shall grade, erect, or construct into, over or on top of property within the H-D zoning district without first obtaining a Hillside Development Permit (HDP), except as otherwise provided for in the article.

Section 241.01   Hillside Development Permit Approving Authority

A. An application for a Hillside Development Permit or Hillside Development Permit Amendment shall be processed and approved concurrently with any other development permits required by this applicable provision of the Municipal Code. The City Council has the authority to approve, conditionally approve, or deny the other development permits required for the project and shall have the authority to approve, conditionally approve, or deny a Hillside Development Permit.

B. If no other development permits are required by this Article or other provisions of the Municipal Code, then the property owner or duly authorized agent may submit an application for an Administrative Hillside Development Permit. The Zoning Administrator shall have the authority to approve, conditionally approve, or deny an application for an Administrative Hillside Development Permit in the same manner as set forth in Article 30, Section 3002 of the Zoning Ordinance.

Section 241.02   Review Procedure and Cost Recovery

A. Administrative Hillside Development Permit

An Administrative Hillside Development Permit shall be processed in compliance with the procedures set forth in Article 30, Section 3002 of the Zoning Ordinance. (Requires an amendment to Article 30). The Zoning Administrator or designee may refer an Administrative Hillside Development Permit to the City Council, in which case, the City Council acts as the Director and follows the procedures outlined in Article 30 of the Zoning Ordinance.

B. Hillside Development Permit

A Hillside Development Permit shall be processed in compliance with the procedures and noticing requirements established for a conditional use permit, as set forth in Article 29 of the City Code, and it shall be acted upon by the City Council having final jurisdiction over accompanying actions.

Section 241.03   Exemptions from Hillside Development Permit

A. Notwithstanding the provisions of Section 241.00, the following actions and activities are exempt from the requirement for a Hillside Development Permit, except that all development in the Hillside Development Zone shall comply with hillside development standards set forth in this Article:

1. Construction that does not require a grading permit or a building permit.
2. The construction and installation (trenching, utility construction, and backfilling) of underground utility systems.

3. The re-grading of existing yard areas for landscaping installation provided such re-graded yard area does not exceed 2,500 square feet in area.

4. Swimming pools, spas, ponds, and associated hardscape and landscape improvements that do not involve the construction of any retaining walls over 3 feet in height, subject to the issuance of a grading permit and required building permits.

5. Additions to existing structures and/or construction of accessory structures located entirely on the existing pad area and are less than 500 square feet in area, unless a grading permit for establishment of same is required.

6. Any project that has received final approval for construction prior to the effective date of this Article, provided that such permit or approval has not expired or is not otherwise revoked.

Section 241.04 Land Use Regulations

A. Permitted Land Uses

The following uses of land are permitted as a matter of right in the Hillside Development Zone and no discretionary permit, other than the Hillside Development Permit required by Section 241.00, shall be required.

1. Single-family dwelling unit, detached or attached.

2. Second dwelling units, subject to the regulations contained in; Article 30, Section 3009 of the Zoning Ordinance and state law.

3. Accessory structures containing 500 square feet or less in gross floor area.

4. Detached garages, up to a maximum of 1,500 square feet in gross floor area.

5. Swimming pools, spas, ponds, and associated hardscape and landscape improvements that do not involve the construction of any retaining walls over 3 feet in height, subject to the issuance of a grading permit and required building permits.

6. Tennis courts, basketball courts, and similar sports courts, subject to the issuance of a grading permit and required building permits.

7. Public and private parks.

8. Landscaped parkways and medians, landscaped slopes, and similar other open spaces.


10. Residential care facilities serving six or fewer mentally or physically disabled, disordered, or dependent persons.

B. Uses Requiring an Administrative Hillside Development Permit

The following uses of land shall be subject to the granting of an Administrative Hillside Development Permit in compliance with the regulations contained in Article 30 of the Zoning Ordinance of this title.

1. Lighting of tennis courts, basketball courts, and similar sports courts.

2. Accessory structures containing more than 500 square feet of gross floor area.
3. Detached garages containing more than 1500 square feet in gross floor area.
4. Stables, corrals, and similar facilities for the private noncommercial keeping and containment of animals.

C. Permitted Accessory Uses
The following are permitted as accessory uses clearly subordinate to the principal use of the property.

1. Animals and poultry as follows:
   (a) Small domestic pets, such as cats, dogs and birds. (Check Muni Code for #’s)
   (b) Educationally oriented agricultural projects similar but not limited to 4-H and FFA projects, recognized youth organizations and school projects, when conducted in compliance with the public health and animal laws of the city, subject to the stipulations of paragraph (c) of this section.
   (c) Bovine animals, horses and other equine animals, sheep and goats where the lot area is twenty thousand (20,000) square feet or more and provided that the shelter for such animals shall not be closer than fifty (50) feet to any residence, including that of the owner. The minimum lot area of twenty thousand (20,000) square feet shall be required for each additional adult animal. Any building or shelter housing such animals shall not be closer than ten (10) feet to any property line. The keeping of all animals or poultry mentioned herein shall conform to other provisions of law governing same. The restrictions of this subparagraph relating to animals and poultry shall not apply when the area of any one (1) farm or ranch exceeds ten (10) gross acres.

2. Flower and vegetable gardens, agricultural crops, orchards, vineyards and horticultural collections.

Section 241.05 Application Filing Requirements

The following information is supplemental to the basic requirements for submittal of maps, information and/or other entitlement applications required for review by the Project Review Committee and City Council. The specified data shall be submitted concurrently with all required application forms and fees. Where appropriate, the following information may be combined onto submittal exhibits.

A. Topographical Map
A topographical map at a scale specified in development applications. This map shall identify all existing slope banks, ridgelines, canyons, natural drainage courses, federally recognized blue-line streams or Waters of the United States, rock outcroppings, existing manmade features, mines, and existing vegetation. The vegetation map shall indicate whether the plant communities or habitat are native (e.g. southern mixed chaparral) or exotic (e.g. palm trees). Also depicted shall be known landslides and other existing geologic conditions.

B. Conceptual Grading Plan
A Tentative Map and conceptual grading plan, which shall include the following items in addition to those required by the City Code:

1. Top of walls
2. Top of curbs
3. High point and low point elevations
4. Pad and/or finished floor elevations
5. Areas of cut and fill, calculated as a percentage of the total site area
6. Contours for existing and proposed topography. Existing contours shall be depicted with a dashed line with every fifth contour darker, and proposed contours shall be depicted as above except with a solid line. Contours shall be shown at minimum intervals of 5 feet of change in elevation, with 2-foot contours shown in the flatter areas below 10%
7. Lot and pad dimensions, along with a statistical summary
8. Design of roads and driveways, including average grades indicated, as well as areas of the steepest grade
9. Lot drainage, including the gradient of the drainage and flow velocities

C. Cut and Fill Map

A cut and fill map identifying proposed fill areas colored blue and cut areas colored red, with depths of such areas clearly shown in 10 foot major contour lines. Quantities of each cut and fill area shall also be clearly specified on the map. (Is this still necessary since we have #8 above?) *yes, you want to see depths of cuts and fills and quantities by area of cut and fill.*

D. Slope Analysis Map

1. A detailed slope analysis map to use in determining the average slope and the amount and location of land as it exists in its natural state. For the slope analysis map, the applicant shall use a base topographical map of the subject site, prepared and signed by a registered civil engineer or licensed land surveyor. The map shall have a scale of not less than 1 inch to 100 feet and a contour interval of not more than 10 feet with 2-foot intermediates. This interval may be adjusted with the approval of the Community Development Director and City Engineer on the basis of good engineering principles. This base topographical map shall include all adjoining properties within 150 linear feet of the site boundaries to portray the site’s context. The slope map shall delineate slope bands, with monochromatic but distinct colors for the following slope ranges:
   a. Up to 5.9%
   b. 6% to 10.9%
   c. 11% to 20.9%
   d. 21% to 25.9%
   e. 26% to 30.9%
   f. 31% to 50%
   g. Greater than 50%
2. Also included shall be a tabulation of the land/area by slope percentage specified in acres. Such slope map shall be prepared using CAD-based or GIS-based software specifically designed for such purpose and approved for such use by the City Engineer.
3. A calculation of the average slope of the entire parcel. Such calculation shall be performed by using the average percent slope formula as follows:

\[
S = \frac{(0.00229 \times I \times L)}{A}
\]

Where \(S\) = Average percent slope
\(I\) = Contour interval, in feet
\(L\) = Summation of length of contours, in feet
\(A\) = Area in acres of parcel being considered

4. Calculations of average slope percent shall be based upon accurate topographic surveys using a contour interval no greater than 10 feet and a horizontal map scale of 1 inch : 100 feet or larger.

5. The slope analysis shall be stamped and signed by a registered or licensed professional competent to provide such analysis and indicating the datum, source, and scale of topographic data used in the slope analysis, and attesting to the fact that the slope analysis has been accurately calculated.

E. Future House Plotting Map

In the event that no grading is proposed, a statement to that effect shall be filed with a plan that shows possible future house plotting and driveway design for each parcel proposed. This future house plotting map shall be prepared on a topographic map at the scale required in the development application. Access drive and or street elevations must be provided.

F. Site Sections

Sufficient number of site sections to clearly illustrate the extent of the proposed grading. The sections shall:

1. All be drawn at the same scale and indexed, or keyed, to the existing topography, grading plan, and project site map. Both vertical and horizontal scales shall be indicated and not exaggerated. The site section shall extend at least 150 feet outside the project site boundary to clearly show impact on adjacent property.

2. The slope profiles shall be stamped and signed by a registered civil engineer or landscape architect registered in the State of California indicating the datum, source, and scale of topographic data used in the slope profiles, and attesting to the fact that the slope profiles have been accurately calculated and identified.

3. The site profiles shall be stamped and signed by a registered civil engineer indicating the datum, source, and scale of topographic data used in the slope profiles, and attesting to the fact that the slope profiles have been accurately calculated and identified.

G. Technical Reports

The following technical reports:

1. A geologic and soils report prepared by a registered geotechnical engineer approved by the City, in sufficient detail to substantiate and support the design concepts presented in the application as submitted.

2. A biological resource survey report identifying all existing plant communities, with sensitive or protected species or communities clearly delineated, as well as known habitat area for protected animal species, including the location of...
sensitive biological resources. All sensitive species surveys shall be conducted in accordance with any applicable protocols established by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. The applicant shall engage in a third party agreement with the City and the selected biological consultant and provide the funding for purposes of payment to the consultant. The report shall be signed by the person preparing such report, with the signature intended to verify that the mandatory protocols were conformed to in the analysis as per the City’s local guidelines for implementing the California Environmental Quality Act (CEQA). The submission of the biological survey may be deferred until after initial project submittal as approved by the Environmental Coordinator.

3. An archaeological survey will be required subject to the same terms as provided in subparagraph I.3. above.


A comprehensive architectural and landscaping design guideline manual shall be part of the development application. Such manual shall be required for all Hillside Development Permit applications except those involving the construction of one single-family dwelling unit on an existing lot, in which case paragraph J below shall apply. Such manual shall be approved as part of the applicable Hillside Development Permit and shall be binding upon all subsequent development authorized by that applicable Hillside Development Permit. The manual shall include the following, but the applicant/land owner may include additional information at his/her discretion.

1. Illustrative, color drawings, photos or similar representations of the various architectural styles to be used with text and visual descriptions on the overall architectural theme of the project.

2. A neighborhood design diagram depicting the locations of proposed vehicular and pedestrian circulation, utility easements, developable pad, property lines, perimeter setbacks, parks, and recreation centers.

5. Identification of exterior building materials (structure and trim), roofing materials, and colors for primary structures.

6. Illustrations and descriptions of permitted fencing and wall materials.

7. Illustrations and descriptions of permitted/proposed signage and entry treatments.

8. Description and illustrative drawings or similar representations of how the architecture and building approaches established in the manual implement the Architectural Standards set forth in Section 244 of this Article.

9. Identification of landscaping approaches and plant palettes for all common open space areas, roadway medians, edge and berm treatments, common slopes, and private front yard areas.

10. Description of how the landscaping approaches and plant palettes established in the manual implement the Landscape Standards set forth in Section 243.

I. Single Lot Applications

For applications involving one single-family dwelling unit residence on an existing lot or a second unit on a single lot, architectural and landscaping treatment materials shall be provided consistent with the requirements set forth in Article 30, Section 3002 of the Zoning Ordinance.
J. Additional Analysis

The following items shall also be required as part of an application, unless waived or conditionally waived by the Community Development Director or the City Council to aid in the analysis of the proposed project to illustrate existing or proposed conditions or both:

1. A topographic model and/or large scale detailed partial model at a 1:1 vertical to horizontal relationship.

2. A line of site or view analysis as described in paragraph N below.

3. Visual simulation of the post-development condition, including use of photographic and/or computer generated graphic renderings as described in paragraph N below.

K. Landscape and Irrigation

Preliminary landscape and irrigation plans for all common areas showing project compliance with the provisions of this Article and requirements of the City Fire Chief for fire hazard mitigation and brush management zones in Chapter 12, Article III of the City Code and the State Code regarding wild land interface in State Response Areas.

L. Visual Simulation

1. Photography

The requirement for a visual simulation provides decision makers with a pictorial representation of the future condition of a development project as close to reality as possible. The photograph is the basis of view simulation, and care shall be taken in the camera selection. The goal is to provide an analysis that, as closely as possible, represents site views from a variety of locations distant from the project and from surrounding areas that will have a direct view of the project.

Control Data

The location of the camera shall be recorded as accurately as possible at the time the photograph is taken.

2. Computer Modeling

Depending on the project site location, the proposed project may be required to be modeled based on subdivision design, architectural, and landscape data. Existing terrain, buildings, survey data, and any field notes shall be included in the modeling effort. The level of detail included in the computer model will be determined by the intended use of the simulation.

3. Staging

The computer model shall be aligned to the photographs in the rendering software utilizing the alignment data and the lens and focal length of the camera used. The model shall be lighted according to the time of day and year and the views rendered.

4. Rendering

The rendering process shall be completed after aligning the model to the photograph. The subject matter should be colored and textured to simulate the proposed project as closely as possible.

5. Photocomposition
Any retouching undertaken to make foreground objects visible shall be done in such a way so as to preserve the original photograph and the rendered image intact.
Section 240.01 Purpose and Intent

A. This Article, H-D: Hillside Development Zone is established to achieve the City’s objective to facilitate and permit the orderly development of property within the hillside areas through a set of hillside development standards aimed at protecting the public health, safety and welfare; protecting and preserving natural and biological resources for the long-term benefit of the Porterville community and the broader community; recognizing the inherent value in the properties subject to this Article; allowing size, type, location, density, and intensity of development based on available infrastructure, the geographic steepness of terrain, presence of unique geographic conditions and constraints, and presence of environmentally sensitive areas; and optimizing the use of sensitive site design, grading, landscape architecture, and architecture, all to achieve the City’s objectives.

B. The Hillside Development (H-D) zoning district and the regulations contained in this Article are intended to provide development that is consistent with and serves to implement the goals and policies of the Porterville General Plan for properties classified in the H-D Zone. Specific regulations and standards address the following City objectives:

1. To uphold the value of the community and the subject property by protecting ridgelines, prominent landforms, rock outcroppings, open space areas, hydrologic features, wildlife communities, unique and sensitive habitat and vegetation communities, and other natural, biological, and scenic resources.

2. To establish a Hillside Residential Development Application process that requires property owners to select suitable development sites on their real property for new hillside development projects founded on science-based conclusions, including the use of slope density calculations and maximum land holding capacity, to determine the appropriate density and intensity of a structure that can be built on a particular hillside slope.

3. To provide for hillside development that maintains the integrity of the hillsides’ natural characteristics and features.

4. To ensure the ridgelines that frame the City of Porterville will be preserved to the greatest extent possible.
Figure 242.01.A
Significant Ridgelines shall be preserved.

5. To facilitate the protection of existing views from vantage points within public open spaces, rights-of-way, public parks, and private development from encroachment upon by new development.

6. To minimize grading and cut and fill operations where possible to retain the natural character of the hillside areas.

7. Minimize water runoff and soil erosion incurred in adjusting the terrain to meet onsite and offsite development needs.

8. To encourage all the characteristics and qualities of a cohesive neighborhood that promotes a “sense of place” within a hillside setting.

9. To promote and encourage a variety of high-quality, alternative architectural and development designs and concepts appropriate for hillside areas.

10. To preserve the public health, safety, and welfare and specifically protect the public and property from hazards such as seismic, geologic, hydrologic and fire, including damage to property from landslides, erosion, earth creep, and storm water runoff, and other hazards in and near hillsides.

11. To reflect the City’s design goals and policies expressed in the General Plan.

12. To require that infrastructure such as but not limited to roads, utilities, drainage, and sound attenuation barriers serve both a utilitarian and aesthetic purpose.

13. To ensure that open space is an integral part of subdivision design.
Figure 244.00.A
Landscaping shall be used for aesthetic enhancement, erosion control and transition to natural open space areas.

14. To provide areas where residents can enjoy active and passive recreation.

Figure 242.02.A
Open space shall be an integral component of subdivision design, with developed open space areas

15. To ensure that proper landscape setbacks are provided to separate residential uses from non-residential uses and to allow for transitions between natural open space and development.
Figure 242.06.A
Bioswales and similar natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.

16. To ensure that the circulation system is a beneficial element in the hillside development setting and maintains, to the greatest extent possible, the natural characteristics of a hillside environment.

17. To ensure quality development that blends with the hillside environment, and to create neighborhoods that display a cohesive and harmonious form and complementary architectural styles.

18. To minimize resource consumption through the use of a drought-tolerant native plant palette.
Section 242.00  Hillside Grading - Subdivision Design

A. Significant Ridgelines

1. Significant ridgelines are those ridgelines characterized by any combination of the criteria specified below.
   a. The ridgelines that surround or visually dominate the surrounding valley landscape either through their size in relation to the hillside or mountain terrain of which they are a part.
   b. Their visual dominance as characterized by a silhouetting appearance against the sky.
   c. A significant natural backdrop feature or separation of communities.
   d. Visual dominance due to proximity and view from existing development or major corridors.
   e. As an area of significant ecological, historical, or cultural importance, such as those that connect park or trail systems.

2. The Official Significant Ridgeline Map, incorporated herein by reference and identified on the City's 2030 General Plan Land Use Diagram, identifies crests of significant ridgelines in the City for the purpose of this Article and specifically, this Section 242.00. The precise delineation of a ridgeline shall be determined at the time a development application is received based on Official Significant Ridgeline Map and the criteria in subparagraph 1 above.

B. Ridgeline Preservation

1. No grading or improvements shall occur within 100 feet of a designated and delineated significant ridgeline area, as measured horizontally on a topographic map prior to any grading or improvements. A Significant Ridge area is determined by the Significant Ridgelines Map identified on the City's 2030 General Plan Land Use Diagram on file at the Community Development Department except as approved by a Hillside Development Permit as in compliance with Section 241.05 No portion of any structure shall be closer to a designated and delineated significant ridgeline area, as measured 50 feet vertically from a cross section of the area.

2. No engineered slopes, housing construction, streets, utilities, excavation, or other permanent human-made features shall be permitted within any significant ridgeline area, as the same is determined by the Significant Ridgelines Map identified on the City's 2030 General Plan Land Use Diagram on file at the Community Development Department. Exceptions may be granted as part of the Hillside Development Permit process if findings are made that:
   a. the encroachment into a significant ridgeline area will be in compliance with the intent and purpose of this Article and the specific criteria set forth herein;
   b. that conditions of approval applied via the Hillside Development Permit will implement the provisions of this Article.
Section 242.01 Grading

A. General Grading Requirements

1. Landform grading techniques such as varying slope height, rounding tops and toes of slopes, and incorporating variable gradients shall be used to ensure that manufactured slopes mimic natural hill forms. Landform grading shall be used for all post-disturbance conditions unless determined by the Community Development Director and the City Engineer that landform grading is not feasible due to soils conditions, encroachment into sensitive biological resource areas, protection of watersheds or watercourses, or other similar considerations. Findings shall be recorded as part of the Hillside Development Permit record as to why landform grading is not feasible. Grading should be kept to a minimum and should be performed in a way that preserves significant natural features and visually blends with adjacent properties. Factors to be considered include the
natural features of the site, slope and soil characteristics, vegetative cover, access to the site and orientation and visibility of both the site and the proposed development.

Figure 242.01.A
Landform grading techniques will resemble natural slopes.

2. Super slopes, as defined by this Article, shall be used in areas of high on-site and off-site project visibility, as determined by the viewshed analysis required for the Hillside Development Permit described in Section 241.05 (Application Filing Requirements) of this Article, to allow for visual breaks between terraced rows of housing units and to provide areas where landscaping can be used to soften the appearance of hillside development. Super slopes shall integrate manufactured slopes with natural slopes to give the appearance of a continuous natural landform.

3. Re-created ridgelines shall be used to mask the view of dwelling units on a hillside from off-site locations, to preserve the appearance of a natural undeveloped hillside, and to preserve the appearance of open space.

4. Berming shall be used to screen utilitarian features such as, but not limited to, water tanks and detention basins.

5. All slopes which are visible from any existing or proposed public right-of-way shall be landform graded.

6. Grading of any site shall conform to the following grading standards, based upon the percent of average slope.
   a. 6 - 15% - Redistribution of earth over large areas may be permitted.
   b. 15 - 20% - Some grading may occur, but landforms should retain their natural character. Padded building sites may be allowed, but custom foundations, split level designs, stacking and clustering are expected to mitigate the need for large padded building areas.
   c. 20 – 25.9% - Grading will be minimal, custom homes sites and access should follow the natural slope of the ground, custom foundations and split level design required to reduce disturbance.
d. 26.0% and steeper - No grading shall be allowed other than house pad and access to pad.

e. Minimize pad size to accommodate the structure and a reasonable amount of open space. A maximum of the remaining lot area should be kept in the natural state of the original slope.

f. Sloping lot designs, such as split level building terraces are encouraged to reduce pad size.

g. Minimize grading within 20 feet of all perimeter property lines of the project site, unless the grading is similar to the existing adjacent slopes or to the planned grading of the adjacent slopes.

Figure 242.01.B
Double loaded street - 10% Slope Condition
Figure 242.01.C
Single loaded street - 17% Slope Condition
B. Prohibited Grading Practices

1. The cutting of significant ridgelines is prohibited.

2. Graded slopes that are characterized by linear (in plan), planar slope surfaces with unvarying gradients and angular slope intersections are prohibited.

C. Super Slope Requirements

The use of super slopes shall be required for the conditions set forth in paragraph Section 242.01.A2 above. The following standards shall be applied in the design of super slopes.

1. On any property for which a Hillside Development Permit application has been submitted and the vertical distance between the lowermost elevation on the property and the uppermost elevation is 60 feet or greater, at least 40 feet of vertical height shall be achieved for terraced manufactured slopes. Such manufactured slopes shall be at most 10 feet shorter or at least 10 feet taller in height than the height of the structure built on the toe of the manufactured slope.
2. Such manufactured slopes shall be at most 10 feet shorter or at least 10 feet taller in height than the height of the structure built on the toe of the manufactured slope (See Figure 242.01.E).

![Diagram of Top of Slope @ Most 10' Below Roofline]  

![Diagram of Top of Slope @ Least 10' Above Roofline]

**Figure 242.01.E**  
To avoid the appearance of stair-step development, top of slopes shall not be within 10 feet above or below a structures roofline.

3. Manufactured slopes shall complement the adjacent natural slopes in terms of hill form and slope height.

**D. Berming**

1. Berming shall be used to screen hillside development from distant views, as determined by the viewshed analysis required by the Hillside Development Permit described in Section 241.05 (Application Filing Requirements) of this Article.

2. Any berm 3 feet or greater in vertical height shall be landform graded no steeper than 3:1.

3. All berms shall have varying slope gradients and rounded tops with a horizontal dimension half the vertical height of the berm.

4. Berms shall be applied to screen utilitarian features such as water tanks in a hillside project.

5. Landscaping materials used on berms shall be drought tolerant and fire resistant and must be approved by the Parks and Leisure Services Director.
E. Slopes between Residential Pads

Where there is at least a 4-foot elevation difference between residential flat pads, slopes shall be contour graded no steeper than 2:1.

F. Road Systems along Project Edges

Road systems shall be placed along project edges to the greatest extent practicable to maximize the use of aesthetic landscape buffers surrounding a development and to buffer residential neighborhoods from vehicular traffic. Project edges along roadway systems shall consist of varied slope and landscape treatments to provide visual interest.
Figure 242.01.H
Road systems shall be placed along project edges to create a buffer between the project and adjacent land uses. This strategy, as illustrated above, can also provide a way to take advantage of panoramic views.

G. Use of Loffelstein and Similar Living Walls

The use of Loffelstein walls and other similar living wall systems that allow for landscaping opportunities with planting pockets and stepped designs is acceptable. Such wall shall be subject to the following development standards.

1. The minimum height shall be no less than 15 feet, with a maximum height of 30 feet.

2. Such walls shall utilize a curvilinear slope pattern to mimic the appearance of natural hillside terrain.

3. Such walls shall be planted with landscape material suitable for the climate, wall exposure relative to the sun, and taking into consideration the landscape aesthetic effect to be achieved by the overall development. The color palette and materials selected for the retaining wall shall blend in with adjacent hillsides and landscape plant palette.
Lofffelstein walls and similar living wall systems retain large amounts of earth while providing planting pockets for landscaping. Once landscaping matures, the wall will be masked and have a softer appearance than a hardscape wall surface.

H. Contour Construction and Materials

Retaining walls shall follow the natural contours of the slope, and all materials used to construct retaining walls shall consist of native stone, poured-in-place concrete, pre-cast concrete block, and shall be of a color and texture that mimic the color and texture of surrounding native plant materials.

I. Height Standards

1. Retaining walls shall be constructed at varying heights throughout a development.

2. The cumulative height of any retaining wall built to retain a cut slope or fill slope shall not exceed 6 feet in height. Cumulative height shall mean the combined height of any wall or series of walls required to retain a single slope.

![Figure 242.02.A](image)

Bioswales and similar natural landscaped runoff control facilities shall be used to enhance appearance and allow for groundwater recharge.

Section 242.02 Site Drainage Improvements

A. General

Site and subdivision features required and designed to control and retain stormwater and other runoff pursuant to the requirements of City and County ordinances and the Regional Water Quality Control Board shall be fully integrated into the design of the subdivision. Such features shall be designed and located to account for natural drainage patterns, integration of open space into overall subdivision design, location of trails and other mobility corridors, and placement of subdivision entry enhancements or other aesthetic features.

B. Materials and Color

Water retention and detention features shall consist of natural earth and plant materials that must be approved by the Parks and Leisure Director. Concrete or similar hardscape materials shall not be permitted unless determined by the City Engineer to be the only feasible method.
of containing runoff. Wherever concrete or similar structures are necessary, per drainage and storm water control plans approved by the City Engineer, such structures shall use integral color concrete to blend with surrounding color palette that blend with the natural environment.

C. Detention Basins

1. A detention basin area with gentle slopes (defined as 3:1 or less) and lined with turf or natural material such as rock may be used as an entry feature. Detention basins shall not be eligible for open space, park credit, or any fee credit.

2. Detention basin side slope ratios greater than 3:1 are prohibited.

D. Bioswales

1. Bioswales shall be used to collect surface runoff before it crosses pavement areas and to reduce ponding and damage to walkways. Bioswales shall be graded to direct water away from paved areas into detention basins.

![Figure 242.02.B](image)

Bioswales planted with native rocks and vegetation shall be used to the maximum extent to serve as a hillside community's drainage system.

2. Bioswales shall consist of primarily herbaceous plants whose stems and leaves retard water flow and help settle pollutants, and which, with the aid of the roots, decompose into the soil.
Section 242.03 Street Requirements and Design

A. Minimum Number of Access Points

New hillside development projects shall have a minimum of two points of vehicular access, one of which may be established for emergency access only, as determined by the Fire Chief through the Hillside Development Permit review process.

B. Street Design Standards

All streets shall be designed and constructed in accordance with the following standards.

1. Street sections shall be designed in accordance with street standards and specifications adopted by the City and as revised from time to time. In addition to such adopted standards, the following street standards shall apply to development in the Hillside Residential zone.

   a. The maximum length of any cul-de-sac street shall be 600 feet unless approved otherwise by the Fire Chief and City Engineer.

   b. All streets shall contain two clear 12-foot travel lanes.

2. Split Level Streets

Where split level streets are used, the following standards shall apply.
a. The use of split level roads is permitted to reduce the amount and visual effect of grading (Figure 242.03.A).

b. The ground slope between the two traffic ways shall be of a ratio not less than 2:1.

![Figure 242.03.A](image)

Use of split level roadways is permitted and encouraged where such design can be used to facilitate landform grading. This type of road can also maximize the view opportunities in the hillside setting.

3. Street grades shall not exceed the following except as may be modified by the City Council in compliance with Chapter 21, Article III, Section 21-3 of the Porterville City Code. The maximum length of street runs at the maximum specified grade shall be subject to the review and approval of the Fire Chief, or their respective designees. Minor adjustments to street grades shall be subject to the review and approval of the Fire Chief and the City Engineer.

a. Primary Arterials shall be no steeper than eight percent (8%).

b. Secondary Arterials shall be no steeper than ten percent (10%).

c. Collector Streets shall be no steeper than ten percent (10%).

d. Local Streets shall be no steeper than ten percent (10%).

e. Loaded Local Streets shall be no steeper than eight percent (8%).

f. Intersections shall be at six percent (6%) grade or less.

g. Local Streets can have a minimum centerline radius of 150 feet provided minimum sightline distances are met.

h. Street grades at fire hydrant locations shall be no steeper than seven percent (7%) for no less than twenty feet (20') on each side of hydrant.
C. Private Streets

1. Private streets and alleys shall not be permitted unless approved by the City Council and, if approved, all private streets or alleys shall be constructed to City standards. (Chapter 21, Article III, Section 21-3(j))

2. Driveway grades shall not exceed twelve percent (12%) unless otherwise approved by the Fire Chief and City Engineer. The finished grade of the driveway shall conform to the finished grade of the lot. Proper design consideration shall be given to vertical curves and parking landings.

3. Common drives in single family hillside residential development should be considered if grading is reduced by their use. Common easement maintenance agreements are required for common driveways.

E. Driveways

1. Driveways that are less than 150 feet (150') in length shall be a minimum of twelve feet (12') wide.

2. Driveways between 150 feet (150') and 400 feet (400') shall be a minimum of 16 feet (16') wide.

3. Driveways that are greater than 400 feet (400') in length shall be subject to the approval of the Fire Chief.

4. Driveway approaches/transitions shall not have a grade greater than 10 degrees (in order to avoid high pointing).

5. Driveways shall be paved with asphalt or Portland Cement Concrete (PCC). PCC or an approved alternative shall be used when grades exceed twelve percent (12%).
Hillside Landscape Requirements

Section 243.00   Open Space

A. Landscaping Required

Landscaping is an essential part of the site development by assisting in adapting the development into the natural backdrop of the hills, by providing areas of open space for use by residents and for assisting in slope stabilization, erosion control and filtering of pollutants from stormwater.

Figure 243.00.A
Open space shall be integral component of subdivision design, with developed open space areas

Section 243.01   Types of Open Space

A. Types of Open Space

Open space in the Hillside Development Zone shall consist of two general types of open space:

1. Natural Open Space, which shall be defined as undeveloped areas retained in their naturally occurring condition with regard to landform, vegetation, and water features; with the exception of walking trails and viewing platforms.

2. Developed or Improved Open Space, which shall be defined as any area not occupied by structures that has been improved with landscaping, trails, recreation amenities, and similar features that provide opportunities for active and passive recreation, and that provide landscape improvements that enhance the overall appearance and character of a development.
B. Use of Natural Open Space

Undeveloped open space shall be left in its natural state, with permitted improvements limited to the establishment of trails and associated viewing areas established as community open space.

Section 243.02 Open Space Requirements

A. Requirement to Provide Developed Open Space

Developed Open Space shall be provided for attached residential development as set forth in Table 244.03.B.2 and Zoning Ordinance Article 3, Section 305 and as otherwise required for this Article to meet general landscaping, slope treatment, and parkway landscaping requirements.

B. Deed Restrictions

Any lands dedicated for open space purposes shall contain covenants and recordable deed restrictions burdening the subject property, in a form and content approved by the City Attorney, ensuring that:

1. The open space area will not be subdivided in the future;
2. The use of the open space will continue in perpetuity for the purpose specified;
3. Appropriate provisions will be made for the maintenance of the open space that clearly define future maintenance responsibilities; and
4. Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee, unless otherwise authorized by policy or law.

C. Open Space Ownership

1. The fee title owner or easement holder of an interest in the land that is dedicated for open space purposes shall be selected by the property owner, developer, or subdivider, subject to the approval by the Zoning Administrator or City Council. The ownership may vest in, but not be limited to, the following:
   a. The City, subject to acceptance by the City Council of a recordable interest.
   b. Other public jurisdictions or agencies, subject to their acceptance.
   c. Quasi-public and non-profit organizations, subject to their acceptance.
   d. Homeowner associations, landscape maintenance districts or other similar organizations.

2. The City may, in its reasonable discretion, require that the applicant establish a mechanism to fund the long-term maintenance of such open space, which may include a cash deposit, an assessment district, trust, or other appropriate funding mechanism.

D. Maintenance

The person or entity identified as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance as set forth in Section 243.02.B, unless the City authorizes alternate maintenance strategies.

E. Required Planting Areas

Slopes requiring retaining at a height greater than 3 feet shall be terraced for planting areas. Such planting areas shall have a minimum width of 6 feet. No more than two terraces of retaining walls shall be permitted on one manufactured slope.
F. Irrigation Systems Required

All planting areas for retaining walls shall be provided with an automatic irrigation system. Such irrigation system shall be approved and inspected prior to the construction of any wall.

G. Landscaped Parkways Required

1. All public streets shall include a landscaped parkway between the edge of street paving and adjacent property lines. Such parkways shall be of a width required by the City’s standard street cross sections and shall include a sidewalk or other pedestrian way or trail as set forth in the City’s standard street cross sections or as otherwise may be required by the City Engineer and/or Community Development Director through the Hillside Development Permit review process.

2. Such required parkways shall be landscaped as set forth in Section 243.03.D of this Article, including specifically Section 243.03.E (Drought-Tolerant/Native Vegetation).

Section 243.03 Landscape and Irrigation Plan Requirements

A. Landscape and Irrigation Plan

1. All proposed new development shall require approval of a landscape and irrigation plan. Complete plans shall be submitted as part of the application process set forth in Section 241.05.H. Such plans shall be subject to the review and approval of the Parks and Leisure Services Director and the Fire Chief.

2. All landscape and irrigation plans shall include all information required by the City and shall be designed to ensure slope stability, fire safety, and design quality, as well as a tree removal and retention plan with the following information.
   a. Identification of the extent of vegetation removal required for site preparation and development; and
   b. The location and species of individual trees of 6-inch caliper or more. Maximum effort should be exercised to retain existing trees in place.

3. The Community Development Director may waive the landscape and irrigation plan requirement for additions and remodeling where no or only minor alterations to the existing landscape or topography are proposed.
4. All landscaping shall be planted and maintained in compliance with approved plans.

B. General Landscaping Standards

1. All portions of a site where existing vegetative cover is damaged or removed, or consists primarily of weeds (typically unwanted plants that grow aggressively and are damaging to native plants), and are not otherwise covered with new improvements, must be successfully re-vegetated with a substantial mix of native and/or drought tolerant grasses and ground covers. The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.

2. Utilitarian structures such as water tanks or towers, similar storage facilities shall be installed underground. Those not installed underground shall be painted with earth tones found in the adjacent area using a random, camouflage pattern, or shall be entirely screened with appropriate landscaping that blends with the surrounding natural environment.

3. Plants with similar water requirements shall be grouped together in hydrozones.

4. Prior to planting, consideration of soil compaction shall be used to determine planting pit depths and drainage.

5. The Community Development Director and the Parks and Leisure Services Director shall have the authority to require other improvements such as the removal of dead or diseased trees and the thinning of trees or other vegetation to encourage desirable growth.

C. Tree Removal and Replacement

For each existing native tree or shrub removed or damaged with a combined caliper equal to or greater than 6 inches at 4 feet above finish grade, a 24-inch box minimum replacement tree or shrub of the same genus and species or as otherwise approved by the Parks and Leisure Director shall be planted on the site. For trees equal to or in excess of an 8-inch combined caliper, the replacement tree shall be a 48-inch box or larger of the same genus and species. Should a tree of the same genus and species not be available, the applicant shall submit reasonable proof of general unavailability in the region, and a list of no less than five substitutes, one of which shall be of the same genus, for approval by the Parks and Leisure Services Director.

The Parks and Leisure Services Director may approve a substitute or may require provisions, including but not limited to bonds or similar security, to assure the installation and maintenance of the specific genus desired.
D. **Setbacks/Slopes along Roadway Edges**

1. The following setbacks from the curb face, or line that would be the location of the curb face, to the property line shall be required from the following roadways:

   a. Major Arterial: 80 feet
   
   c. Minor Arterial: 60 feet
   
   d. Parkway: 40 feet
   
   e. Collector: 35 feet
   
   f. Local Residential Street: 20 feet
2. Setbacks and slopes along edges between roadways and rear property lines shall be fully landscaped with materials consistent with all other common open space areas. The landscape material shall transition in height to provide low vegetation immediately adjacent to the right-of-way edge to taller trees on the slope.
3. Any manufactured slope in excess of 4 feet vertical that is part of a private lot and that abuts any public or private street or other right-of-way or open space use intended for public use and/or enjoyment shall be fully landscaped in accordance with the provisions of this Article and shall be maintained by a homeowners association or other entity established as part of the tentative map approval process for the maintenance of common open space.

E. Drought-Tolerant/Native Vegetation

1. All landscape plans must use native and/or drought-tolerant plant materials appropriate for their location and soil type, as identified in standard agricultural suitability soils test. Preferred landscaping materials shall consist of native plants. Landscape and irrigation
plans shall comply with the City's water efficient landscape requirements contained in Article 26, Section 2624 of the Zoning Ordinance.

2. All native vegetation outside the impact area shall be preserved and protected from damage during construction. Oak trees shall have a preservation zone of the dripline plus 10 feet surrounding the tree. Any project impact within this preservation zone shall be considered as damaging to the tree.

F. Interface between Natural Open Space Areas and Development

1. The area between a structure and wildfire hazard areas, as defined by the Fire Chief, shall be planted and maintained as consistent with the provisions of paragraph K below (Section 243.03.K). The transition between manufactured areas and natural areas shall be established beyond residential structures so as to permit the development to meet the State Code regarding wild land interface in State Response Areas.

2. Climactically suitable shrubs and trees shall be used as wind breaks as appropriate.

G. Landscaping as Focal Points

Significant landscaping, such as signature trees (i.e., large or unique trees), hedges, and flowering plants shall be used to provide focal points within a development, including and specifically as entry statements that shall require the following setbacks measured diagonally from face of curb, or the line that would be the location of the curb face:

1. Major Arterial: 100 feet
2. Minor Arterial: 80 feet
3. Parkway: 50 feet
4. Collector: 50 feet
5. Local Residential Street: 20 feet

A landscape area shall then be provided generally matching the depictions within Figure 244.03.E. Provisions for maintenance of said landscape areas shall be an integral component of project approval.
H.  Slope Maintenance and Erosion Control

1. All cut and fill slopes shall be planted with native and/or drought-tolerant vegetation and irrigated with an automatic irrigation system to prevent erosion.

2. All cut or fill slopes exceeding 5 feet in vertical height shall be planted with adequate plant material to protect the slope against erosion. Planting shall be in the ratio of at least one shrub per 16 square feet of natural slope area and one tree per 400 square feet of actual slope area, with ground cover to completely cover the slope within 12 months from planting.

3. All shrubs shall be a minimum 1 gallon size,

4. All trees shall be minimum 15-gallon size.

5. Slopes less than 5 feet in vertical height shall be planted with ground cover to cover the slopes completely within 12 months of planting.

6. Landscape coverage and stabilization of graded slopes shall be selected and designed to be compatible with surrounding natural vegetation. A City-approved irrigation system shall be utilized for plant establishment. A minimum 3 feet flat area from top or toe of slope of 20 feet or greater shall be maintained to face of wall or fence on common area maintenance slopes.

7. Random patterns or uniform coverage that is contrary to the surrounding natural environment shall be avoided.

8. Shrubs on manufactured slopes shall be heavily concentrated along the drainage flow of swales.
9. Lawns and sod shall not be installed on slopes steeper than 4:1. Low-maintenance bunch grasses can be used on slopes steeper than 4:1.

I. Irrigation

1. Irrigation shall be designed to conserve water and to protect existing native vegetation.

2. Drip irrigation shall be required in appropriate areas to reduce overspray and runoff.

3. Irrigation needs shall be reduced by careful control of drainage pattern on a slope and selection of appropriate plant material.

4. Technological irrigation equipment, such as humidity sensors, that control irrigation settings and run times due to seasonal weather changes shall be used.

J. Fuel Modification Zones

1. A permanent fuel modification area and fire prevention plan shall be required, subject to the determination of the Fire Chief, around development projects, or portions thereof, that are adjacent or exposed to hazardous fire areas for the purpose of fire protection. The recommended width of the fuel modification area shall be based on applicable Building and Fire Codes and the State Code regarding wild land interface in State Response Areas and the recommendations of the Fire Chief, with consideration given to:
   a. The natural non-graded slope of the land within the project and in the areas adjacent to the project.
   b. Fuel loading.
   c. Access to the project by fire suppression equipment, and access directly to the fuel modified area, and egress out of the project in case of evacuation.
   d. The on-site availability of water that can be used for firefighting purposes with regard to fire flows, water pressure, and duration.
   e. "Built-in" fire protection within structures.
Figure 243.03.F
Fuel modification zones shall be designed to have graduated zones of reduced fuel.

2. Adequate provisions shall be made for the continual maintenance of such areas, and the Fire Chief may require brush, vegetation, or debris to be removed and cleared consistent with the provisions of Chapter 12, Section 12.1.1 of the Porterville City Code, which adopts the Uniform Fire Code as the City’s fire code.

K. Private Yard Landscaping

1. The paving of over 40 percent of either the front yard or rear yard shall not be permitted.

L. Screening

1. Landscaping shall be designed to screen the view of downslope building elevations. The landscape plan for individual residential dwellings shall specifically consider the downslope elevation and demonstrate that portions of elevations below the bottommost floor are screened from view. Downslope elevations visible from any adjacent property or public right-of-way shall be landscaped with a selection of shrubs and trees that screen the downslope portion from view to the satisfaction of the Zoning Administrator.

2. Visual screening and privacy within side and rear yards shall be provided; front yards and building entrances shall be substantially visible for security purposes.

M. On-lot Tree Program

1. A minimum of two trees shall be installed and permanently maintained in each rear yard.

2. One additional tree shall be installed along the side yard adjacent to the street on corner lots with uphill visibility from roads.

3. Tree sizes shall be a minimum of 24-inch box for rear yards with 15 feet depths or less and 36-inch box for rear yards that are greater than 15 feet deep.

4. Minimum distance between tree trunk and neighbor wall is 5 feet.

5. Soil compaction and drainage shall be considered when determining planting pit depths.
Figure 243.03.G
On-lot tree program requires trees planted in each lot in locations that maintains views.
Section 244.00    Hillside Development Standards

The following Sections 244.01 through 244.07 development standards apply to the Hillside Development Zone.

Section 244.01    Allowable Density Calculation Procedures

A. For the purposes of this Article, allowable density is defined as the maximum number of dwelling units permitted per gross acre of land. The maximum allowable density shall be based upon and established by the average slope of a property, calculated in compliance with Section 241.05.D3. The maximum allowable density based on the average slope shall be as set forth in to Table 244.01.A.

<table>
<thead>
<tr>
<th>Average Slope</th>
<th>Maximum Allowable Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5.9% inclusive</td>
<td>2.4 units/acre</td>
</tr>
<tr>
<td>6 to 10.9%</td>
<td>2.2 units/acre</td>
</tr>
<tr>
<td>11 to 20.9%</td>
<td>1.8 units/acre</td>
</tr>
<tr>
<td>21 to 25.9%</td>
<td>1.0 units/acre</td>
</tr>
<tr>
<td>26 to 30.9%</td>
<td>1 unit/20 acres</td>
</tr>
<tr>
<td>31 to 50%</td>
<td>1 unit/80 acres</td>
</tr>
</tbody>
</table>

B. The maximum dwelling unit yield based on the maximum allowable density mathematical sum shall be considered maximum potentials and not an entitlement, right or vested right to develop. Other factors and individual property characteristics will affect and may reduce the yield, including but not limited to: physical constraints, floor-area ratio (Section 244.01.D); compliance with design guidelines, engineering design standards, hillside development standards; and performance criteria such as access, emergency response standards, and sensitive grading techniques and volumes.

C. Calculating the maximum allowable density for any parcel or group of parcels under common development application within the Hillside Development Zone shall involve the following steps:

1. Establish allowed density based on average slope:
   a. Alternative 1 – Average slope of the parcel or group of parcels.
      For Alternative 1, the average slope shall be calculated in compliance with Section 241.05.D3. For example, a 100-acre parcel which has an average slope for the entire parcel of 25 percent would yield a maximum of 100 units.
   b. Alternative 2 – Recalculation alternative.
      The largest contiguous area of the least steep slope category may be used to calculate average slope in compliance with the method established in Section 241.05.D2. For example, on a 100-acre parcel, of which 60 acres has an average slope of more than 25.9 percent, 30 acres are between 21 to 25.9 percent slope, and there is a contiguous 10-acre area of between 11 to 20.9 percent, the 10 acres with a average slope of 11 to 20.9 percent can be used to recalculate allowable density (1.8 units/acre X 10 acres = 18 units)

D. For the purposes of this Article, floor-area ratio (FAR) is defined as the ratio of the total gross square footage of the dwelling unit excluding both attached and detached garage
square footage and any accessory structure on a lot to the square footage of the pad or that portion of the lot containing the dwelling and having a gradient of five percent or less. After constraints and performance criteria have been addressed to develop a maximum yield, the maximum yields for a parcel is further affected by average FAR and are based on Table 244.01.B.

<table>
<thead>
<tr>
<th>Dwelling Unit Yield</th>
<th>Maximum FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum units</td>
<td>0.4</td>
</tr>
<tr>
<td>80% of Maximum</td>
<td>0.5</td>
</tr>
<tr>
<td>70% of Maximum</td>
<td>0.6</td>
</tr>
<tr>
<td>60% of Maximum</td>
<td>0.7</td>
</tr>
</tbody>
</table>

E. Physical Constraints are the on-site circumstances and resources that will be protected consistent with policies in the General Plan or other regulatory requirements. Factors that require special consideration are as follows:

a. USGS blue-line streams and potential habitat areas for endangered species or archaeological resources.

b. Areas greater than 25.9 percent slope greater than 1 acre as determined by Section 241.05.D.

c. Liquefiable soils, Alquist-Priolo Zones, shallow hard rock, faulting and naturally occurring asbestos.

d. Large, mature native trees including: Coastal Live Oak, Sycamores, or Willow.

Section 244.02 Development Standards - Detached Dwellings

Standards for detached dwelling units will provide assurance that development will be appropriate to the hillside setting. The following standards combined with the standards for grading and drainage, subdivision and landscaping design will result in adaptive hillside development.
Figure 244.02.A
Hillside developments should be designed with respect to natural hill characteristics and development intensity appropriate for the area.

A. Density

Density limitations shall be determined as set forth in Table 244.01.A, of this Code.

B. Minimum Pad Size

The minimum area of a pad on a lot, including the summation of multiple pad areas where split-level construction is proposed, shall be 6,000 square feet.

C. Building Setbacks

Building setbacks shall be set forth in Table 244.02.C.

Table 244.02.C
Building Setbacks Detached Dwellings

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>Pad Size in Square Feet</th>
<th>6,000 to 8,000</th>
<th>8,000 to 10,000</th>
<th>10,000 and greater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td></td>
<td>20'</td>
<td>30'</td>
<td>40'</td>
</tr>
<tr>
<td>Side yard</td>
<td></td>
<td>7.5'</td>
<td>7.5'</td>
<td>10'</td>
</tr>
<tr>
<td>Rear yard</td>
<td></td>
<td>20'</td>
<td>20'</td>
<td>30'</td>
</tr>
<tr>
<td><strong>Corner Setbacks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>*Face of curb to privacy wall</td>
<td></td>
<td>20'</td>
<td>20'</td>
<td>25'</td>
</tr>
<tr>
<td>Privacy wall to structure</td>
<td></td>
<td>10'</td>
<td>10'</td>
<td>15'</td>
</tr>
</tbody>
</table>

*Setbacks are measured from face of curb or for rolled curbs, from the flowline.
E. Floor-Area Ratios

Maximum allowable floor-area ratios shall be as set forth in Table 244.01.B.

F. Building Height – Primary Structure

Each proposed single-family detached structure in the Hillside Development Zone shall comply with the following height limits.

1. Height Measurement

The maximum allowable building height shall be measured as the vertical distance from the existing or planned grade of the site at the point of the building foundation to an imaginary plane located at the allowed number of feet above and parallel to the grade. For split-level construction, each building component shall be measured from the site pad area on which that component is located.
2. General Height Limit
   No structure shall exceed a height of 35 feet.

3. Height of Lowest Floor Level
   The vertical distance between the lowest point where the foundation meets grade and
   the lowest floor line of the structure shall not exceed 6 feet.

**Section 244.03   Development Standards – Attached Dwellings**

**A. Density**

Density limitations shall be determined as set forth in Table 244.01.A of this Article Code. Where attached housing is proposed, the overall permitted density of a development site shall determine the maximum number of units allowed, and all such units may be clustered or attached on a lot or lots restricted to a limited area of the development site, with the density calculation applicable to the site as a whole. However, in compliance with the provisions of Section 243.02 of this Article, any remainder open space lot or lots shall be deed restricted against further residential development and shall be permanently maintained as required by the provisions of this Article.

**B. Building Height**

Each proposed attached or clustered dwelling unit structure shall comply with the following height limits.

1. Height Measurement
   The maximum allowable building height shall be measured as in compliance with Section
   244.02.F.

2. General Height Limit
   No structure or group of structures shall exceed a height of 35 feet.

3. Height of Lowest Floor Level
   The vertical distance between the lowest point where the foundation meets grade and
   the lowest floor line of the structure shall not exceed 6 feet.

**D. Building Setbacks**

1. Buildings shall be set back from lot lines as indicated in Table 244.03.A.

<table>
<thead>
<tr>
<th>Yard Lot Line</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
<td>20’</td>
</tr>
<tr>
<td>Side yard</td>
<td>15’</td>
</tr>
<tr>
<td>Rear yard</td>
<td>20’</td>
</tr>
<tr>
<td>”Face of curb to privacy wall”</td>
<td>20’</td>
</tr>
<tr>
<td>Privacy wall to structure</td>
<td>10’</td>
</tr>
</tbody>
</table>

*Setbacks are measured from face of curb or for rolled curbs, from the flowline.

2. Building to Building
   The minimum setback between structures shall be no less than 20 feet.

3. Building to Street or Parking Area
The minimum building setback to street or parking area shall be no less than 20 feet, measured from face of curb.

4. Building to Privacy Wall or Exclusive Use Area

The minimum building setback to privacy wall or exclusive use area shall be no less than 20 feet.

![Building Separation and Setbacks](image)

**Figure 244.03.A**
Building Separation and Setbacks

![Rear Yard and Side Yard Setbacks](image)

**Figure 244.03.B**
Rear Yard and Side Yard Setbacks

**E. Required Common Open Space Area**

Every attached or cluster development project shall be required to provide common open space areas accessible to all dwelling units within such development project. The required area shall be as set forth in Table 245.02.C. Such common open space area may consist of passive landscaped area, common recreation facilities such as a swimming pool or sports court, or any combination of such improvements. The minimum dimensions of such common
open space area shall be 20 feet by 20 feet. Such common open space shall be centrally located and equally accessible to all dwelling units within the development.

Table 244.03.B
Required Common Open Space for Attached Dwellings

<table>
<thead>
<tr>
<th>Numbers of Dwelling Units within Development</th>
<th>Required Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-20</td>
<td>100 sq. ft. per dwelling unit</td>
</tr>
<tr>
<td>21-40</td>
<td>150 sq. ft. per dwelling unit</td>
</tr>
<tr>
<td>40+</td>
<td>200 sq. ft. per dwelling unit</td>
</tr>
</tbody>
</table>

F. Private Open Space

Private open space shall be provided as required by Section 243.00 of this Article.

G. Location of Garages

Garage structures for attached and cluster developments are not required to be attached to the dwelling units they serve. Common garage structures may be developed, provided parking is provided for each dwelling unit in compliance of the requirements of Section 243 of this Article.
Section 244.04 Custom Lot Design and Development Standards

A. Application Requirements

1. As specified in Section 241.00, an individual dwelling unit on an existing legal lot shall be subject to an Administrative Hillside Development Permit.

2. Proposed subdivisions of land planned for custom home sites shall be subject to a Hillside Development Permit.

B. Design Standards – General

1. Roadways, driveways, and individual building pads shall be designed to conform to the natural hillside contours, blending into the environment rather than forcing building sites and infrastructure upon the land. An emphasis shall be placed on limiting grading to individual flat graded pad areas for residential building sites and any roads accessing the residential building sites, ensuring a minimal cut and fill situation.

2. Any areas that require grading shall incorporate landform grading techniques to further encourage the natural appearance of custom pads.

3. For any standard not specifically indicated in this Section as applying to custom lot development, the general standards applicable to all development in the Hillside Development Zone shall apply.

C. Landscape Standards

Custom lot development shall implement landscape standards that avoid harsh or abrupt transitions between open space and development while providing a combination of landscape materials that blend into the adjoining natural open space. Landscape setbacks along roads and along flat pads of custom lots shall be required to ensure that suitable transitions from residential development to natural open space are accomplished.

D. Architectural Standards

Individual houses on custom lots shall be visually compatible with the surrounding area, with architecture that complements the adjacent natural environment and any adjoining residential structures and/or neighborhoods.

E. Grading Standards

1. Unless otherwise specified in this section, the landform grading practices set forth in Section 242.01 shall apply.

2. Retaining walls shall not be visible from any public rights-of-way.

F. Development Standards

1. The minimum pad size shall be no less than 10,000 square feet unless the site is over 15% average slope in which case smaller padded building sites are allowed to reduce grading impacts as set forth in Section 242.01.

2. Maximum building height, as measured from finished grade to top of building, shall be as follows:
   a. 18 feet – Single-story portion of structure
   b. 28 feet – Two-story portion of structure
   c. 35 feet – Three-story portion of structure

3. Setbacks shall be provided as set forth in Table 244.02.C.
4. No fence or walls shall exceed a height of 6 feet, and all fences and walls shall comply with the regulations set forth in Section 244.07.G.

5. Walls and opaque fencing shall be permitted only on the flat pad of a custom lot.

6. The minimum landscape setback of 20 feet shall be provided between developed pad and natural vegetation.

7. The maximum step in foundation wall shall be no higher than 10 feet to account for homes built in a hillside setting.

8. Where no standard is specifically indicated in this Section 244.04, the development standards set forth in Section 244.01 shall apply.

Section 244.05  Accessory Structures

A. Accessory structures shall either be constructed as an integral part of the main dwelling unit or be within the setbacks set forth in Tables 244.02.C of this Article.

B. The height of any accessory structure shall be limited to 16 feet.

C. Accessory structures shall not be permitted within any front yard area.

D. Accessory structures shall maintain a minimum 5-foot setback from rear and side pad edges. For pads on lots adjacent to a street, a minimum 20-foot setback from any pad edge to the street shall be maintained. A side yard on the street side of a corner lot shall maintain a minimum 20-foot setback from pad edge.

Section 244.06  Other Regulations

A. Exterior Lighting

Exterior lighting shall be properly shielded to avoid glare and the spill of light to surrounding areas. Low-level lighting and the use of multiple low profile fixtures is encouraged, as opposed to the use of fewer, but taller fixtures. Emphasis for exterior lighting shall be on safety and landscape lighting as opposed to building lighting. The applicant shall present descriptions of exterior lighting in the design guideline manual required by Section 241.05.H of this Article.

B. Decks

No portion of the walking surface of a deck with visible underpinnings shall exceed a height of 6 feet above grade. Decks shall be integrated into the architecture of the house and not appear as an add-on to the primary building mass. The applicant shall present illustrations and descriptions of decks in the design guideline manual required by Section 241.05.H of this Article.

C. Utilities

All newly installed utilities shall be placed underground unless, in the determination of the authority responsible for approving the Hillside Development Permit, such requirement would result in unsafe conditions. All existing electric power lines of capacity 66 kilovolts or less shall be relocated underground. All utilities shall be placed underground unless, in the determination of the authority responsible for approving the Hillside Development Permit, such requirement would result in unsafe conditions.

D. Gated Communities Prohibited

Gated communities shall be prohibited.

E. Private Gates at Driveway Prohibited
All gates or other structures or devices, which could obstruct emergency access or otherwise hinder emergency operations, shall be prohibited. Private gates at driveways that do not hinder emergency access or operations shall be setback a minimum of 30 feet (30') from the front property line.

Section 244.07 Architectural Standards

A. Architectural Standards - General

To achieve hillside compatible development, the City recognizes the importance of having architectural design that incorporates rooflines and other building elements that reflect the naturally occurring ridgeline silhouettes and topographical variation.

B. Conformance with Project Design Manual

The applicant shall demonstrate how the architectural criteria of this section are met in the design guideline manual required by Section 241.05.H of this Article.

C. Architectural Themes

1. For subdivisions consisting of production-style development, whereby dwelling units are constructed by a single developer utilizing a limited number of floor plans and building architectural styles, the architectural styles throughout the development shall be thematically consistent with one another. Varying floor plans, colors, materials, and building forms shall be utilized such that within a single development project, a minimum of nine different elevations are available. However, where attached units are provided, a more unified architectural scheme is permitted.

2. For custom lot developments consisting of a subdivision of more than one lot, the requirement for a design guideline manual, as set forth in Section 241.05.H of this Article, shall apply.

3. For a development consisting of one home on an existing lot, such homes shall comply with the requirements of Section 244.04.

D. Required Treatments

1. Architectural treatments on all exterior walls of any building shall be designed to avoid a monotonous or continuous façade of the exterior wall. Under no circumstance shall the front and rear façade of any building be in one continuous vertical or horizontal plane. Architectural features and details shall be located on all exterior walls of the building, including the rear and sides of the building. Buildings shall utilize wall articulation (i.e., insets, pop-outs, etc.) and roof orientation as a means to prevent massing.

2. The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of single-story elements, building face setbacks, overhangs, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up of massive forms.
E. Finish Materials/Color

Building materials and colors shall be compatible with the natural setting. Exterior colors shall be limited to earth tones found in nearby natural vegetation and/or soil, or come from natural sources (e.g., rock, stone, wood), or resemble a natural appearance.

F. Support Structures

1. Support structures (e.g. columns, pilings, etc.) below the lowest floor on the downhill side of a house, if and where permitted as part of the Hillside Development Permit review process, shall be enclosed unless visible structural members are an integral feature of the architectural design.

2. A support structure wall surface shall not exceed 6 feet in height.

Figure 244.07.B
Support structures shall be minimized in height.
G. Fencing and Privacy Walls

1. All fences and privacy walls adjacent to or visible from public roads or major public spaces shall be of decorative masonry or other approved materials that have a natural appearance (e.g., masonry walls, pre-fabricated modular concrete) and shall be a color that blends with the natural surrounding environment and complements the landscaping. The use of indigenous rock and colors or materials which blend with the surrounding natural landscape shall be preferred. The applicant shall present illustrations and descriptions of fencing and wall materials in the design guideline manual required by Section 241.05.H of this Article.

2. Any fence or privacy wall adjacent to a public road or major public space shall be placed at the top of a slope.

3. All fences and privacy walls, whether or not visible from a public road or major public open space, shall be limited in height to 6 feet, as measured from the grade on which the bottom of the fence or wall is placed to the uppermost extent of such fence or wall.

4. Solid fences and walls in a required front yard area, or within the street side yard on a reverse corner lot shall not exceed a height of 42 inches.

5. Open work fences, whereby the fence is 90 percent open or more, shall not exceed a height of 48 inches within the front setback or within the street side yard on a reverse corner lot, otherwise the height limitations specified in G.3 and G.4 above shall apply.

6. The provisions of Chapter 21, Article III, Section 21-3(f) of the City Code regarding corner rounding areas shall apply.

7. A minimum setback distance of 20 feet shall be provided between any fence or privacy wall adjacent to a public right-of-way, with the distance measured from the fence or privacy wall to the face of curb.

8. Any fence or wall that runs along the top of a landform and silhouettes against the sky shall be transparent to allow views from off-site to be unobstructed.

![Diagram](image)

**Figure 244.07.C**
Adequate setback shall be provided between curb and privacy wall.
PUBLIC HEARING

TITLE: ZONE CHANGE AMENDMENT 2-2008 (DOWNTOWN "D" OVERLAY)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: At the July 1, 2008 City Council Meeting, this item was presented. After hearing testimony, the Council tabled this item to the August 5, 2008 City Council meeting in order to allow staff additional time to further notice the project and provide more information regarding similar efforts in other comparable communities.

In response to this direction, staff further advertised this item for the August 5, 2008 regular City Council meeting. In addition to the standard noticing procedures carried out for the July 1st public meeting, staff displayed large-format posters with the boundaries displayed on a map and a notice of the meeting, as well as hand-deliver notices to each business within the proposed boundaries.

Staff also conducted research on other similarly-sized or similarly-situated communities within California to gauge the extent to which other communities have adopted architectural standards and/or review procedures in their downtown areas, and to try to gauge the effectiveness of such efforts. Our research showed that those small to mid-sized communities that have verifiably successful downtown nearly always had special adopted standards for implementing high quality architecture. The same was true for communities that were gaining momentum to having successful downtowns.

Staff also looked at other Central Valley towns of similar size to Porterville and found mixed results. Of those towns, some had successful downtowns and some did not. Those that enjoyed some level of success downtown had some type of architectural standards for downtown and others appear not to have architectural standards and don’t appear to have made significant progress towards downtown success.

BACKGROUND:

On March 4, 2008, the City Council adopted a comprehensive General Plan for the City. This General Plan contains a vision for the Downtown area to create a vibrant commercial and cultural “heart” to the City. A key component of this vision and effort includes preserving the historical development patterns and buildings, and incorporating their features into future development. Some of the policies contained in the General Plan, that relate to this effort include:
LU-G-1 Promote a sustainable, balanced land use pattern that responds to existing needs and future needs of the City.

LU-G-2 Maintain a well-defined, compact urban form with Downtown as the "heart of the City."

LU-G-12 Promote the location of professional and administrative offices Downtown, near post-secondary education facilities, and in other mixed-use districts.

LU-G-20 Enhance Porterville's Downtown as a pedestrian-oriented district that reflects local history and culture.

LU-G-21 Attract and retain specialty retail and restaurant businesses that will enhance Porterville's unique character.

LU-G-22 Promote vertical mix of uses with residential and office uses above the ground floor retail to add vitality to Downtown Porterville.

LU-G-23 Provide sites for multi-family housing within walking distance of Downtown.

LU-G-24 Promote public and private development within Downtown that is sensitive to historic sites.

Currently, there is no mechanism in place to require quality architecture or maintain consistent neighborhood character. Proposed downtown projects that fall under permitted uses in the current zoning ordinance are approved under a building permit, without discretionary approval. If such projects meet basic zoning requirements, staff is obligated to approve the development, regardless of how it integrates into the downtown area.

PROJECT DESCRIPTION:

In order to preserve the historical character of the downtown area and implement the vision of the recently adopted Porterville 2030 General Plan, staff is working with our Zoning Ordinance Update consultant to develop a process for development in the downtown area as part of our new Zoning Ordinance. Until such time as that effort is completed, staff recommends that the area along Main Street, bounded by Morton Avenue to the north, Olive Avenue to the south, Second Avenue to the east, and Hockett Avenue to the west be re-zoned to include a "D" Overlay Zone. This would allow the City Council to review building architecture for development in this strategic center until the completion of the new Zoning Ordinance.

Staff further recommends that the voluntary Downtown Porterville Architectural Design Guidelines, adopted for the Redevelopment Agency in 1994, be incorporated into the ordinance as required standards. These guidelines contain a focused examination of historical architecture in Downtown Porterville and recommendations
on specific building features that would allow new development to match the historical patterns. A copy of these standards is included as an attachment to the draft ordinance.

**Triggers and Appeals:**

The following potential developments in the downtown area affect the exterior function and/or appearance of buildings. These developments would be subject to the Architectural Design Guidelines under this proposed ordinance due to the need to ensure that new these new developments are in keeping with the architecture of the downtown area and are therefore considered to be project “triggers”:

1. Awning Improvements
2. Any Construction within the Public Right-Of-Way
3. New Signs
4. Painting of Buildings

The following potential developments in the downtown area are considered even more significant in their impact to the exterior function and/or appearance of buildings. Because these developments have the potential to affect to a very significant degree on the function and/or appearance of buildings downtown, they would be subject to the Architectural Design Guidelines and also require that the entire building and/or site be brought up to the standards contained in the Architectural Design Guidelines and are also considered to be project “triggers”:

1. New Buildings
2. Additions to Existing Buildings
3. Façade Improvements
4. Any Improvements with a Valuation of over $75,000, Including Interior Remodels.

Section 1802 of the Porterville Zoning Ordinance states the following:

"A. The City Council shall consider [applications for development] in an endeavor to insure that such buildings and developments shall be so designed and constructed that they will be harmonious with the area and the architecture of the location where they are proposed. Further, that they will not limit the opportunity to attain the reasonable use and value of land and improvements, impair desirability of living and working conditions in the same or adjacent agricultural, residential, commercial or industrial area, or otherwise adversely affect the public welfare and property.

B. To this end, the City Council may require any changes in the plans of such proposed buildings, structures and other improvements as it
may deem to be necessary to accomplish the purpose of this section, and shall not approve any such plans until it is satisfied that such purposes will be thereby accomplished.

C. No building permit shall be issued for any such building, structures, or other improvements unless such plans have been approved by the City Council.

D. The decision of the City Council shall be final."

Because a "D" Overlay permit is a discretionary process, the City Council has the authority to decide how these standards shall be applied to meet to goals of the code.

ANALYSIS:

At the July 1, 2008 City Council Meeting, this item was presented. After hearing testimony, the Council tabled this item to the August 5, 2008 City Council meeting in order to allow staff additional time to further notice the project and provide more information regarding similar efforts in other comparable communities.

In addition to the standard noticing procedure of putting a public notice in the newspaper, and the additional noticing procedure conducted last time of mailing a notice of the meeting to all property within 300 feet of the proposed project area, staff sent notices to all of the business owners in the project area and displayed large-format maps of the boundaries that included meeting notice information in the following locations:

- City Hall Lobby
- City Library Lobby
- Chamber of Commerce Lobby
- City Community Center

Staff also researched other California jurisdictions to obtain the following information.

Table A below contains a sample of California Cities that have a reasonably comparable population or situation to Porterville, where there is a well known and well documented success in having obtained a vibrant and successful downtown area. In compiling this list, staff has either met with the city officials, has personally visited the jurisdiction and examined the built environment, conducted extensive research of their codes and ordinances, or a combination of these in order to produce the information:
<table>
<thead>
<tr>
<th>City Name</th>
<th>Population (according to 2000 Census)</th>
<th>DT Zone or Overlay Adopted</th>
<th>DT Specific or Master Plan Adopted</th>
<th>Mandatory Architectural Review In Place</th>
<th>Mandatory Architectural Standards in Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merced</td>
<td>63,893</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Modesto</td>
<td>188,856</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Lodi</td>
<td>56,999</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Santa Rosa</td>
<td>147,595</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>San Luis Obispo</td>
<td>44,174</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Coronado</td>
<td>24,100</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Redding</td>
<td>80,865</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Auburn</td>
<td>12,500</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Brea</td>
<td>35,410</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Fullerton</td>
<td>126,003</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Solvang</td>
<td>6,000</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Davis</td>
<td>60,308</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Big Bear Lake</td>
<td>5,438</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Fillmore</td>
<td>13,643</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Santa Paula</td>
<td>28,598</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Ventura</td>
<td>100,916</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>San Juan Bautista</td>
<td>1,549</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Paso Robles</td>
<td>24,297</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Grass Valley</td>
<td>10,922</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hanford</td>
<td>50,000</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Clovis</td>
<td>68,468</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

This table shows that small to mid-sized communities that have successful downtowns have zoning and other tools to require high quality design and architectural standards in place. Staff did not come across any community in California that had a verifiably successful downtown without architectural review procedures and/or standards that were mandatory for downtown development.

Table B below contains the same sample of California Cities with a list of improvements that trigger architectural review or architectural standards:
<table>
<thead>
<tr>
<th>City Name</th>
<th>Population (according to 2000 Census)</th>
<th>Exterior improvements that trigger architectural review or standards</th>
<th>Interior improvements that trigger architectural Review or standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Merced</td>
<td>63,893</td>
<td>Any/all</td>
<td>None</td>
</tr>
<tr>
<td>Lodi</td>
<td>56,999</td>
<td>Any/all</td>
<td>None</td>
</tr>
<tr>
<td>Santa Rosa</td>
<td>147,595</td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Luis Obispo</td>
<td>44,174</td>
<td>Any/all</td>
<td>None</td>
</tr>
<tr>
<td>Coronado</td>
<td>24,100</td>
<td>Any/all</td>
<td>Structural Improvements</td>
</tr>
<tr>
<td>Redding</td>
<td>80,865</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auburn</td>
<td>12,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brea</td>
<td>35,410</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fullerton</td>
<td>126,003</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Solvang</td>
<td>6,000</td>
<td>Any/all</td>
<td>None</td>
</tr>
<tr>
<td>Davis</td>
<td>60,308</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Big Bear Lake</td>
<td>5,438</td>
<td>Any/all</td>
<td>None</td>
</tr>
<tr>
<td>Fillmore</td>
<td>13,643</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Santa Paula</td>
<td>28,598</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ventura</td>
<td>100,916</td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Juan Bautista</td>
<td>1,549</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paso Robles</td>
<td>24,297</td>
<td>Under Consideration</td>
<td>Under Consideration</td>
</tr>
<tr>
<td>Grass Valley</td>
<td>10,922</td>
<td>Any/all</td>
<td>None</td>
</tr>
</tbody>
</table>

This table shows that a significant majority of those communities examined had architectural review or standards triggered by any exterior change or improvement to the building, as well as no architectural review or standards triggered by interior improvements that were not visible to the outside of the building. From this, we can deduce that highly successful downtowns in California generally have architectural review processes and/or standards that come into play any time the exterior of a building is altered.

Table B below contains a sample of California Cities that have a reasonably comparable population or situation to Porterville, where there is an emerging success in obtaining a vibrant and successful downtown area as a result of recent efforts by the cities to encourage development downtown. In compiling this list, staff has either met with the city officials, has personally visited the jurisdiction and examined the built environment, conducted extensive research of their codes and ordinances, or a combination of these in order to produce the information:
Table B – Emerging Downtown Success Stories in California

<table>
<thead>
<tr>
<th>City Name</th>
<th>Population (according to 2000 Census)</th>
<th>DT Zone or Overlay Adopted</th>
<th>DT Specific Plan Adopted</th>
<th>Mandatory Architectural Review In Place</th>
<th>Mandatory Architectural Standards in Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Santa Maria</td>
<td>77,423</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Redding</td>
<td>80,865</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Atascadero</td>
<td>26,411</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Tulare</td>
<td>43,994</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Visalia</td>
<td>91,565</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This table shows that other small to mid-sized communities that have recently improving downtown areas have zoning and other tools to require high quality design and architectural standards in place, similar to those who have well established, successful downtowns.

Table C below contains a sample of similarly sized or situated Central Valley Cities that may or may not have successful downtowns, and consequently may or may not have high quality design and architectural standards, but are included in this report for informational and comparison purposes.

Table C – Other Central Valley Communities

<table>
<thead>
<tr>
<th>City Name</th>
<th>Population (according to 2000 Census)</th>
<th>DT Zone or Overlay Adopted</th>
<th>DT Specific Plan Adopted</th>
<th>Mandatory Architectural Review In Place</th>
<th>Mandatory Architectural Standards in Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lemoore</td>
<td>30,000</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dinuba</td>
<td>16,884</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Delano</td>
<td>38,824</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Reedley</td>
<td>20,756</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Selma</td>
<td>19,240</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kingsburg</td>
<td>9,199</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Sanger</td>
<td>18,731</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

These are local valley communities that vary in their success in creating a vibrant, and prosperous downtown. Downtown success in these communities, can not be firmly established as some have downtowns that are visibly struggling. Each varies in its method of regulating downtown architecture. These are included in this report, not to identify a trend in using architectural standards to establish successful downtowns, but to show what other similar valley towns have been doing for comparisons sake.
ENVIRONMENTAL: This is an implementation effort of the adopted General Plan and associated Environmental Impact Report. No further environmental review is necessary.

RECOMMENDATION: That the City Council adopt the draft ordinance approving Zone Change Amendment 2-2008.

ATTACHMENTS:
1. Location Map
2. Draft Ordinance
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
PURSUANT TO ARTICLE 27 OF THE PORTERVILLE ZONING ORDINANCE
APPROVING ZONE CHANGE AMENDMENT 2-2008 TO ESTABLISH A “D” OVERLAY
ZONE TO THE PROPERTIES LOCATED IN DOWNTOWN PORTERVILLE, BETWEEN
MORTON AND OLIVE AVENUES AND SECOND AND HOCKETT STREETS

WHEREAS: On March 4, 2008 the City Council adopted a comprehensive General Plan
Update that included a vision for the preservation and enhancement of the downtown area; and

WHEREAS: Part of the implementation of the adopted General Plan Update includes the
creation of a new Zoning Ordinance to realize the vision, goals and objectives of the new General
Plan; and

WHEREAS: There is a need for an interim effort to preserve and enhance the downtown
area until a new Zoning Ordinance can be prepared and adopted; and

WHEREAS: On March 4, 2008, the City Council certified the Final Environmental Impact
Report for the Porterville 2030 General Plan, and no further environmental review is needed; and

WHEREAS: Pursuant to Article 27 of the Porterville Zoning Ordinance, the City Council
of the City of Porterville at its regularly scheduled meeting of August 5, 2008, conducted a public
hearing to consider Zone Change Amendment 2-2008 to establish a “D” Overlay zone to the
properties located in Downtown Porterville, between Morton and Olive Avenues and Second and
Hockett Streets; and

WHEREAS: That this zoning classification will serve to ensure that any future
development of the proposed area will be in conformance with the existing General Plan,
Redevelopment Guidelines and City Codes, and will not adversely impact the surrounding area.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville
does ordain as follows:

SECTION 1: The City Council of the City of Porterville, after proceedings duly had and
taken, and after due and legal notice having been given, as prescribed by Ordinance 1198 of the City
of Porterville, and the laws of the State of California, determined that the public interest would best
be served by approval of the proposed Zone Change Amendment 2-2008; and

SECTION 2: Based upon the evidence and reason for the request for the amendment and
pursuant to Section 1706 of the Porterville Zoning Ordinance, the City Council makes the following
findings:

1. That the proposed “D” Overlay zoning classification is consistent with and will
   implement the policies of the General Plan.

ATTACHMENT
ITEM NO. 2
2. That the proposed “D” Overlay will not alter the density standards for development in this area.

3. That the proposed “D” Overlay is appropriate in location, character and timing and in accordance with requirements set forth by Section 1704 of the Zoning Ordinance.

4. That the proposed “D” Overlay will not alter the permitted and conditional uses, currently allowed in the project area.

5. That the proposed “D” Overlay will provide an improved level of aesthetic and architectural quality to the downtown area.

6. That the location of the proposed “D” Overlay is in accordance with the objectives of the Zoning Ordinance and the purpose of the General Plan Land Use designation in which the site is located.

7. That the standards of population density, site area and dimensions, site coverage, yard spaces, height of structure, distance between structures and off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objective of this ordinance.

SECTION 3: That the following described property in the City of Porterville, County of Tulare, State of California, known as Zone Change Amendment 2-2008, is hereby re-zoned to include a “D” Overlay zoning classification, for property located in Downtown Porterville, between Morton, Olive, Second, and Hockett Avenues, more particularly shown on the attached map, incorporated herein by reference as Exhibit “A”; and

SECTION 4: That all future development within the project area shall comply with the standards contained in the attached Downtown Porterville Architectural Design Guidelines, incorporated herein by reference as Exhibit “B” according to the following:

The following potential developments in the downtown area would be subject to the Architectural Design Guidelines under this ordinance:

1. Awning Improvements
2. Any Construction within the Public Right-Of-Way
3. New Signs
4. Painting of Buildings

The following potential developments in the downtown area would require that the entire building be brought up to the standards contained in the Architectural Design Guidelines under this ordinance:

1. New Buildings
2. Additions to Existing Buildings
3. Façade Improvements
4. Any Improvements with a Valuation of over $75,000, Including Interior Remodels; and

SECTION 5: It is further ordained that all records of the City of Porterville, together with the official zoning map of the City of Porterville, shall be changed to show that the subject properties, is hereby re-zoned to include a “D” Overlay zoning classification, for property located in Downtown Porterville, between Morton and Olive Avenues and Second and Hockett Streets, more particularly shown on the attached map, incorporated herein and referenced as Exhibit “A”; and

SECTION 6: This ordinance shall be in full force and effect thirty (30) days from and after its publication and passage.

_______________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

By ________________________________
Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENTS:

Exhibit A: Location Map
Exhibit B: Downtown Porterville Architectural Design Guidelines
GETTING STARTED
A User's Manual

Volume 1
DOWNTOWN PORTERVILLE
ARCHITECTURAL DESIGN GUIDELINES
REDEVELOPMENT PROJECT AREA #1
Porterville Redevelopment Agency
Porterville, California
How to Use the Downtown Porterville Architectural Design Guidelines

The Downtown Porterville Architectural Design Guidelines is a package consisting of three major parts, of which this—Getting Started: A User’s Manual—is Volume 1. You will find in these pages a description of the Porterville Redevelopment Agency’s intentions in implementing its downtown façade rehabilitation program, as well as the conditions and terms of available assistance for private property owners and business owners who wish to remodel their commercial and professional office buildings within identified sub-districts of Redevelopment Project No. 1. This part also contains a general guide to architectural terms and historical styles common to Porterville and whose definitions are useful to understanding the provisions of the Architectural Guidelines.

Volume 2 of the guidelines package—Guidelines for the Revitalization of Downtown Porterville—contains a section of general guidelines and standards for rehabilitation of commercial buildings that apply to all projects seeking assistance from the Redevelopment Agency. These general guidelines are then supplemented by Volume 3, which contains six additional sections of guidelines that apply specifically to projects in designated sub-districts within Redevelopment Project No. 1. These are tailored to particular conditions within the sub-districts, and must be satisfied in order for projects located in the sub-districts to qualify for Agency assistance. Sub-district boundaries are indicated on the map in Figure 1, and are defined in more detail at the beginning of each of their respective sections in Volume 3.

If, upon reviewing these documents and evaluating a potential rehabilitation project according to the requirements within its relevant sub-district, a business or property owner wishes to seek Agency assistance, a series of forms and instructions for applying is available through the City of Porterville Department of Community Development and Services.
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What Are the Redevelopment Agency’s Goals for the Design of Downtown Porterville?

With its adoption of the Porterville Redevelopment Strategic Plan for Redevelopment Project Area No. 1 in February of 1992, the City of Porterville made a concrete commitment to the revitalization of its downtown core. The architectural design guidelines and standards presented in this document provide measures for undertaking one important part of the downtown’s revitalization—the preservation of downtown Porterville’s physical fabric and the conservation of its historic character, particularly through the rehabilitation of its commercial and professional office façades.

The Redevelopment Agency recognizes that revitalization of the downtown is a process that will depend upon the participation and initiative of the area’s property owners working cooperatively with the Porterville Redevelopment Agency and other City departments. Therefore, these guidelines are part of a comprehensive revitalization program which includes a variety of means for enabling private owners to work with the Agency in achieving the goals for physical improvements. There are two basic types of provisions in this document:

*Design Requirements.* These are standards which must be met as conditions of Porterville Redevelopment Agency participation and assistance in private rehabilitation efforts. Projects will be reviewed against the standards and assistance for qualifying projects will be administered through the Department of Community Development and Services.

*Guidelines.* These are strong recommendations by the Agency for private development and rehabilitation. In particular, they should be observed in projects that involve Porterville Redevelopment Agency participation and assistance in private rehabilitation efforts. They are intended to encourage an approach to the downtown’s design that might be followed with or without direct Agency assistance in reconstruction or new development.

In all cases, adherence to the standards and guidelines is a requirement for eligibility for participating in the Agency’s various programs for implementing the goals of the Porterville Redevelopment Strategic Plan and the objectives presented in general in this guidelines document. Further, it is the intent of the Agency to provide incentives in the form of assistance and facilitation of permits to those projects within Redevelopment Project Area No. 1 and its sub-districts defined in these guidelines that meet the Agency’s goals for historically-sensitive revitalization of the downtown.
Goals

The following goals define the directions to be taken through implementation of the design guidelines for the Downtown area as a whole, as specifically encouraged by the Porterville Redevelopment Agency's Façade Grant Program:

- Promote the on-going maintenance and repair of publicly visible private property.
- Promote the adequate identification of businesses while diminishing negative visual images associated with visually obstructive, aesthetically unharmonious, outdated and/or non-functional signs.
- Promote aesthetically pleasing, functional and where appropriate interconnected public and private parking facilities within each of the sub-areas.
- Allow for the appropriate development of historically-referenced second story residential construction.

In addition, the Agency seeks to accomplish the following goals as well:

- Promote the improvement and maintenance of landscape elements on the street, including street trees, according to the City's streetscape plan.
- Protect existing residential areas from visual and auto related impacts arising from new commercial development in the area.
- Encourage additional aesthetic amenities in large development/redevelopment projects.
- Promote the seismic upgrading of all existing commercial and professional office structures in need of seismic strengthening.
- Promote the implementation of Americans with Disabilities Act (ADA) access improvements to existing structures presenting access barriers to persons with physical disabilities.

Levels of Intervention

The Agency recognizes that the goals of the Porterville Redevelopment Strategic Plan will be achieved over a relatively extended period of time, and that the improvements associated with those efforts will be developed in an incremental, piecemeal fashion. It is for this reason that these guidelines have been prepared—as a precise plan for the urban design of the area in the long term and as conditions for Agency assistance with development in the short term.
An underlying objective of the revitalization program is to make optimal use of the available budget to ensure a long-term benefit to the community. Thus, a generalized design "theme" has not been selected for downtown, and an approach that encourages the restoration of each building to something close to its original character has been taken instead. Not only do buildings from the past that are representative of their time and place have historical and cultural value, it is more cost effective to restore them to their original condition. A cosmetic modernization of the buildings in downtown would require constant renewal as today’s changes become dated within several decades or less. However, to restore the buildings to their original appearance and to adapt the buildings to new uses is more cost effective over the life expectancy of the building. While this approach may require more initial resources than a simple cosmetic change, once a building is restored to its original appearance only routine maintenance is required to continue the life of the building.

The following list of levels of intervention suggest degrees to which the goals of the guidelines can be approached, such that the revitalization of downtown Porterville can be realized in manageable steps.

Paint.

One of the simplest, most effective, and cheapest means of upgrading an older building is to re-paint it. While this is by definition a superficial intervention, it can be seen as a baseline effort from which other improvements can be made. Colors that are compatible with the historic fabric of downtown Porterville are recommended in Section 1.2.1 of the General Guidelines for the Revitalization of Downtown Porterville.

Signage.

More than any other intervention, the removal of inappropriate signs and their replacement with more attractive (and effective) historically sympathetic signs will have a significant impact on improving the visual environment of downtown Porterville. Commercial sign standards and guidelines are presented in detail in Section 2 of the General Guidelines.

Awnings.

The next level up in impact and level of effort is the replacement of inappropriate awnings or the addition of new awnings to commercial storefronts. This has a two-fold benefit: the awnings provide essential shade for pedestrians during Porterville’s hot summer months, and also add an array of color to the streetscape. They also provide useful additional area for commercial signage.

Removal of inappropriate façade materials.

This level is more involved and entails a greater amount of effort than the preceding ones. Many of Porterville’s historic buildings have been obscured behind later additions or "improvements" to their façades. Sometimes these additions have destroyed the original features of the building beneath them, but often they have not and these features can be relatively easily recovered. This effort will require some
initial research into the extent of original building fabric that survives beneath the surface. If features do survive, once they are uncovered they provide the best and most permanent kind of "renovation" possible.

Replacement of window and door openings.

If a historic building's windows and door openings have been filled in as a result of later remodels, they may be recovered by re-opening them and replacing or reconstructing some of the original window and door features. If the current use of the building precludes the functional re-opening of the windows and doors, then it is also possible to replicate or emulate those openings on the façade—as non-operable replicas or as trompe l'oeil murals—in order to increase the building's visual contribution to the Main Street streetscape.

Façade restoration.

The final level of effort, and the most intensive, is the full restoration of the original building façade. Standards for historic preservation and restoration are presented in detail in the General Guidelines, and in the Guidelines and Requirements for Sub-district A.
Financial Assistance for Façade Rehabilitation

The Porterville Redevelopment Agency is committed to assisting property owners and business owners in the rehabilitation of their older commercial and professional office structures within Redevelopment Project Area No. 1. The Porterville Redevelopment Strategic Plan outlined several programs of action that will act on that commitment. The present program is specifically designed to assist in overall rehabilitation through the Agency's financial participation in the rehabilitation of building façades. Future programs may address new construction or other revitalization needs as identified by the Agency, but new construction is specifically not eligible for assistance under the current program. The program takes the following form.

The Redevelopment Agency’s Façade Grant Program

The terms of the Redevelopment Agency's financial assistance program for qualifying projects are as follows:

- The Porterville Redevelopment Agency will provide an 80/20 matching grant, with the Agency paying 80 percent and the project applicant paying 20 percent of eligible costs.
- An additional assistance grant of $500 will be provided for architectural or design services for qualified applicants.
- The Agency will fund up to a maximum of $20,000 per "building face," where a "building face" is defined as a building elevation that fronts a street, alley, or public parking lot.
- Grant amounts will be based on 80 percent of the lowest bid for each building face (with two bids required), up to the maximum limit.
- Applicants will be responsible for a minimum of 20 percent of the remaining cost as their equity participation.

Terms and Conditions

Project proposals will be accepted from any property or business owner with property within Redevelopment Project Area No. 1, and grants will be awarded on a first-come, first-served basis, for all projects that satisfy the conditions defined in these architectural guidelines. Grant awards will be made until the budget has been expended.

In generalized terms, all projects will be qualified and will proceed according to the following steps, beginning with a determination of eligibility and passing through several rounds of review. Agency review will be in three stages: (1) preliminary determination of project eligibility, (2) design approval, and (3) project certification.
First Stage: Determination of Project Eligibility

The first contact between the Applicant and the Agency should be to inquire with the City about the program and to acquire copies of the Design Guidelines and other materials outlining the qualification requirements. The following steps are included in this stage:

Document Review. The Applicant reviews the Design Guidelines and other Agency documents to ascertain eligibility of proposed improvements, and the financial assistance limits under the program. In reviewing the materials, the Applicant identifies the location and building type or improvement category, determines the building elements included in the building (e.g., transom, clerestory, bulkhead, etc.), and reviews the guidelines for those elements to determine what is encouraged and allowed under the program.

Preliminary Proposal Review. The Applicant submits a proposal to City/Agency staff to seek a tentative "green light" to proceed with design. The preliminary proposal includes information on the scope of the proposed improvements, a generalized cost estimation and budget proposal, an indication of who will provide the design services, and whether or not the Applicant intends to use the services of a contractor.

Staff Advisory. Staff reviews the preliminary application/proposal and advises the Applicant on the project’s eligibility to proceed.

- Staff may advise the Applicant to proceed, including a proviso that if the project is later determined to be ineligible, there is no guarantee of a $500 design rebate.
- Staff may counsel the Applicant to proceed pending corrections to (a) inadequate documentation, (b) an unsuitable scope, (c) an inappropriate plan for design assistance, or (d) an unrealistic budget.
- Staff may reject the proposal based on its failure to comply with requirements.

Second Stage: Design Approval

In the second stage, the Applicant takes the initial proposal and fully develops it for a detailed project review by the City/Agency. This includes the following steps:

Design Documentation. The Applicant prepares building face schematics with proposed architectural work, color schemes, lighting, signage, etc.

- Drawings and specifications are prepared to a level adequate to show compliance with Design Guidelines.
- The documentation includes a cost estimate to show generalized compliance with budget constraints.
- Note that an architect or other design professional may not be required for all work, depending on its scope; however, design drawings are required illustrating the proposed work and its compliance with the Guidelines.
Design Review. The Applicant submits draft design documents to the Project Review Committee for review and approval.

- The Project Review Committee advises the chairperson of the Redevelopment Advisory Committee that the project has been submitted for review.
- The Project Review Committee reviews the project for eligibility and compliance with the Guidelines and other regulatory requirements. At this time, elements of the proposal that do not comply with the Guidelines are identified and the Applicant is given the opportunity to bring the proposal into compliance through re-submittal. The project is also given a preliminary review for code compliance and other code issues to be addressed.
- Upon completion of the review, the Project Review Committee authorizes the project to proceed to bid documents.
- The Committee gives tentative approval to the project, and reserves funding for a maximum six-month period tied to commencement of work.

Third Stage: Project Certification

In the third stage, the Applicant brings completed construction documents and contractor bids to the City/Agency to establish levels of assistance and to formally certify the project. This stage includes the following steps:

Bid Review and Grant Qualification. The Applicant submits to City/Agency staff a grant request and a minimum of two bids from qualified and appropriately licensed contractors, with the bids broken out for each eligible building face.

- Applicant may choose any of the bidders to do the work, or may choose to do the work without a contractor; however, bids are required in either circumstance and Agency assistance will be based on lowest bid.
- Staff evaluates the grant request and prepares Certification Resolution in which assistance levels are established. The Resolution will include (a) specification of owner commitments to owner equity participation, (b) establishment of a construction schedule including the definition of completion milestones, (c) a payment schedule keyed to the construction completion milestones, and (d) maintenance agreements.
- Staff prepares report to Agency recommending action.

Agency Approval. The Redevelopment Agency acts on the Staff report and recommendation, approving or denying assistance.

Permit Issuance. The following steps and conditions shall apply to the issuance of required building permits:
• A permit shall be issued only to the Owner unless legal authorization is provided at the time of building permit issuance.

• The Owner/Applicant shall prepare at their own cost and expense all legally required documents and submit them to all appropriate agencies for review and approval.

• Permits shall be required for all work performed under the assistance program; however, for projects such as painting or others that would not ordinarily require permits, they will be issued on a no-fee basis.

• The Owner/Applicant shall pay the Agency the required matching funds at the time of building permit issuance.

*Construction Monitoring.* The Applicant commences the work and the City/Agency’s designated project manager monitors the progress of the project.

• The project manager and other appropriate City staff inspects the project according to normal procedures as required by code.

• The project manager also monitors the project to ensure compliance with approved design documents.

• The project manager observes the project to confirm partial completion at scheduled milestone points.

*Grant Payment.* Staff administers the Agency grant payment(s) to Owner/Applicant.

• Upon Agency certification of the project, a fund equal to the approved amount is set up specifically for the approved project. The fund includes the Agency’s grant amount as well as the Owner/Applicant’s equity contribution. A milestone-based progress payment schedule will be negotiated for each individual project.

• Terms are established in the Owner/Applicant’s contract with his/her contractor(s) (and/or those elements of the scope of work to be performed by Applicant as Owner/Builder are defined) enabling direct payment to the contractor(s) through the Agency’s Project Fund.

• Upon Owner/Applicant’s submittal to the Project Manager of progress billings from the contractor(s), the Project Manager will confirm the status of the work and authorize a payment to the contractor(s) from the Project Fund.

• A ten (10) percent retention of the amount billed will be withheld from each progress payment. Upon (a) a Certificate of Occupancy (if appropriate) and/or certification by Project Manager that the project is complete, (b) recording of a Notice of Completion with the Tulare County Recorder (if appropriate), and (c) with the approval of the Owner/Applicant, final payment will be made to the contractor(s) and the design rebate paid to the Owner/Applicant, subject to the timely release of any recorded liens.
Definitions, Applications, and Administration.

Definitions and applications.

For the purposes of applying the Architectural Guidelines, the following definitions shall serve for identification and classification of structures within Redevelopment Project Area No. 1:

Heritage building. An existing structure within the Redevelopment Area that is included on the list of heritage buildings identified as contributing to the historic character of the area in the 1986 Porterville Historic and Cultural Resources Survey (as amended) and adopted as such by the Porterville City Council. For the purposes of general preservation and construction, the State Historic Structures Building Code shall apply; for the purposes of structural design, engineering, and construction, Division 88 of the City of Los Angeles Building Code and/or the Uniform Code for Building Conservation shall apply.

Non-contributing building. Any existing building within the Redevelopment Area that is not included on the list of designated Heritage Buildings. For the purposes of general rehabilitation, the Uniform Code for Building Conservation shall apply; for the purposes of structural design, engineering, and construction, Division 88 of the City of Los Angeles Building Code and/or the Uniform Code for Building Conservation shall apply.

New construction. Any new buildings or any additions or extensions to existing buildings. For all new construction, the currently adopted building and safety codes of the City of Porterville shall apply. Note that assistance for new construction is not currently an Agency priority. Eligibility for future rehabilitation assistance of buildings constructed after the adoption of these Guidelines is contingent upon the new construction meeting the conditions and requirements for new construction contained herein.

Administration.

The Planning Division will review and approve all plans and proposals for work on heritage buildings seeking Redevelopment Agency assistance under these guidelines as part of the building permit process. They will ensure that all work meets the requirements of the Guidelines for Preserving, Protecting and Maintaining Heritage Buildings.

The Engineering and Building Division will ensure that all plans and proposals meet all applicable building code conditions.
A Glossary of Styles and Terms

Architectural Vocabulary of Commercial Buildings in Porterville

Architectural vocabulary of Brick Vernacular commercial buildings—1890-1920.

This style includes the buildings that were the earliest commercial structures in downtown Porterville, and were characteristically more architecturally exuberant before 1900 than after, when the Beaux Arts Classical Revival style became the more prestigious style and the vernacular was used for the more low-profile buildings into the 1920s. The significant features of commercial buildings during this period include the following:

Walls. The exterior walls were constructed of common red brick with red face brick used on the street elevations. More elaborate buildings featured decorative brick belt courses on the walls of the second story. On one story buildings the decorative belt course was often applied near the parapet.

Bulkheads. The bulkheads under the display windows were generally constructed of wood panels.

Display windows. The display windows on the ground floor were set into a wood frame. The lower section of the window was generally a simple sheet of glass. The upper section was generally divided into smaller transom panels that were either stationary or moveable.

Transoms. The transom windows over the display windows and entrance doors had wood frames and sash. The sash was either fixed or operable. The glass in the transoms was either opaque or colored shot glass.

Entrance doors. The entrance doors to the buildings could be single or double doors. The entrance had a wood door frame, wood doors with a glass panel and a transom light. The doors were often located in a recessed entry. The entry had a canted display window on each side.

Side doors. The side doors often had a wood door with a glass panel. These doors may have had a transom window.

Service doors. The doors to the service entrance or loading area had a wood door frame and a wood paneled door.

Secondary windows on the first floor. Secondary windows on the first floor had a wood window frame and a wood sash window or single pane vent window. The head over the window had a flat or segmental brick arch. The window sill was wood or brick.

Second floor windows. The windows on the second floor were evenly spaced across the façade. Modest buildings had a row of equally spaced double sash windows with a flat or segmented brick
head. Window openings on more elaborate buildings featured projecting bay windows, large decorative windows or paired windows. The window usually had a double 1/1 sash. Additional features include semi-circular fan lights, transoms decorated with red, yellow and blue glass panels and a segmental head. Windows on the secondary walls tended to have a simple 1/1 sash.

Parapets. The brick parapet on the street façades of the buildings were often the most ornate portion of the building. The parapet walls which were constructed with the same brick as the rest of the wall was often embellished with decorative brick belt courses or a decorative brick cap. Some buildings featured a sheet metal cornice or a cast iron railing at the top of the parapet. Many of the buildings featured a carved stone name plate as the central ornament of the parapet. The name plate contained the name of the building and the date of construction (e.g., the Putnam Block, 1890).

Roof. Most buildings had a flat or gable roof that was hidden by the parapet. A few of the most elaborate buildings included a small decorative roof as a focal point of the parapet composition.

Architectural vocabulary of Beaux Arts Classical commercial buildings—1900-1930.

Following the Columbian Exposition of 1893 in Chicago, commercial architecture in the United States moved away from the dark and ornate brick structures of the late Victorian period in preference for this lighter, classically detailed style. By 1900, the Beaux Arts Classical Revival style was making an impact on downtown Porterville. The significant features of commercial buildings during this period include the following:

Walls. The exterior walls were veneered with buff colored bricks that were often glazed or high fired. The walls were embellished with classical architectural details such as columns, pilasters, entablatures, cornices, belt courses, quoins and pediments. These details were sometimes worked out in another material such as glazed terra cotta.

Bulkheads. Buildings with retail space on the first floor incorporated the bulkhead under the display window into the base of the building. The base was veneered with granite or marble. The base supports the pilaster or column on buildings that have these features.

Display window. The display windows feature single panes of plate glass in a steel or bronze frame. There is a transom above the display window. The display windows are generally canted to create recessed entry for the doors to the shops.

Transom. The transom window was often composed of panels of small obscure panes of purple or clear glass set into lead came.

Secondary windows on street façades. The windows often were grouped together to create a more architecturally interesting composition.
Second floor windows. The windows on the street façade were usually sash windows that had a wood frame, stile and rails. Windows were used singly or grouped together. Several buildings featured the "Chicago" window which was composed of a central fixed glass panel flanked by casement or sash windows. These windows reflect the strong influence of the Chicago School of commercial architecture.

Entrance doors and side doors. The entrance doors to the stores and the second floor were wood with a single plate glass panel. The wood may have been stained rather than painted. The entrance doors to the store would generally be recessed.

Entablature. The entablature was the crowning feature on the composition of the exterior walls on the street façades. It was supported by the pilasters and columns that frame the main body of the exterior walls. The entablature generally was placed only on walls that faced the street.

Parapet. The parapet which rests on the entablature was not a feature found in classical architecture; however, it was needed to hide the roof. The parapet was embellished with a simple moulding. Other designs included recessed panels, projecting bays and open balustrades.

Architectural vocabulary of Streamline Moderne buildings.

By the late 1920s and 1930s, American commercial architecture began to exhibit the influences of the early Modern Movement and Decorative Arts styles in Europe. The significant features of commercial buildings during this period include the following:

Walls. The street façade of the Streamline Moderne buildings are identified by the use of rounded corners, horizontal banded surfaces, stepped elements and decorative pylons that project above the parapet. The face of the wall is finished with plaster giving the façade a smooth aerodynamic appearance. Vitreelight glass panels were often used to veneer a façade or a portion of a façade.

Bulkheads. The bulkhead under the display window is veneered with granite. The bulkhead is low because the floor of the display has been dropped to within 18" of the sidewalk.

Display windows for stores. The display windows are single sheets of plate glass set in a metal frame. There is one transom above the display window.

Restaurant/bar windows. Circular windows were often used in the street façade of restaurants and bars.

Entrance doors for stores. The entrance doors to retail stores were composed of wood stiles and rails and a full length plate glass panel. The wood portion of the door was painted.

Entrance door for restaurant and bar. The entrance door was wood with a small clear glass window. The design of the window could have been circular or some other Streamline motif.
Parapet. The parapet was treated in a number of ways. The most simple design would be the elimination of all detail. The next design would be a simple recessed edge. The more elaborate parapets involved a complex composition, a stepped panel flanked by projecting pylons decorated with horizontal bands.

Signs. The sign for the store was incorporated into the composition of the façade. A long narrow band was integrated into the upper wall above the area reserved for retractable awning. The sign for the restaurant/bar was also integrated into the composition of the façade and in fact became the focal point of the entire design. A projecting roof with curved corners was placed directly between the vitreite veneer on the lower wall and the plaster finish on the upper wall. The name of the restaurant/bar was spelled out in free standing letters on the roof. The graphic design of the word "MECCA" on the Mecca Bar on North Main Street is an excellent example of the period.

Awnings. Retractable awnings were integrated into the design for the store.


The final period in downtown Porterville’s development occurred in the post-World War II boom. By the end of the 1950s the Porterville commercial core had reached its zenith in terms of original development. By that date virtually all of the lots had been developed. The significant features of commercial buildings during this period include the following:

Walls. The street façade of the store has a flat wall that is plastered. The only articulation of the façade is a narrow projecting plaster border that creates a frame at the side and on top of the wall. The austere appearance of the façade relies on the juxtaposition of the blank wall and the sign to create a minimalist composition.

Bulkhead. The bulkhead under the display window is veneered with tile or stone that provides a color and texture contrast to the walls.

Display windows. The display windows are simple panes of glass in an aluminum or steel frame. The bottom of the window has been lowered. The display shelf has been eliminated. The top of the window is even with the top of the entrance doors. There are transom windows.

Entrance doors. The entrance door has a steel or aluminum frame with a clear glass panel. The door pull is attached directly to the glass. In some cases the entrance door is not recessed.

Sign. The sign has been designed with special graphics that form the primary design on the façade. The location of the sign may be placed off center in order to create a special effect. The sign is not lighted.

Awnings. Retractable awnings were used although they interfered with the composition of the façade.
Commercial Vernacular (1890 - 1910). The Arlington Hotel (1888). This building was expanded and remodeled in 1914, and is now the Porterville Hotel.
Figure 5: Commercial Photographs

Historic Styles found in Downtown Porterville

Commercial Vernacular. The building at 200 N. Main was originally built in this style in 1895.

Beaux Arts Classical Revival. The same building was remodeled in 1925. The arches were added as a Classical Revival feature.
Figure 6: Commercial Photographs

**Beaux Arts Classical Revival.** Originally the Pioneer Bank, this building was built in 1911.

**Beaux Arts Classical Revival.** The Masonic Lodge building was built in 1910.
Figure 7: Commercial Photographs

Commercial Vernacular (1920s). The brick facade of this building at Main and Oak was typical.

Streamline Moderne. Strong horizontals punctuated with vertical fin-like elements often characterized this style. The example was a radical 1930s remodel of an earlier 1890s Commercial Vernacular building.
Figure 8: Commercial Photographs

Post World War II International. The clean lines and simplified forms of this building are a 1950s re-make of the earlier Commercial Vernacular building at Main and Oak.

Post World War II International. The projected frame around a simple facade was typical.
Architectural vocabulary of existing one story commercial buildings on South Main Street

The significant features of typical commercial buildings on South Main Street include the following:

Walls. The wall of the street façade was veneered with common bricks or bricks that had a ruffled finish and variegated color range of light to medium buff. The bricks were laid in running bond. The wall surface was occasionally decorated with a simple band of contrasting brick. The side walls and the back wall of the buildings were constructed of common brick.

Parapet. The wall on the primary street façade and adjacent wall at the corner of the secondary street façade has a parapet that rose 18" to 24" above the front and back walls. The main body of the parapet was veneered with the same brick used on the wall. The face of the parapet was plain or decorated with a projecting belt course. The cap of the parapet was decorated with a course brick. The parapets on the side and rear walls were not embellished.

Entrance Doors. The entrance doors were generally located in the center of the façade when the building has single occupancy. In buildings where there was more than one story, the doors were centered in the bay flanked by display windows. If the opening in the wall for the doors was flanked by brick piers, the doors were set flush with the wall. If the door and adjacent display windows were located within a single bay, the door was sometimes recessed. The display windows on each side were splayed so that the opening at the street was wider than the door opening. There was a transom over the doors. More elaborate entrances featured glazed sidelights on each side of the single or double entrance doors. Entrance doors had a wood stiles and rails with a single plate glass panel. The door frames were wood.

Secondary Exterior Doors. Most secondary doors were wood paneled doors or metal covered doors.

Bulkheads. The bulkheads below the display windows were veneered with glazed terra cotta or brick that matched the walls. Wood panels were also used.

Display Windows. The opening of the display window was generally rectangular. The width being greater than the height. The window was glazed with a single piece of plate glass set in a wood, bronze or steel frame. If the window opening was too large for a single sheet of glass, a single vertical mullion divided the opening into two equal spaces.

Windows in Side and Back Walls. The windows on the sides and rear walls were either double hung sash windows or vent windows that generally hinged at the top. The window frames and sash were constructed of wood or industrial steel. The glass in the wood sash windows was usually clear plate glass. The glass in the wood vent windows was clear plate glass or translucent glass. The glass in the steel frame windows was clear glass, translucent glass or wire glass. The opening in the brick wall for the wood frame windows had either a flat arch or elliptical arch head. The head over the industrial steel windows was flat.

Transom. A transom window was located above all display windows and doorways on the primary façades of the building. The transoms were filled with fixed glass or movable glazed vent windows. The glass was clear or translucent. The frames of the transoms were wood, bronze or steel.
Design Vocabulary of Porterville’s Historic Residential Architecture

The historic houses in Porterville that survive from the period 1890 to 1940 were built in the following architectural styles:

Wood Frame Vernacular. Many of the early residences in Porterville were basic structures that were embellished with few architectural elements except those that served a function. The houses have been classified as wood frame vernacular due to the simplicity of the details.

Second Empire. The second empire style is best demonstrated in the Zalud House. The modified mansard roof is the major identifying feature of the period that had reached its zenith as a fashionable style in the 1870s, but continued to be used until the end of the century.

Queen Anne/Eastlake Revival. A large number of the historic houses built in the 1880s and 1890s incorporated details of the Queen Anne Revival style and the Eastlake style that had been popular in the 1870s and 1880s. Details from both styles were often incorporated into the same house.

Classic Box. The Classic Box or Four Square style was a residential style popular after the turn of the century. The style whose antecedents can be traced to the American Colonial Revival style and the neoclassical design inspired by the 1893 Columbian Exposition. The houses are generally two stories with an attic. The simple rectangular box façade was embellished by a simple front porch and a central front door flanked by equally spaced windows on both floors.

Bungalow. The bungalow style is the primary style employed for most houses built from 1905 to 1929. The few houses built in the 1930s often were executed in a modified version of the style.
Wood Frame Vernacular. The earliest houses had simple massing and details.

Wood Frame Vernacular. Later houses added porches and columns, borrowing some details from other styles.

Wood Frame Vernacular. This example retains the simple massing but uses some Queen Anne Revival details.
Second Empire. The Zahud House was built in 1891.

Queen Anne Revival. A late Victorian style that often incorporated a wrap-around porch.

Classic Box. The central entrance and porch are typical features.

Bungalow. This style can be identified by its gable roofs and deep eaves.
Glossary of Commonly Used Terms

Awnings. A piece of canvas, metal, or other material spread before a door or window for protection from the sun or rain. Commercial storefront awnings often incorporate a 6-inch to 12-inch "drop" across its front, on which a business's name may be printed.

Balustrades. Vertical supports for a railing or bannister that are usually found on a balcony or terrace but that were sometimes used as non-functional ornament, especially in Beaux Arts design.

Building fabric. The materials and features that, taken together, define a building's architectural and structural integrity.

Canopy. A flat protective covering that projects horizontally from a building, in commercial buildings in Porterville usually covering a portion of the public sidewalk.

Cladding. The exterior skin of a building (e.g., brick, stucco, wood siding) applied to the building's structure.

Columns. Vertical structural supports or posts separated from a building's facade that also often serve an ornamental purpose.

Cornice. An ornamental moulding that projects along the top of a wall, column, or side of a building, or along the top of an ornamental entablature.

Stiles. A vertical piece in a paneled wall or the side of a door.

Enriched paving materials. Materials suitable for front walks, driveways, and common space. materials such as brick, tile, stone, interlocking concrete pavers, or other comparable quality permanent decorative treatment.

Entablature. A horizontal band that runs below the cornice or on a building or canopy fascia, sometimes with ornamental swags, dentils, or egg-and-dart bas relief. Typically found in Beaux Arts or Classical design.

Facade. The front, side or rear face of a building consisting of the wall plane, openings and any projection such as balconies or stairways.

Gable roof. A roof type with a central ridge supported by vertical end walls; the end of such a ridged roof, with the three-cornered piece of wall that it covers.

HVAC. Heating, ventilating, and air conditioning.
Landscape. The improvement of a site or the exterior spaces of a building through the introduction of plant materials, water elements, trees and other decorative elements. Landscape also includes "hardscape," which is exterior decorative materials that are not living plant materials, such as enriched paving materials and outdoor furnishings.

Mansard roof. Traditionally, a four-sided roof with two slopes on each side. The lower slopes are nearly vertical and the upper slopes nearly flat, allowing greater headroom throughout the top story. In contemporary usage, "mansard" roof is used as a kind of false screening device, often not well integrated into the building's architecture. It should be avoided where possible.

Masonry. Brick or concrete units stacked and joined with mortar.

Pointing. The placement of mortar (or the replacement of damaged existing mortar) in the joints between bricks or concrete masonry units.

Ornamentation. Features of a building used to adorn, decorate, or embellish its architecture. Examples include cornices, entablatures, or belt mouldings.

Parapets. A vertical wall or an extension of a wall that extends above the roof line.

Pediment. The low triangular part on the front of buildings in the Classical style; like a gable. Pediments are often the location of decorative elements on a façade.

Piers. A solid masonry support that is larger than a column.

Pilaster. An upright architectural member that is generally rectangular in plan with the appearance of a column projecting from a wall. Often used to visually frame a doorway or building entry.

Pylons. A post or tower, often in open steel framework, that was sometimes used in buildings of the 1930s through the 1950s.

Storefronts. The traditional storefront design in Porterville incorporates all or most of the components shown in the illustration.

Streetscape. The overall image of a street taking into account the height and features of its buildings' facades, the relationships of its sidewalks, parking areas, and roadways, street trees, and street furniture such as benches, signs, planters, etc.

Canes. The small, grooved bars of lead used for framing the glass in latticework or stained-glass windows.

Mullion. A vertical bar between the panes of a window, or a radiating bar in a round window.
Muntin. A strip member separating panes of glass within a sash.

Punched windows. Individual windows that when viewed from the outside are recessed into the building wall.

Trompe l’oeil. Literally "fool the eye," this French expression has come to be applied to any highly realistic painting, especially a mural whose painted features are meant to suggest that they are an actual element of the building on which they are painted.
GENERAL GUIDELINES
for the Revitalization of Downtown Porterville

Volume 2
DOWNTOWN PORTERVILLE
ARCHITECTURAL DESIGN GUIDELINES
REDEVELOPMENT PROJECT AREA #1
Porterville Redevelopment Agency
Porterville, California
1.1 Background and Scope

The scope of these guidelines is broader than the definition of conditions that make a rehabilitation project eligible for Agency Assistance under the Facade Grant Program. The terms of the guidelines that are necessary prerequisites to a project’s qualification under the Grant Program are all those that fall within the classification of "rehabilitation" or "restoration." No Agency assistance is available under Bond Issue No. 1 for new construction projects or for projects which might involve site improvements or other property improvements that are not directly attached to a building within the project sub-districts. However, the Agency encourages the pursuit of such projects, and offers guidelines for the design of those projects so that they might make the most positive contribution to the image and ambiance of Downtown Porterville.

In general, projects that qualify for Agency assistance under the Facade Grant Program will fall within one of the following construction categories:

*Historic Restoration.* There are numerous examples on Main Street of commercial structures whose architectural fabric has essentially survived the last century, including in many cases buildings which remain largely intact. As noted in the historical review, many of these buildings have architectural or historical significance and deserve to be restored to their original condition. This is perhaps the most ambitious category of physical improvement, as it implies a rigorous observation of the Secretary of the Interior’s Standards for Historic Restoration, and entails often costly research and replication of historic materials and details. However, as noted below, there are also incentives and benefits for such restoration, and the outcome can be the return of a landmark building to its original status as a key character-defining element on the street and in the downtown.

*Rehabilitation—Facade Remodels.* A large proportion of the commercial structures on Main Street—both north and south—have been added to and modified over the years in a manner that obscures their architectural and historical origins. Some of these modifications were done in the style and spirit of their own time and contribute to the historic character of the street. Others, however, reflect "re-muddlings" in which all reference to the building’s past have been obscured and the "new" treatments have not aged well. Short of a full-scale historic restoration, improvements can be made in the category of rehabilitation and façade remodeling. While in some ways these improvements might be considered superficial in that they do not necessarily include substantial re-working of the building’s structure, they can go a long way toward bringing back a building’s image and contributing to the quality of streetscape on Main Street. They include updates and clean-ups of signage, improvements to the building’s lighting of signage, display, and architectural features, as well as restoration or refinement of the building’s storefront (such as improved entrances, display windows, etc.). These improvements also include surface treatments such as cleaning brick of old paint and plaster, removing overlays of stucco to reveal original materials and details, and cleaning and restoring.
ornament and historical details. Finally, and critically for Porterville and its hot summer climate, is the treatment of shade devices, such as canopies, awnings, or trellises.

Adaptive Re-use. There are numerous examples of fine older residential structures in downtown Porterville which are highly desirable for adaptation to professional office use or another similar commercial use. The objective in designing for such adaptive re-use is to retain the character of the original building to the greatest extent possible and to ensure the conservation of the scale and character of the street on which it sits, while adequately providing for the commercial requirements of the new use. Provision of parking on lots designed to residential standards is especially critical, as is the integration of commercial signage into a previously—or in some cases currently—residential neighborhood.

Projects that are encouraged but that do not typically qualify for Agency assistance under the Facade Grant Program are characterized below. It should be noted that, because such work does not qualify for the facade program under Bond Issue No. 1, it does not follow that the Agency in any way discourages this kind of work, nor does it preclude its future eligibility under subsequent bond issues.

Rehabilitation—Structural. In many cases, the superficial rehabilitation treatments of façade features described above are inadequate to save a building and to bring it back to full utility. In downtown Porterville, there are numerous examples of structures of unreinforced masonry which require seismic stabilization and reinforcement to meet current seismic safety codes. Even more broadly impacting the commercial building fabric, the requirements of the Americans with Disabilities Act which became operative in 1993 have wide-ranging implications for the accessibility not only of public areas in commercial structures, but in the accessibility of all interior spaces as well. In each of these cases, owing to the constraints of the original building shells, the kinds of changes necessary to implement the safety and access programs usually entail significant structural modification to the building.

New Construction. Along the entire length of Main Street from Morton to the Tule River, there are empty or underutilized lots that are candidates for infill development. The Porterville Redevelopment Strategic Plan particularly notes the problem of underutilization on South Main Street, where in addition to properties used for parking or open storage, there is also typically a lesser lot coverage and greater setback from the street than there is in the more conventionally "downtown commercial" setting of North Main Street. New development at a larger scale than the single lot or small parcel infill is less likely to occur on the Main Street frontage itself north of Olive, but on South Main and in other areas near to Main Street, larger scale projects are possible and in some cases recommended by the Strategic Plan. Such large scale development should be compatible with the existing historic fabric of downtown Porterville as well as with the specific neighboring context of each respective project.
1.2 General Requirements for Commercial Façade Rehabilitation

Nearly all of the project types described above entail some adherence to historic precedent. The more detailed provisions for restoration and preservation are presented in the sections of these guidelines that apply to each of the dominant building types in each of the identified sub-districts. However, the issues of materials, colors, and awning design cut across the categories and the sub-districts. For that reason, they are presented here as a general set of guidelines and recommendations for façade rehabilitation.

1.2.1 Materials and Colors.

One of the most visible contributors to the image of Main Street and other blocks in the downtown Porterville historic core is the condition and character of the materials and colors on the building façades. Materials have been added over the years to the original building materials in manners not usually sympathetic with the character of the underlying building. Similarly, inappropriate colors have been applied to many buildings according to the prevailing fashion of the time and do not necessarily contribute to the historic integrity—nor the architectural continuity—of the street.

Wherever possible, materials that have been added to older buildings should be removed and the original building fabric restored (see Restoration and Reconstruction standards, Section 5.2) New materials should not be added to older façades except to reconstruct or emulate one of the historic styles described in these guidelines (see Getting Started—A User's Manual). In no case should materials such as slump block, board and batten, wood or composition shingles, and metal screening be used on new or restored building façades in the downtown (see Sections 5.3e and 7.3.3c).

Colors for buildings are often controversial, owing to the very subjective nature of color preferences among people. The best way to proceed in selecting color for restored or new commercial buildings is to rely on the historic precedents. Even here, however, the matter of color authenticity is difficult since there was no color photography to provide a record and very little original color remains on Porterville’s historic buildings. The color recommendations in these guidelines are based upon research involving microscopic analysis that has been conducted in buildings of similar period in other communities. Examples of the colors described here (and further specified with color chart classifications) are available for inspection at the Community Development counter in City Hall.

During the late nineteenth century, the construction materials of commercial buildings (usually brick) provided the primary exterior color. Trims were painted in dark, somewhat muddy colors; window sashes were often painted black. The Victorians liked deep but not pure colors. These ceased to be popular after the Columbian Exposition of 1893, when Classical Revival styles gained favor. From 1900 on, wood trim on buildings tended to be less assertive, often painted in soft shades of creams, beige, fawn—pale gray colors in the gray-brown range. For the Art Deco period, buildings were often painted white, with trim in white also, or metal trim (real or painted—aluminum paint was popular), or black.

There are a number of colors which should not be used in any application on Main Street: blues, purple, bright red or orange, pink, bright green (except for rare examples of apple green popular in the 1930s). Deep colors should be reserved only for late 19th century buildings.
Recommended colors for Brick Vernacular commercial buildings (1880-1900). Walls and surfaces of early commercial buildings were usually left unpainted, allowing the natural color of the materials used to give the building color. Thus, dark colors of brick red or dark brown prevailed. The window sash was frequently painted black. Sash and trim could be painted in some combination of two of the deep colors, or a combination of two with black as well.

Recommended colors for Beaux Arts and Classical Revival commercial buildings (1900-1930). The most common exterior material in Beaux Arts and Classical Revival buildings was concrete plaster (stucco). This was usually meant to simulate stone and was often left unpainted, with the natural cement color or tinted in gray or gray-brown colors. Trim was not painted to contrast boldly with the natural material—indeed, one of the most common colors was a pale pink-beige.

Recommended colors for Streamline Moderne commercial buildings. Exterior paint was very light in value, and was often white. Besides white, the colors used were very pale beiges and grays. Trim was also frequently painted white, or very pale shades as well. The colors here are slightly darker than those in the list for plasters for Streamline Moderne buildings, but in the same color ranges. Aluminum metallic paint is also an acceptable choice.

Recommended colors for Vernacular commercial buildings (1920-1960). Similar to the earlier Beaux Arts and Classical Revival buildings, exterior plaster was left to resemble a light, natural color. Trim colors in these buildings were often the same lighter neutrals as those used in the Beaux Arts and Classical Revival buildings. In addition to the lighter trim colors, however, later buildings (after 1945) introduced darker trims as well, including some deep gray-blues.

1.2.2 Awnings.

In order to protect the building, the owners, and the customers from the hot sun, many of the first wood structures on Main Street included a deep veranda covered by a shed roof across the street arcade. Additional protection and shade was provided by irregularly spaced trees along the street. As the older wood structures were replaced by the new brick commercial buildings in the late 1890s it was necessary for the merchants and building owners to provide a more urban alternative to the earlier wood porches. The display windows on the street façade of each new building were protected by canvas awnings or a fixed sheet metal roof canopy that enveloped the entire first floor façade. The awnings and canopies extended over the entire sidewalk. The front of the covering was dropped low along the street side in order to provide maximum protection from the sun. By the first decade of the twentieth century the wood verandas and trees had been replaced by awnings and canopies.

The awnings that were used to protect the pedestrians and the stores on North Main were generally made of canvas and they were both fixed and moveable. The moveable awnings could be opened and closed. The moveable awnings were made of cotton duck or awning materials that were supported by a moveable metal frame. The duck or awning material was generally plain or striped. The plain color appears to have been light while the striped canvas was alternating bands of light and dark color. The 1897 and 1902 Sears Roebuck catalog offered striped awning ticking in "drab and red" and "drab and blue." In the same
catalog they offered a refreshment tent made of white duck, blue and white striped duck and brown and white striped duck.

The catalog included a drawing of a palmetto (lawn tent) made of 8 oz. awning materials that had an elaborate stripe pattern. The striped canvas was available in blue and white, brown and white and blue and old gold. Other tents made of 8 oz. duck in a variety of unspecified colors were included in the publication. The small drop on the canvas was provided with either straight or scalloped edge.

Historic photographs record that when canvas awnings were used they were generally attached to the wall above the transom window. While this is a predominant location for the awning there are several photographs that show the awning being attached to the façade at the bottom of the transom.

Canvas awnings were also used on second floor windows, although many structures did not have them. The awnings, made of plain and striped duck or canvas, in general appear to have been retractable. The awning was attached to the wood window frame rather than the brick wall. The second floor awnings generally appear to have been made of striped fabric rather than plain material. The edges of the awning were usually scalloped.

Since there is always the exception to the rule it should be noted that two photographs of the Baker Block (c. 1894 and c. 1900) document a single fixed awning that covers all of the windows on the North Main Street façade. The plain canvas awning material is affixed to a metal frame. The frame is attached to the wall.

Equally as popular as the awning were the fixed canopies that had a corrugated sheet metal roof supported on a light wood frame and wood posts. A canvas drop that could be raised and lowered provided additional sun shade and a place for the name of the commercial enterprise. The canopies extended from the face of the building to the edge of the boardwalk. This is in contrast to the moveable canvas awnings which did not extend quite so far.

Due to the fact that the distance between the sidewalk and the top of the transom was different for each building, the slope of each awning or canopy was unlike its neighbor. This created a streetscape that some would consider exciting and others would find unrestrained.

The character of North Main Street was affected by the awnings and canopies that were used on almost every building. The size of the awnings and canopies, the differences in the slope of each covering and the fact that they virtually lined both sides of the street made North Main appear to be more dense and more protected.

Photographs of North Main Street indicate that by 1920 the fixed sheet metal or canvas canopies had been dismantled and replaced by moveable canvas awnings. The buildings on the east side of the street generally had moveable awnings attached to the façade above the transom in order to provide maximum shade to the storefronts. The businesses on the west side of the street usually attached the awning to the bottom of the transom. Due to the orientation of their building they could leave the transom windows unobstructed in order to obtain the benefit of the additional light.
The removal of the fixed canopies and awnings gave the streetscape a brighter and more open aspect. While the canvas awning for each building was different, the awnings appear to be much lighter and less confining than the older canopies.

By 1939 the fixed flat canopy was being used on North Main Street. The canopy which projected over the sidewalk was suspended from the face of the building by metal cable. In order to provide more shade the canopy on the Porterville Hotel was situated below the transom over the first floor display windows. A photograph in the 1960s revealed that canvas drops had been added to the face of the canopy. There were three separate drops that could be adjusted independently. The drops were a plain light color duck that had been embellished with a scalloped edge. The name of the business establishment had been painted on the drop.

Photographs of North Main Street in the 1950s indicate that fixed flat canopies were replacing the moveable awning over the storefronts. Aluminum, which had been an unusual building material prior to World War II, became available and popular after the war. It was used extensively for the new canopies because it was lightweight, had a permanent finish and symbolized the promise of the future.

Design guidelines for awnings and canopies for existing historic buildings.

a. Awning and canopy types. Existing buildings dating to the historic period 1890 to 1940 should utilize awnings and canopies reflective of those types used on the building in the later historic period which included canvas awnings and metal canopies without the canvas drops that extended to the sidewalk. An awning or canopy type shall be selected that is compatible with the specific style or period of the building; the range of awnings and metal canopy types correspond to the first three types identified in the "Awning and Canopy Types" exhibit (see Figure 3).
   • Type A—retractable fabric or metal
   • Type B—fixed fabric or metal
   • Type C—metal canopy

All awnings should be sloped and flat, regardless of material used; no awnings should be stretched over a curved frame unless photographic evidence can be shown that the building originally had such an awning configuration.

b. Awning and canopy materials and colors. Some newer canvas and canvas-like materials with better weathering and maintenance characteristics and sheet metal are all appropriate materials for new retractable and fixed awnings to be applied to existing historic buildings. Awnings may be colored in darker hues, either as solid colors of deep olive, hunter green, deep red, burgundy, or old gold, or striped in combinations of two of these colors or one of these colors with white, cream, or tan. Metal canopies should utilize aluminum anodized in a dark, neutral color or natural metal.

c. Placement of awnings and canopies. Awnings depending on the building façade being considered may be fitted so as to attach above the transom window (as illustrated in Figure 3, Type A) or below the transom window (as in Figure 3, Type B). To diminish the interior effects of late afternoon summer sunlight, buildings on the east side of Main Street (or other north-south streets) should consider the advantage of attaching the awning above the transom window. Metal canopies should always be placed below the transom window. Upper level awnings may be eligible.
Figure 3: Awning and Canopy Types

A Retractable Fabric or Metal
B Fixed Fabric or Metal
C Metal Canopy
D Movable Fabric/Metal
d. Concealed lighting. Awnings and canopies can be used to conceal various forms of façade lighting fixtures. Light fixtures placed under an awning may be used to light a guild sign that may hang from the awning frame, or it may be employed to further illuminate the sidewalk or building entrance below. Concealed direct and accent lights can be placed over metal canopies to illuminate the front façade and/or related front façade signs.

Design guidelines for awnings and canopies for new construction or for non-historic buildings.

a. Awning and canopy types. Awnings and canopies for new buildings or for existing buildings not belonging to the historic structures as defined in these guidelines should be appropriate to the parent building design, but should also reference in general form the historical precedents existing in Porterville. Appropriate awnings or canopies may be movable (see Figure 3, Type D). They may also exhibit shapes that speak of their own time, such as concave, wave, or other irregular shapes, and utilize contemporary attachment systems. Colors, however, should be compatible with the historic awning and canopy colors noted elsewhere in these guidelines.

b. Awning and canopy materials and colors. New materials such as metal meshes and non-gloss synthetic fabrics may be acceptable depending on the new building design concept.

c. Placement of awnings and canopies. New awnings and canopies should be placed in similar locations on the building façade as those places utilized in historic buildings. Awnings and canopies should directly follow the shading and transom window relationships used on earlier historic buildings in Porterville.

Awnning and canopy maintenance and repair.

All awnings and canopies described under this section, whether for existing historic structures or for new construction, shall be maintained in good condition.

a. Awnings and canopies shall be regularly cleaned.

b. Awnings and awning frames which are torn, bent, rendered inoperable, or otherwise damaged shall be repaired within a reasonable time by the owner.

c. Awnings and canopies which cannot be repaired shall be removed or replaced within a reasonable time by the owner.
1.3 General Requirements for Development and Rehabilitation Within All Sub-districts

In addition to those specific criteria developed in connection with each of the sub-districts of the downtown and their characteristic building types, there are general conditions that apply to the entire area of Redevelopment Project Area No. 1. These criteria cover issues that apply to all buildings, whether within a sub-district or not, and also address general issues of development to ensure that the historic core of the downtown is not degraded by inappropriate development or imagery on its edges.

1.3.1 Parking Area Standards and Guidelines

Parking Design

Parking facilities shall be designed in accordance with the design standards and landscape requirements of applicable City ordinances.
1.3.2 Seismic Reinforcement of Substandard Buildings: Unreinforced Masonry (URM) Buildings

There are numerous unreinforced masonry heritage buildings in the Redevelopment Project Area. Most of these buildings, however, are heritage commercial buildings located in the North Main Street District. Meeting the requirements of the applicable building code may require an extensive rehabilitation program that will affect the appearance of the buildings. In order to ensure that the seismic retrofit of a building does not compromise the ability of the owner to restore the exterior of the building, the following guidelines should be followed:

Shear Walls and Cross Walls.

a. New shear walls and cross walls may be constructed to strengthen the building in order to meet the requirements of all applicable building codes.

b. New shear walls or cross walls shall not block storefronts or windows on the principal street façade.

Steel Frames.

a. New steel frames may be installed to strengthen the building in order to meet the requirements of all applicable building codes.

b. The steel frame may be exposed on the interior of the building unless the interior has been designated as a significant interior to the historic integrity of the building and should be preserved.

c. The steel frames shall be designed to accommodate the existing fenestration openings.

d. The steel frames shall be installed in a manner to minimize the removal of window trim and ornamentation on the walls.

e. The steel frames shall be designed to match the opening of existing interior columns and pilasters.

f. The steel frames should be painted to blend with the interior space.

g. The steel frames shall not intersect windows or door openings.

h. The steel frames shall not be used on the building’s exterior.

Repointing.

a. Repointing shall be done with mortar that matches the existing mortar chemically and aesthetically.

b. Repointing may be used to replace inappropriate mortar to improve seismic strength.

c. The repointing shall not widen or otherwise alter the appearance of the original mortar joints on the exterior.
Anchor Bolts.

a. The Anchor Bolts shall be installed at 22-1/2 degrees on the principal façade to obviate the necessity for exposed bolt heads.

b. Anchor Bolts with traditional star-in-circle bolt heads may be installed as through bolts on principal façades with City approval.

c. Anchor Bolts shall not be installed as through bolts on principal façades without approval.

Windows.

a. Window and door openings shall be respected in any seismic strengthening design.

b. Windows may be infilled (with approval) on walls that are not the principal façade if an appropriate infill material is used.

c. Windows and doors on the principal façade shall not be infilled.

Parapets and Ornamentation.

a. Parapets and ornamentation shall be braced.

b. Missing segments of original parapets and ornaments may be replaced with lightweight materials that duplicate the appearance of the original member.

c. Original parapets and ornamentation shall not be removed.

1.3.3 Americans with Disabilities Act Issues

There are various modifications to existing commercial buildings that will probably be necessary to bring them into legal compliance with the provisions of the Americans with Disabilities Act (ADA). Owners of buildings within Redevelopment Project Area No. 1 are encouraged to do so. The design areas covered within the ADA that will have the most relevance to existing commercial structures in Porterville include: minimum door opening widths, ground surface friction coefficients, maximum entrance slopes, type and maximum height of door handles and other hardware, door closer types and adjustments.

In order to access various upper floors within older commercial buildings along North Main Street, and thus implement City goals to permit upper level professional office and residential uses, ADA and state fire code requirements will need to be addressed. Typically elevators, "rated" fire corridors and stair access facilities will need to be constructed. In some cases these facilities may be combined and coordinated among two or more adjacent structures needing upper floor access. Further, such significant and potentially costly modifications should be developed in conjunction with seismic upgrades to unreinforced masonry structures.
1.3.4 Location and Screening of Mechanical Equipment, Utility Infrastructure and Service Areas.

Rooftop equipment.

a. Roof mounted heating, ventilating, air conditioning (HVAC) and other mechanical equipment should generally be placed towards the rear portions of the building roof to distance it from public view and public noise reception. In cases where a commercial business abuts a residential use the mechanical equipment should be placed so as to minimize visual and noise impacts upon the residential use.

b. Roof mounted HVAC and other mechanical equipment should be shielded from public view by parapets or architectural enclosures that are visually integrated with the parent structure. Noise shielding should also be employed when equipment is both loud and located relatively close to residential uses or areas of high pedestrian activity.

Window and wall mounted air conditioners.

a. When possible, window mounted air conditioners should be avoided on primary building façades or in other areas exposed to major public view.

b. Side and non-ventilating portions of window and wall mounted air conditioning equipment that project beyond the exterior building plane should be enclosed in housings that visually match the parent building in form, material and color.

Trash, storage and utility enclosures.

a. When possible, trash and open storage areas should be located in the rear portions of the lot to conceal them from public view.

b. Outdoor trash and open storage areas should be enclosed in solid permanent enclosures that screen trash receptacles and storage materials when located on private property in areas visible to the public such as in business side yards and parking areas. The enclosure shall meet City standards for construction of enclosures, and should be constructed of materials that match or are sympathetic to the parent structure or neighboring structure in form, material and color or be visually compatible with the parent structure. Chain link fences of any kind are not permitted. When consistent with the landscape theme used, these enclosures may be further softened with landscape materials.

c. Utility infrastructure such as telephone cabinets, water main valves, cable TV boxes, etc. when located in landscaped areas should be painted in green or earth tones and/or screened with plant materials.

Service and loading areas.

a. Wherever possible, service and loading areas should be placed towards the rear of the lot so as to conceal them from primary public view.
b. When a commercial use is adjacent to a residential use consideration should be made to locate the service or loading area away from the residential use and/or to screen the area with a permanent solid wall.

**Exterior pipes, vents, utility infrastructure/cabinetry, railings and metal flashing.**

a. Exterior pipes, ducts, conduits, vents, utility cabinets, railings, stairs and metal flashing should be painted in colors that match the color of the parent structure.

b. Where possible and appropriate, wiring, multiple conduit runs/junctions, meter groups and/or valve turn-offs should be enclosed in cabinets or enclosures painted to match the parent structure.

**Non-functioning elements.**

Non-functioning equipment and signs from former tenants should be removed by the building's owners from all buildings, including rear façades exposed to public view.

**1.3.5 Rear Façades Facing Public Alleys or Public Parking Areas**

**Rear entries.**

a. Rear entry doors, door frames, door hardware and lighting fixtures should match types utilized on the front façade and/or that are appropriate to the parent building's historic period.

b. If utilized as a public entrance rear entries should include small signs and lighting fixtures that match the imagery utilized on the front façade. (*e.g.*, sign types, materials and colors, see Section 2).

**Repair and maintenance.**

Rear façades and related façade elements such as business signs, façade lighting, rear windows, HVAC equipment and trash/storage enclosures should be kept in good physical condition through routine cleaning, painting and maintenance.

**1.3.6 Building Security**

Provision of security for commercial uses is an essential element of design and building rehabilitation. Components of such security systems should be integrated into the building's design and be effective but unobtrusive. The following guidelines should be observed.

a. Where security doors are provided, they shall not encroach into the public way in the front or in rear of the building, in either an opened or closed position.
b. Lighting shall be provided at all entryways to the building, and in any alcoves or other features of the building which impede the visual surveillability of the building and its public areas.

c. Where security grilles are required or otherwise provided, they shall be painted to match the trim colors of the building. Unobtrusive roll-down grilles with thin vertical and horizontal elements are preferred; heavy steel and accordion fold grates are discouraged.

d. Grilles, security doors, and other security devices designed for nighttime security should not be visible to the public during business hours or when they are in an open position.

e. The use of display window lighting in storefronts and lighting under the awning are encouraged both as a security measure and as a means for enlivening the downtown streetscape at night.

1.4 Site Amenities for Larger New Multi-Tenant Commercial Projects

New multi-tenant commercial projects with a lot size of 15,000 sq. ft. or larger shall provide a publicly-oriented common space with a minimum area of 600 sq. ft. and a minimum dimension of 20 feet, which shall contain pedestrian oriented amenities such as shade structures, benches, business or community kiosks, trash receptacles, water features, public sculpture/art, murals, clocks, enriched paving materials, specimen and floral landscape materials. When possible such areas should be located near restaurant uses, if any, within the development. The common space may be outdoor, indoor, and/or atrium space.

When developed as an open space and located adjacent to parking areas, the common space shall be buffered from the parking area with a landscape hedge or low masonry wall.
Guidelines and Standards for Commercial Signs

Excessive diversity in the size, number, type (material, color, source of illumination) and location of commercial signs can help to create a weak visual image on North Main Street. Similarly, South Main Street and areas adjacent to Main Street exhibit various visual disharmonies stemming from the inappropriate use of signs. To encourage the use of historically appropriate signs—and of signs that contribute positively to a pedestrian-oriented ambience for Downtown Porterville—a set of sign guidelines is presented that limits the types, sizes, number and locations of signs that can be used in the downtown area.

These sign guidelines do not supercede the City's sign ordinance (e.g., the total aggregate area of all signs on a building is still limited to a maximum of 15 percent of the building's façade area). Many signs that are permitted under the ordinance are not eligible for assistance as they do not reflect the image of the downtown envisioned by the Guidelines. The sign guidelines add to the package of other fundamental design guidelines (covering exterior building architecture, awnings, exterior lighting) that as a group work together to address the creation of a more visually attractive and cohesive downtown visual image and the establishment of an historically appropriate setting. To be eligible for assistance, a sign must be attached to the building and integrated with the facade design; in no case are freestanding signs eligible. Backlit signs or "can" signs, internally illuminated signs, or signs painted directly onto a wall or other surface are also discouraged and not eligible, although they are permitted under the ordinance.

The following types of signs are eligible for Agency assistance (subject to the conditions noted herein) within the various subdistricts in the downtown area.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awning Signs</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES&lt;sup&gt;b&lt;/sup&gt;</td>
</tr>
<tr>
<td>Front Facade/Upper Transom</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES&lt;sup&gt;b&lt;/sup&gt;</td>
</tr>
<tr>
<td>Guild Signs</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES&lt;sup&gt;b&lt;/sup&gt;</td>
</tr>
<tr>
<td>Monument Sign&lt;sup&gt;a&lt;/sup&gt;</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Painted Wall Sign</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Pole Signs</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Projecting Blade</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Rear and Side Facade Signs</td>
<td>YES</td>
<td>NO</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
<tr>
<td>Roof Sign</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Window Signs</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

<sup>a</sup> A monument sign is generally defined as any detached sign mounted on the ground in such a way that a substantial portion of the bottom edge of the sign image area is in contact with the ground. As freestanding signs, monument signs are not eligible for assistance; however, in Sub-district B, such signs are encouraged if they meet the conditions for Front Yard Signs in these Guidelines.

<sup>b</sup> Eligible for assistance on commercial structures only.
ELIGIBLE TYPES OF SIGNS FOR FRONT FACADES ON NORTH MAIN STREET

Also for other Downtown Buildings built to the rear of sidewalk

NOTE: Internally illuminated or backlit signs are not eligible.
Awning Signs

Awning signs are usually stenciled or applied directly on an awning edge, valance, or "fringe" area. Sign lettering should generally be black or white, chosen to provide good contrast with the awning color. Awning signs are visible from passing automobiles and from pedestrians across the street who may survey several businesses at a glance. Awnings with side valances that hang over sidewalks provide an opportunity to present a business identification sign clearly visible to the passing sidewalk pedestrian. Awning signs should be limited to providing the name of business.

**Awning Signs Design Standards**

<table>
<thead>
<tr>
<th>Sign Material:</th>
<th>Screen/paint on canvas (or other permitted awning fabric)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Colors:</td>
<td>Light colored lettering on dark colored awnings; dark colored lettering on light colored awnings. All lettering to be one color only.</td>
</tr>
<tr>
<td>Maximum size of Sign:</td>
<td>Lettering not to exceed 7&quot; in height on the drop/valance.</td>
</tr>
<tr>
<td>Lighting:</td>
<td>None required; interior lighting limited to pedestrian-oriented down-lighting only.</td>
</tr>
</tbody>
</table>

*Signage is permitted on the slope of the awning, but is subject to the maximum area limitations for the building.*
Front Façade/Upper Transom Signs

The front façade sign is the sign where most businesses receive their primary identification. These signs need to be visible from the adjacent street but not necessarily from the front sidewalk where other signs such as window signs or hanging guild signs are more important.

For Main Street and other buildings in the downtown area that have front façades that are built to the back-of-sidewalk, individual applied letter signs made of either metal, painted wood, or plastic are prescribed in these guidelines as a way of limiting the diversity of the number of the types of signs as a way of bringing greater visual unity to the front façade image. These types of signs are further limited in size and placement upon the front façades. Lighting of these signs would come from external sources—depending on the building’s historic period, either industrial “goose neck” type or concealed accent lighting sources would be used. Internally lighted or backlit box-type signs are not permitted.

Use of the individually supplied letter signs allows for individual business expression through the availability of a wide variety of type styles and colors that can be drawn upon.

**Front Façade/Upper Transom Signs Design Standards**

<table>
<thead>
<tr>
<th>Sign Material:</th>
<th>Individual applied letters.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible Locations:</td>
<td></td>
</tr>
<tr>
<td>a) 1890-1950 Buildings:</td>
<td>Front façade wall face directly above transom or display windows. On façades with awnings, the bottoms of individual applied letters should be placed within 6&quot; above the top of the awning or above the awning on the first available façade wall surface where the sign can physically be placed. The top of the letters should not extend beyond 36&quot; from the top of awnings nor in any case should the top of the letters be located nearer than 12&quot; from the top of a parapet or bottom of a cornice on a one-story façade, nor nearer than 12&quot; from the bottom of a belt moulding on a multi-story façade.</td>
</tr>
<tr>
<td>b) Moderne Buildings:</td>
<td>Same locations as 1890-1950 buildings, or individual letters placed on top of a solid entry projection or marquis.</td>
</tr>
<tr>
<td>c) New Construction:</td>
<td>Same locations as either the 1890-1950 or Moderne buildings as in (a) or (b) above.</td>
</tr>
<tr>
<td>Number of Signs:</td>
<td>One per business. Not eligible if projecting blade sign is used.</td>
</tr>
<tr>
<td>Maximum Area:</td>
<td>Area of sign image rectangle shall not exceed one square foot for each two linear feet of façade frontage; the total shall not in any case exceed 75 square feet.</td>
</tr>
<tr>
<td>Lighting:</td>
<td>Required. External source consisting of historic &quot;goose neck&quot; type fixtures or concealed accent lights.</td>
</tr>
</tbody>
</table>
Front Façade/Upper Transom Signs

These storefronts use a combination of awning signs and applied-letter façade signs. Notice the use of planter boxes in the example on the left, and the low hedge to screen parking in the example on the right.
Applied letters may take on a wide range of type and images. Each business's selection should be sensitive to the historical period of the building (such as the Art Moderne "Mecca" sign at right), or to the spirit of the business it advertises (such as the maternity shop sign above).
Guild Signs

The guild sign is generally small and pedestrian oriented. The guild sign may be placed on an open front façade or under an awning. This type of sign typically consists of paint on wood or paint on metal. Illumination is received by ambient and/or accent sources the hanging sign/guild sign lends itself to artistic expression on both sign faces and in some cases on the mounting frame itself which can become a further decorative design element.

**Guild Signs Design Standards**

<table>
<thead>
<tr>
<th>Sign Material:</th>
<th>Painted metal and painted wood are eligible. Plastic and internally illuminated blade signs are prohibited. Decorative supports, frames, and/or suspension chains are encouraged.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Colors:</td>
<td>No limitations.</td>
</tr>
<tr>
<td>Eligible Locations:</td>
<td>Placed on downtown commercial structures built directly in back of a public sidewalk with no front setback.</td>
</tr>
<tr>
<td>Number of Signs:</td>
<td>One per street façade per business.</td>
</tr>
<tr>
<td>Maximum Size of Sign:</td>
<td>6&quot; in height and 36&quot; in length (may be two-sided). A minimum 8 foot vertical clearance between the public sidewalk and the bottom of the guild sign is required.</td>
</tr>
<tr>
<td>(a)If mounted under an awning or marquee:</td>
<td>5 square feet maximum area per side. A minimum 10 foot vertical clearance between the public sidewalk and the bottom of the guild sign is required. The sign shall not project more than 18&quot; from the face of the building.</td>
</tr>
<tr>
<td>(b)If mounted to the wall:</td>
<td></td>
</tr>
<tr>
<td>Lighting:</td>
<td>Optional. External direct or accent light sources should be used. Fixtures should be hidden from view.</td>
</tr>
<tr>
<td>Other Guidelines:</td>
<td>Incorporation of decorative illustrations, logos, typography and utilization of varied sign shapes and colors is encouraged. Multiple guild signs used on one architecturally common building façade should be placed in the same location, made of the same materials and use the same mounting system for all businesses located within that building.</td>
</tr>
</tbody>
</table>
Guild Signs

- Minimum height: 8' 0"
- Minimum height: 10' 0"
- Minimum height: 8' 0"
Window Signs

These signs are generally painted directly on display windows but also include neon signs and other signs that hang indoors directly behind the window pane. Historically, painted window signs were gold or gold leaf. Window signs may be used for permanent business identification only. They are usually fairly small in nature which maximizes window display space and makes the signs easily comprehensible to pedestrians. Window signs are also appropriate for professional offices located in structures that maintain an entrance and windows directly adjacent to a commercially oriented pedestrian street.

Window Signs Design Standards

<table>
<thead>
<tr>
<th>Sign Material:</th>
<th>Paint on window; neon signs are acceptable, if not flashing or moving. Other materials acceptable if hung indoors.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Colors:</td>
<td>Gold, gold leaf, black, white. If neon is used, any color is acceptable.</td>
</tr>
<tr>
<td>Eligible Locations:</td>
<td>Display windows, front façade windows, entry area windows on retail/commercial structures or professional offices.</td>
</tr>
<tr>
<td>Number of Signs:</td>
<td>One per building address.</td>
</tr>
<tr>
<td>Maximum Size of Sign:</td>
<td>25% of each window area.</td>
</tr>
<tr>
<td>Lighting:</td>
<td>Optional. Display window/door illumination through indoor or outdoor ambient or accent lighting. Backlighted sign boxes not permitted.</td>
</tr>
</tbody>
</table>

Window Sign
- Maximum 25% of window area
Projecting Blade Signs

Historically, projecting blade signs were used on some commercial structures in the downtown core. These signs are auto and distant viewer oriented. At street intersections they can be placed to run up the building corner being equally viewed from both block directions. Historically, these signs were paint on metal or paint and neon on metal.

**Projecting Blade Signs Design Standards**

<table>
<thead>
<tr>
<th><strong>Sign Material:</strong></th>
<th>Painted metal and/or neon on painted metal. Plastic signs prohibited.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sign Colors:</strong></td>
<td>Limited to three.</td>
</tr>
<tr>
<td><strong>Eligible Locations:</strong></td>
<td>Front or front corner façades of downtown commercial structures built directly in back of a public sidewalk with no front setback.</td>
</tr>
<tr>
<td><strong>Number of Signs:</strong></td>
<td>One per business primary street façade. Not eligible if front façade/upper transom sign is used.</td>
</tr>
<tr>
<td><strong>Maximum Size of Sign:</strong></td>
<td>Not to exceed 10 square feet sign area per side. To be included in overall total sign area allowed for the business. Not to extend beyond 18&quot; from the building face or to extend lower than 10 feet (or 8 feet if the sign projects 6&quot; or less) above the adjacent sidewalk.</td>
</tr>
<tr>
<td><strong>Lighting:</strong></td>
<td>Required if the projecting blade sign is the only business sign. Neon or external direct, accent or indirect light sources shall be used. Non-neon fixtures to be hidden from public view. No backlit sign boxes are permitted.</td>
</tr>
</tbody>
</table>

![Diagram of Projecting Blade Sign](image)
## Rear and Side Façade Signs

Generally the rear and side façades or walls of businesses are more pedestrian oriented and have lesser size requirements than the auto and pedestrian oriented front façades. Rear and side façade signs should be similar in design to the front façade in terms of materials, colors and type style/face. This design similarity will help visitors mentally connect and reinforce all a building’s signs to a particular business.

### Rear and Side Façade Signs Design Standards

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Material:</td>
<td>Individual applied letter to match the type style used on the front façade.</td>
</tr>
<tr>
<td>Sign Materials:</td>
<td>Metal, painted metal, painted wood, plastic to match materials and color of front façade sign.</td>
</tr>
<tr>
<td>Eligible Locations:</td>
<td></td>
</tr>
<tr>
<td>a) Rear Façade:</td>
<td>Required for businesses with public rear entrance. To be placed within five feet of a business rear entry door or on nearest available wall surface adjacent to the rear entry door.</td>
</tr>
<tr>
<td>b) Side Façade:</td>
<td>No limitations.</td>
</tr>
<tr>
<td>Number of Signs Eligible:</td>
<td>One per façade per business.</td>
</tr>
<tr>
<td>Maximum Area of Sign:</td>
<td></td>
</tr>
<tr>
<td>a) Rear Façade:</td>
<td>Area of sign image rectangle limited to 4 square feet minimum and 30 square feet maximum.</td>
</tr>
<tr>
<td>b) Side Façade:</td>
<td>30 square feet.</td>
</tr>
<tr>
<td>Lighting:</td>
<td></td>
</tr>
<tr>
<td>a) Rear Façade:</td>
<td>Required for businesses with public rear entrance. External source consisting of historic &quot;goose neck&quot; type fixtures or concealed accent light(s) to match type used on front façade.</td>
</tr>
<tr>
<td>b) Side Façade:</td>
<td>External source consisting of historic &quot;goose neck&quot; type fixtures or concealed accent light(s).</td>
</tr>
</tbody>
</table>
Rear and Side Façade Signs

With simple signage, proper lighting, and perhaps a planter box or a show window where possible, a rear entrance from an alley can be as inviting as a front entrance on the sidewalk.
Front Yard Signs

Front yard signs are not eligible for Agency assistance as they are not attached to a building. However, they are encouraged in those areas where appropriate. Front yard signs are appropriate for businesses that are located within structures originally designed as residences: structures that are generally set back from the sidewalk 15 to 20 feet, have landscaping on the front yard, and have a pitched roof. Uses housed in these structures are often professional or low volume pedestrian oriented retail. Similarly, new commercial structures designed to be historically referenced to a residential neighborhood (e.g., within Sub-district B) should use front yard signs.

Except for any signs and possible wares displayed in front windows, the structures should maintain their residential character. The front yard sign becomes the place where the business receives its primary exposure and visibility. These types of signs are generally positioned perpendicular to sidewalk/roadway traffic and are moderate in height allowing good visibility but at a residential scale. These signs are not internally illuminated nor constructed of non-residential types of materials such as plastic.

### Front Yard Signs Design Standards

<table>
<thead>
<tr>
<th>Sign Material:</th>
<th>Painted wood or painted metal. Decorative support structure may recall the architectural style of the parent building. Plastic signs are prohibited.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible Locations:</td>
<td>Commercial use residential structures with a front yard.</td>
</tr>
<tr>
<td>Number of Signs:</td>
<td>One per business.</td>
</tr>
<tr>
<td>Maximum Size of Sign:</td>
<td>20 square feet per side; maximum height to top of sign to be 6 feet (6'-0&quot;), measured from top of nearest adjacent public street curb. Front yard signs shall be set back a minimum of 5 feet (5'-0&quot;) from the front property line.</td>
</tr>
<tr>
<td>Lighting:</td>
<td>Strongly encouraged if the front yard sign is the only business sign. External direct or accent. Fixture or lighting source to be concealed. Lighting levels to be consistent with residential practice.</td>
</tr>
</tbody>
</table>
Front Yard Signs

- Front Yard Sign
  - Character to blend with parent structure

A well-designed sign is the most definitive way to announce the re-use of a residential structure for a business, but such signs should be compatible with the historic residential character of the neighborhood. Notice in the photograph the similarity of the wood turnings for the sign posts to the porch columns of the parent building in the background.
3.0 Maintenance of Private Property

By maintaining clean streets, sidewalks, parking areas, store façades, display windows and awnings; by keeping exterior wall paint fresh and by keeping landscaping pruned and watered a commercial district improves its attractiveness to visitors and patrons. This appears particularly important for shopping areas such as North Main Street that has now begun to compete for patronage with newer centers located in outlying areas.

There are both public and private responsibilities for basic maintenance in Porterville's downtown commercial district. These need to be clearly defined for those areas, like alleyways and sidewalks, where public and private "zones" interface. In order for the full range of all downtown improvements—public and private—to be permanent and successful, financial and physical responsibility must be assigned to the various components of basic maintenance. This must include consideration of the following issues:

- Number and placement of trash receptacles
- Frequency of street and sidewalk cleaning (potential for periodic steam cleaning of high use areas).
- Future hardscape materials, selection of easily maintained/replaced hardscape materials.
- Future street tree and other landscape selection.

3.1 Maintenance of Private Improvements Implemented with Agency Assistance

The Agency encourages that all improvements within Redevelopment Project No. 1 be maintained at an appropriate level to contribute positively to the image and vitality of Downtown Porterville. Specifically, however, maintenance of all improvements to private property made with the assistance of the Agency shall be the responsibility of the private property owner. To ensure that such maintenance is performed, it is a requirement of the Agency's Façade Grant Program that all owners enter into a Façade Easement Agreement with the Agency, authorizing the Agency to uphold the maintenance of the private façade improvements at the expense of the owner in the event of the owner's failure to meet the maintenance guidelines and standards outlined here and required elsewhere by City code.
The Architectural Design Guidelines are principally aimed at strengthening the external image of current or to be developed privately owned buildings and properties (particularly front façades and front yards of commercial properties) within the six subdistricts of the redevelopment project area. Although the visual improvement of these buildings and properties will enhance the overall image of downtown, publicly owned zones of pedestrian and automobile activity which generally lie adjacent to these private areas, contribute equally to the overall visual/aesthetic image of downtown. Further, the two areas of respective private and public responsibility are directly interrelated and plans for one area must be coordinated with plans for the other.

The Porterville Redevelopment Agency is currently embarked on a public improvement program, parallel to the private rehabilitation incentives described in this document, to enhance public investments in the downtown area through new street, sidewalk and curbside parking improvements, street lighting, street trees, public signage and various other features. Most of these improvements will occur in the public rights-of-way immediately adjacent to the front façades or front yards of private businesses in the downtown area.

There are a few major issues that relate to the interface between the anticipated public right-of-way improvements and the private façade/front yard improvements articulated in these Architectural Design Guidelines. These issues are summarized below.

4.1 Street Tree Type and Placement

The type and placement of street trees will affect the visibility of most front façade commercial signs. Street trees that have an open branch structure/foliage, that are planted away from front building façades (e.g. in peninsula planters) and that are spaced at wider intervals will enhance commercial sign visibility from both the roadway and sidewalk. Street trees planted in close proximity to front building façades could also overlap with the extension of various awnings over the sidewalk. A three to five foot awning extension would typically imply a minimum 13 to 15 foot setback from front façades for a 20-foot crown diameter tree. A 5 to 10 foot awning extension would imply a 15 to 20 foot setback. In general, the type and placement of street trees also determines sidewalk shade and ambient glare levels. Thus, the placement of street trees relative to the type and size of awnings (e.g., on Main Street) should be coordinated to determine the "weight" each will have in providing the desired level of pedestrian shade.

Street tree placement should also be coordinated with light standard placement to avoid underground conflicts between tree roots and light standard conduits and related infrastructure.
4.2 Street Lamp Placement

Street light standards placed on sidewalks and/or on peninsula areas can, as in the case of street trees, limit the size of awnings that can be used on adjacent storefronts (Main Street situations). Street lamp standard placement also must be considered along with street tree locations so as to prevent excessive tree foliage related reductions in the amount of light reaching the sidewalk, parking areas and storefronts.

4.3 Curbside Parking and Street Furniture Conflicts

The relationship between curbside parking and the placement of street furniture items such as trash receptacles, benches, newspaper racks as well as the above discussed items of lamp standards and street trees can affect the ease of access of pedestrians as they exit their automobiles and/or as they move from their vehicles onto the sidewalk zone closest to the storefront.
The entire streetscape image of Main Street reflects the visual appearance of both the private business building facades and the adjacent public improvements such as sidewalks, street trees, lighting standards and curbside parking. Coordination of the two areas of responsibility is needed to ensure that private and public improvements do not conflict with one another. In particular, street trees, lamp standards and facade awnings should not overly impinge upon the functions of each other.
SUB-DISTRICT GUIDELINES
for the Revitalization of Downtown Porterville

Volume 3
DOWNTOWN PORTERVILLE
ARCHITECTURAL DESIGN GUIDELINES
REDEVELOPMENT PROJECT AREA #1
Porterville Redevelopment Agency
Porterville, California
Requirements for Sub-district A

Sub-district A includes the properties fronting on North Main Street between Putnam Avenue and Olive Avenue, the Main Street frontage from Thurman Avenue to Putnam, and the properties between Hockett Street and Division Street north of Willow Avenue and south of Putnam. This sub-district is a primary focus of these guidelines in that the image of North Main Street is the principal character-defining component to the entire downtown. The focus of the guidelines is on the restoration of the area's historic character, and the enhancement of the pedestrian environment centered on the Main Street streetscape. It includes full scale restoration guidelines, as well as more modest façade remodeling standards and guidelines.
5.1 Goals

The following goals define the directions to be taken for buildings on North Main Street through implementation of the design guidelines for Sub-district A.

- Preserve and/or completely restore the exterior architecture of all historic structures whose essential historic exterior characteristics still survive.

- Restore some character-defining exterior historic architectural features on historic structures that still contain major historic exterior characteristics.

- Provide for the rehabilitation of existing non-historic structures or historic structures whose character-defining features have been lost or seriously compromised in order to maintain visual continuity and compatibility on North Main Street.

- Encourage the installation of commercial signs that create a visually cohesive and pleasant image for the North Main district.

- Maintain visual compatibility and cohesiveness throughout North Main Street.

- Encourage new construction that is historically referenced to the primary historic architectural image of Main Street.

- Promote design solutions that encourage pedestrian access to and use of Main Street.

- Promote a stronger nighttime image for Main Street through aesthetic lighting treatments for building façades (front, rear and/or sides as appropriate), and encourage the use of night lighting in storefront windows, under awnings, etc., in order to provide an image of security and prosperity.
5.2 Restoration and Reconstruction of Commercial Building Façades

Some of the existing commercial buildings in Porterville have survived without being substantially remodeled. In some cases only the storefronts have been altered while others have had the storefront and other architectural features changed. In all cases the overall architectural integrity of the building has not been compromised. Other existing commercial buildings in Porterville have been extensively remodeled on the exterior; however, the nature of the renovation appears to indicate that portions of the original character defining architectural features may survive intact beneath the later additions. Finally, there are a group of buildings where little of the original fabric survives.

The historic buildings in Downtown Porterville are the greatest historical resource of the city. In order to ensure that these buildings are preserved for the benefit of future generations, the following Standards have been prepared to assist the owners in the preservation, protection and maintenance of their heritage building. The following standards are adapted from the United States Department of the Interior’s Secretary’s Guidelines for the Rehabilitation of Historic Buildings.

5.2.1 Standards for preserving, protecting, and maintaining surviving heritage buildings.

Owners who wish to restore their commercial heritage buildings in which the majority of the building’s historic character-defining features survive shall meet the following standards:

a. A heritage property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a heritage property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property is strongly discouraged.

c. Each heritage property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other building, shall not be undertaken.

d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible for more detail).
h. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

i. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

5.2.2 Standards for restoration and rehabilitation of modified heritage structures.

Owners who wish to restore their commercial heritage buildings which have been substantially modified over their original design or condition and in which not all of the building’s historic character-defining features survive shall meet the following standards:

a. All existing historic elements on the exterior of the building shall be preserved.

b. All demolition work on the exterior shall be limited to the removal of non-historic architectural features.

c. All deteriorated existing original architectural features shall be repaired or restored.

d. Original missing architectural features for which there is sufficient historic documentary, pictorial or physical evidence may be reproduced to match the missing original feature or they may be replaced with architectural features that are compatible with the massing, size, scale and texture of the original.

e. Original missing architectural features for which there is insufficient historic documentary, pictorial or physical evidence should be replaced with features that are compatible with the massing, size, scale and texture of architectural features appropriate to the period.

f. The original or significant configuration of the exterior walls shall be restored.

g. New stories shall not be added to existing heritage buildings.

h. The location, size and configuration of original door and window openings shall be restored.

i. Signs for the building shall be in keeping with the type of historic signs appropriate for the period of the buildings in Porterville (see Section 2).

j. Exterior awnings shall be in keeping with the configuration and materials appropriate for the period of the building in Porterville.

k. Paving in recessed entryways, between the property line and the building wall, shall conform to the historic paving material. Where original paving does not survive and where there is no photographic evidence of the original material and design, the following materials may be installed:
   • For any building period or style, concrete in its natural color scored in 6-inch, 12-inch, or 24-inch grids may be installed. Brass or stainless steel lettering not to exceed 6 inches in height may be inset flush with the paving surface to indicate the building address or the business name.
• For Brick Vernacular, Beaux Arts, and Classical Revival buildings, white or gray hexagonal tiles 1-inch in diameter may be used. The tiles shall have a matte glaze, and may be worked in a mosaic pattern to incorporate the name of the business in letters not to exceed 9 inches in height.
• For Streamline Moderne buildings, terrazzo paving may be used, in colors compatible with the colors of the building facade. The terrazzo may be patterned appropriate to the period of the building and may incorporate brass or stainless steel letters not greater than 6 inches in height to indicate the name of the business or the building address.
• For Mediterranean Revival buildings, 12-inch square quarry tile in red or gray clay may be used, but such tiles must have a matte glaze and be treated with a non-slip coating.

5.2.3 Guidelines for the identification of historic resources.

The Porterville Historic and Cultural Resources Survey identifies the architectural style and contributory features of heritage buildings in Porterville; however, it does not necessarily provide a comprehensive inventory and description of the character-defining historic architectural resources of the building. Before proceeding with the design and renovation process for heritage buildings, owners should follow the following guidelines to determine how much of the building’s original fabric survives:

a. Document the original appearance of the building with historic photographs.

b. Compare existing appearance of the building with the historic appearance of the building.

c. Remove a small sample of the non-historic feature to determine if the original feature is underneath.

d. Removal of larger areas of non-historic material should be carried out in a manner that will not disturb the original feature underneath.

e. Ensure that the building is always watertight as the non-historic material is removed.

5.2.4 Guidelines for restoration of historic resources.

Once having identified and described the extent and nature of a building’s surviving historic resources, restoration of those architectural elements should proceed according to the following guidelines:

Wood siding and architectural details.

a. Preservation.

1. Identify, retain and preserve all original wood siding and architectural details on the exterior.

2. Remove all wall coverings that hide original wood siding and architectural details.

b. Protection.

1. Identify, evaluate and treat all causes of wood siding and detail deterioration:
   • faulty flashing
   • leaking gutters
   • breaks and cracks
   • deteriorated coating such as paint and stain
   • open joints
   • deteriorated caulking and sealants
   • insect or fungus infestation
c. Cleaning.

1. Remove deteriorated paint by gentlest method possible:
   - hand scraping
   - hand sanding
   - hot air heat guns
   - chemical strippers

2. Paint shall not be removed by the following methods:
   - propane or butane torches
   - sand blasting
   - water blasting

3. All wood surfaces from which paint or stain has been removed shall be given new coatings to protect the wood.

d. Repairs.

1. Remove all deteriorated wood elements that cannot be repaired.

2. Replace all wood elements with new wood details that match the size, shape and profile of the original element

3. Remove all deteriorated materials from wood architectural features that are otherwise sound.

4. Do not remove entire features if only a portion is deteriorated.

5. Repair wood features with new wood patches, wood filler or epoxy.

Concrete walls.

a. Preservation.

1. Identify, retain and preserve all original exterior concrete walls.

2. Identify all original finish materials and coatings that have been applied over the concrete.

b. Protection.

1. Identify, evaluate and treat all causes of concrete deterioration:
   - exposed steel reinforcing members or metal ties that are rusting
   - cracked or broken concrete
   - flat surfaces that permit water to penetrate the concrete
   - faulty flashing
   - leaking gutters

c. Cleaning.

1. Concrete walls shall be cleaned with gentle methods that will not damage the plaster finish or concrete surface:
   - water and detergents applied with natural bristle brushes
   - low water pressure

2. Cleaning procedures that may be permitted after adequate testing has been performed:
   - liquid chemical cleaners that do not damage the concrete
   - high pressure water
   - paint removal strippers

3. Cleaning procedures that will not be permitted:
   - sand blasting
d. **Repairs.**
   1. Remove all rusted steel reinforcing and metal ties.
   2. Remove all broken and loose concrete.
   3. Patch all concrete using appropriate repair procedures.
   4. Repair all original finish materials.

e. **Replace Missing Concrete Details.**
   1. Replace missing or broken concrete details to match size, shape, color and texture of the original.

**Masonry walls.**

a. **Preservation.**
   1. Identify, retain and preserve all original exterior masonry walls and masonry veneer.
   2. Identify all coatings and materials that have been applied over the original exterior masonry walls.

b. **Protection.**
   1. Identify, evaluate and treat all causes of masonry deterioration:
      - faulty flashing
      - leaking gutters
      - deteriorated roofs
      - insufficient drainage
      - deferred pointing
      - application of coatings and finish materials

c. **Cleaning.**
   1. Masonry walls shall be cleaned with gentle methods that will not damage the masonry or the mortar:
      - water and detergents applied with natural bristle brushes
      - low water pressure
   2. Cleaning procedures that may be permitted after adequate testing has been performed:
      - liquid chemical cleaners that do not damage the masonry or the mortar or cause ecological damage
      - high pressure water
      - paint removal strippers
   3. Cleaning procedures that will not be permitted:
      - sand blasting
      - acid wash on limestone and marble
      - metal bristle brushes
   4. Prior to initiating the work, all cleaning procedures should be tested to ensure that the masonry will not be damaged.

d. **Pointing Repair.**
   1. Deteriorated pointing will be repaired when it is identified.
   2. The deteriorated mortar shall be removed using hand tools.
   3. No power tools shall be used to remove deteriorated pointing.
4. The new mortar should match or exceed the strength of the original.
5. The new mortar shall match the color, texture and style of the original mortar.
6. The width and profile of the new pointing shall match the original pointing.

c. **Repairing the Masonry.**
   1. Masonry units shall be replaced with new masonry units that match the size, texture and color of the original material.
   2. Broken masonry units should be patched instead of replaced, if possible.

d. **Replacing Masonry.**
   1. Missing masonry units or broken masonry units that cannot be repaired shall be replaced with masonry units that match the size, color and texture of the original.

**Architectural metals.**

a. **Preservation.**
   1. Identify, retain and preserve original metal architectural features.
   2. Do not remove metal architectural features which are important in defining the overall historic character of the building.

b. **Protection.**
   1. Identify, evaluate and treat all causes of metal corrosion:
      * exposing bare metal to water and moisture
      * deterioration of protective coatings
      * galvanic action between two incompatible metals

c. **Cleaning non-ferrous materials and alloys.**
   1. Identify the type of metal material that is being used in order to determine the type of cleaning that is appropriate.
   2. Identify non-ferrous metals (lead, tin, copper, zinc) whose natural patina should be preserved.
   3. Use gentle cleaning methods on non-ferrous materials with a natural patina in order to clean the surface without damaging the patina or coating.
   4. Identify alloys that may require protective coatings.
   5. Use a gentle cleaning method that will not abrade the protective coating.

d. **Cleaning Ferrous Metals.**
   1. Identify the type of ferrous material (cast iron, wrought iron, steel).
   2. Determine the type of coating and condition of metal.
   3. Use hand scraping to remove corrosion and deteriorated paint.
   4. Where hand scraping is ineffective, low pressure grit blasting may be used to remove corrosion and coatings.
   5. Cleaned ferrous metals should be painted immediately with a corrosive resistant coating.
e. Repairs.
   1. Repair metal features that are broken or dented.
   2. Do not replace broken or dented metal features.

f. Replacement.
   1. Metal features that are too deteriorated to be repaired should be replaced.
   2. Utilize the original metal feature as a model for the new feature.
   3. Do not replace missing features with details that do not convey the same visual appearance.

**Exterior plaster (stucco).**

a. Preservation.
   1. Identify, retain and preserve original exterior plaster features.
   2. Do not remove original exterior plaster features which are important in defining the overall historic character of the building.

b. Protection.
   1. Identify, evaluate and treat all causes of plaster deterioration:
      - leaking roofs
      - faulty metal flashing
      - leaking gutter
      - broken concrete substrate
      - deteriorated or rusted metal lath
      - deteriorated wood members

c. Cleaning.
   1. Plaster shall be cleaned with gentle methods that do not damage the plaster:
      - water and detergent
      - soft natural bristle brushes
   2. Cleaning procedures that are not permitted include:
      - sand blasting
      - high pressure water

d. Repairs.
   1. Identify all types of deterioration:
      - spalling plaster
      - broken plaster
      - cracked plaster
      - missing plaster details
   2. Remove and repair all deteriorated substrate material.
   3. Repair and patch all plaster using industry approved repair procedures and materials.
   4. Match the texture of the new plaster with the original texture.
   5. Where a large area of plaster needs to be replaced, the adjacent panel should be completely replaced in order to avoid a patched appearance.
Roofs.

a. Preservation.
   1. Identify, retain and preserve the original character defining features of the roof:
      • shape
      • slope
      • roofing materials
      • decorative details
   2. Identify original defining features that have been removed or altered.
   3. Do not alter the character defining features of the roof.
   4. Do not remove sound character defining features.

b. Protection.
   1. Identify, evaluate and treat all causes of roof deterioration:
      • blocked drains and gutters
      • moisture condensation
      • faulty flashing
      • overhanging tree limbs
      • insect and fungus infestation
      • build-up of pigeon droppings
      • deteriorated roofing material
      • faulty application of roof fasteners
      • deteriorated fasteners

c. Repairs.
   1. Repair features with similar materials.

d. Replacement.
   1. Replace features that are not repairable.
   2. Replace deteriorated elements of the roof with new material that preserves the overall shape and slope of the roof.
   3. Do not use materials that do not convey the visual appearance of the original roof.

e. Additions to Buildings.
   1. Add roofs over new additions that retain the character defining features of the original roof.

f. Additions to Original Roofs.
   1. Install mechanical or solar collection devices to roofs so that they are not conspicuous from the public right-of-way.

Doors.

a. Preservation.
   1. Identify, retain and preserve the original character defining features of doors:
      • frames
      • jambs
      • door
      • transoms
      • sills
      • trim
      • screen door
      • fan lights and sidelights

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2. Do not remove or radically change doors which are important in defining the overall historic character of the building.

3. Do not change the pattern of the door.

4. Do not change the historic appearance of doors through the use of inappropriate design, materials, finishes or color.

5. Do not obscure door trim with other materials.

6. Do not strip doors of original fittings.

b. Protection.

1. Identify, evaluate and treat all causes of deterioration:
   • weathering due to paint deterioration
   • rusting due to paint deterioration
   • sealant and caulking deterioration

c. Repairs.

1. Repair original broken door detail.

2. Do not replace entire door when repair of material or missing parts is appropriate.

d. Replacement.

1. When a door can no longer be repaired, or is missing, replace it with a new door that matches the original.

2. Do not replace character defining doors with new doors that do not convey the same visual appearance as the original.

e. Doors in Additions to the Original Buildings.

1. New doors in additions to the original buildings should be compatible with the overall design of the original building, but should not duplicate the pattern of the original door.

Windows.

a. Preservation.

1. Identify, retain and preserve the original character defining features of windows:
   • frames
   • heads
   • trim
   • muntins
   • shutters
   • awnings
   • sills
   • jambs
   • sash
   • glazing
   • blinds
   • screens

2. Do not remove or radically change windows which are important in defining the overall historic character of the building.

3. Do not change the number, location, size or glazing pattern of windows.

4. Do not change the historic appearance of windows through the use of inappropriate design, materials, finishes or color.

5. Do not obscure window trim with other materials.

6. Do not strip windows of original fittings.
b. Protection.

1. Identify, evaluate and treat all causes of deterioration:
   - water penetration
   - weathering due to paint deterioration
   - rusting due to paint deterioration
   - sealant and caulking deterioration.

c. Repairs.

1. Repair original broken window features.
2. Do not replace entire windows when repair or materials or missing parts is appropriate.

d. Replacement.

1. When a window can no longer be repaired or is missing, replace it with a new window that matches the original.
2. Do not replace character defining windows with new windows that do not convey the same visual appearance as the original.

e. Windows in Additions to the Original Buildings.

1. New windows in additions to the original buildings should be compatible with the overall design of the original building, but should not duplicate the fenestration pattern and detailing of the original.

Entrances and Porches

a. Preservation.

1. Identify, retain and preserve the original entrance or porch such as doors, entablatures, columns, balustrades and stairs.
2. Do not remove an entrance or porch in order to reorient the building for a new use.
3. Do not cut new entrances into the primary façade.
4. Do not alter utilitarian or service entrances so that they appear to be the formal entrance.

b. Protection.

1. Identify, evaluate and treat causes of deterioration to the porch or entrance:
   - water penetration
   - weathering due to paint deterioration
   - rusting due to paint deterioration
   - sealant and caulking deterioration

c. Repairs.

1. Repair the historic materials used in the character defining features.
2. Use original materials for repairs or substitute materials that are compatible.
3. Do not substitute materials or features that do not convey the visual appearance of the original features.
d. Replacement.

1. If the entrance or porch cannot be repaired, or it is missing, replace it with a new entrance or porch that conveys the same visual appearance.

e. A New Entrance or Porch on Additions to the Original Building.

1. Design a new entrance or porch that is compatible with the original building.

Storefronts.

a. Preservation.

1. Identify, retain and preserve the features of the original storefront:
   - bulkhead
   - window frame
   - door transom
   - recessed ceiling
   - lighting
   - wall material
   - display window
   - door
   - awnings
   - recessed paving
   - parapets
   - tile work

2. Do not remove original features of the storefront.
3. Do not change the location of the storefront main entrance.
4. Do not alter the original configuration of the storefront.
5. Do not add inappropriate materials over original materials.

b. Protection.

1. Identify, evaluate and treat causes of deterioration on the storefront:
   - water penetration
   - weathering due to paint deterioration
   - rusting due to paint deterioration
   - sealant and caulking deterioration

2. Do not strip historic materials from storefront.

c. Repairs.

1. Repair the historic materials used in the character defining features of the storefront.
2. Use original materials for repair or substitute materials that are compatible.
3. Do not substitute materials or features that do not convey the visual appearance of the original features.

d. Replacement.

1. If there is insufficient information about the original appearance of the storefront, it should be rebuilt using a new design whose size, scale, style, detail and color are compatible with the original appearance.

2. If the storefront cannot be repaired, or it is missing, replace it with a reconstructed storefront based on the available historical, pictorial and physical documentation available.

3. Do not introduce a new design that is incompatible in size, scale, material, style and color with the original appearance of the storefront.
5.2.5 Guidelines for rehabilitation of post-World War II Modern buildings

Buildings in the Modern Design style of the post-World War II era—exemplified by the Porter Theater in downtown and the old Food King building on South Main Street—are different from most of the commercial buildings in Porterville in several ways. The vertical sign attached to the building is a significant feature of the design and the buildings are free standing. When the owners of these buildings wish to renovate them the following guidelines shall be met:

a. All existing historic elements on the exterior shall be preserved.

b. All demolition work on the exterior shall be limited to the removal of non-historic architectural features.

c. All deteriorated existing original architectural features shall be repaired or restored.

d. When the severity of the deteriorated architectural feature requires replacement it shall be replaced with a new feature that matches the design, material, texture and color of the original or a new feature that has the same scale, material, color and texture of the original.

e. Original missing architectural features for which there is sufficient historic documentary, pictorial or physical evidence may be reproduced to match the missing original feature or they may be replaced with architectural features that are compatible with the massing, size, scale and texture of the original.

f. Original missing architectural features for which there is insufficient historic documentary, pictorial or physical evidence should be replaced with features that are compatible with the massing, size, scale and texture of architectural features appropriate to the period.

5.3 Design Guidelines for New Commercial Buildings on or Adjacent to North Main Street

When owners wish to erect a new building on North Main Street, or on the side streets within Sub-district A that are adjacent to Main Street, the structure should be designed to enhance the ambience of the historical commercial buildings. The following guidelines shall be met:

a. The street façade of the building shall meet the sidewalk.

b. The Main Street frontage of the building will fill the entire width of the lot. No parking areas nor curb cuts for parking are permitted on the Main Street frontage. Where the owner or the Agency wishes to provide for a public pedestrian passageway through the site to parking or other uses in the rear, the Main Street entry shall be incorporated into the architectural design of the building façade in order to maintain the continuity of the blockfront.
c. The building will be one or two stories in height. Buildings of three stories are discouraged except within a blockfront that contains one or more existing three-story heritage buildings.

d. The highest point on the parapet wall for a new one story building shall be no taller than the highest parapet of an existing historic one story building on the block. The highest point on the parapet for a new two or three story building can be no taller than the highest parapet on an existing historic building of a comparable number of stories on the block.

e. The new buildings shall have the same massing, size, scale, proportions and materials of the historic commercial buildings on North Main Street. In no case should materials such as board and batten, wood or composition shingles, and metal screening be used on new buildings on North Main Street.

f. The new buildings shall be designed in one of the styles or reflect the characteristics of one of the styles that is representative of one of the historic commercial buildings built on North Main Street between 1890 and 1960.

g. The style of the new building will be representative of only one historic commercial style. The new building may not incorporate architectural features from more than one style.

h. Architectural details may be based on the historical details that can be documented to have been used on the buildings situated on North Main Street. More elaborate architectural details of the period may not be incorporated into the design.

i. Two story buildings may utilize the following styles: 1890-1930 Brick Vernacular, Commercial Queen Anne, Beaux Arts.

j. The one story buildings may utilize the following styles: 1890-1930 Brick Vernacular, Concrete Block Vernacular, and Streamline Moderne.

k. Signs for the building shall be in keeping with the type of historic signs appropriate for the historic style of the building prototype (see Section 2).

l. Exterior awnings shall be in keeping with configuration and materials appropriate for the historic style of the building prototype.

m. Exterior lighting for the building shall be in keeping with the type of exterior lighting found on the historic style of the building prototype. Contemporary interpretations of such historic lighting may be acceptable.
Requirements for Sub-district B

Sub-district B is geographically non-contiguous. It includes in its easterly portion those properties east of Second Street and west of the AT&SF right-of-way, and north of Putnam Avenue and south of Morton Avenue. In its westerly portion, it also spans from Putnam Avenue on the south to Morton Avenue on the north, and the Southern Pacific Railroad right-of-way on the west, and Hockett and Division Streets on the east.

There are numerous examples of fine older residential structures in Sub-district B which are highly desirable for adaptation to professional office use or another similar commercial use. The objective in designing for such adaptive re-use is to retain the character of the original building to the greatest extent possible and to ensure the conservation of the scale and character of the street on which it sits, while adequately providing for the commercial requirements of the new use. Provision of parking on lots designed to residential standards is especially critical, as is the integration of commercial signage into a previously—or in some cases currently—residential neighborhood. A number of existing historic houses in the area may remain in residential use for many years to come. The guidelines encourage this, and specify the type and level of preservation efforts that should be carried out to preserve these historic structures as an important part of the visual and historic fabric of Porterville.
6.1 Goals

The following goals define the directions to be taken for the preservation and adaptive re-use of residential buildings through implementation of the design guidelines for Sub-district B.

- Protect and enhance the residential characteristics present in the area while promoting professional office activities.

- Protect existing historic homes while permitting their adaptive re-use for low intensity professional businesses.

- Encourage new professional office development that is referenced to the historic residential nature of the neighborhood with respect to scale, placement, design of buildings and landscape character.
6.2 Preservation of Historic Single Family Houses

6.2.1 Design guidelines for rehabilitating existing heritage residential structures.

Many of the existing historic residences in Porterville have been renovated over the years. The renovation of such houses in Sub-district B for adaptive re-use for commercial purposes is eligible for Agency assistance under the Facade Grant Program. When the owners of a heritage residence wish to renovate the house the following guidelines shall be met:

a. All existing historic elements on the exterior shall be preserved.

b. All demolition work on the exterior shall be limited to the removal of non-historic architectural features.

c. All deteriorated existing original architectural features shall be repaired or restored.

d. When the severity of the deteriorated architectural feature requires replacement it shall be replaced with a new feature that matches the design, material, texture and color of the original or a new feature that has the same scale, material, color and texture of the original.

e. Original missing architectural features for which there is sufficient historic documentary, pictorial or physical evidence may be reproduced to match the missing original feature or they may be replaced with architectural features that are compatible with the massing, size, scale and texture of the original.

f. Original missing architectural features for which there is insufficient historic documentary, pictorial or physical evidence should be replaced with features that are compatible with the massing, size, scale and texture of architectural features appropriate to the period.

6.2.2 Design guidelines for additions to existing historic residences.

While new construction is not eligible for Agency assistance under the Facade Grant Program, when the owners of a historic house wish to make an addition to the historic house the following guidelines should be met:

a. The new addition shall match the original style, massing, scale configuration and proportion of the original house.

b. The height of the roof on the new addition shall not exceed the height of the existing roof of the house.

c. The original set back of the house from the street shall be maintained.

d. The new architectural features on the addition shall match the scale, materials, texture and color of the original details.

e. The number of stories shall be the same or less than the original house.
ADAPTIVE REUSE OF HISTORIC RESIDENTIAL STRUCTURES: REMODEL, REHABILITATION AND ADDITIONS GUIDELINES

Figure 13: Adaptive Re-use of Historic Residential Structures (rehab and additions)

Remodels, rehabilitations and additions should utilize original structure exterior building materials and architectural forms. Materials: roof, wall siding, window frames/sashes; stonework, detailing. Architectural forms: Roof pitch, window type, window spacing, door type, eave-rafter treatment, entry types, degree of treatment.

Handicapped access can often be achieved through the construction of a ramp placed along the side of the structure. Parent structure materials and forms are used to visually integrate the addition with the parent structure.

Room additions not to exceed height and width of parent building - contiguous ground floor expansion permitted up to 45 percent of lot coverage for 1 Story structures and 35 percent of lot coverage for 2 Story structures. Roof lines/pitches, overhangs and wall forms to conform to parent structure.
ADAPTIVE REUSE OF HISTORIC RESIDENTIAL STRUCTURES: FRONT YARDS AND LANDSCAPING

Figure 14: Adaptive Re-use of Historic Residential Structures (landscape)

Landscape hedges used to screen structure from adjacent commercial driveways or multi-family buildings. Wood fences also provide a visually better alternative to concrete block walls.

Consistent Street Tree

Foundation Plantings - common during the 1900-1940 period

Front Yard Setback, Front Walk and Lawn should be retained to maintain a residential image
f. The set back of the main walls of the new house from the street shall be the same as the original house.

g. The height of the first floor from the ground shall be the same as the original house.

h. The cladding on the walls shall be the same material as the original cladding.

i. The configuration, scale, proportions and materials of the new doors and windows and the proportional relationships between wall and openings shall match the original doors and windows.

j. The configuration and massing of the roof shall match the original roof.

k. The scale, proportion and materials of the trim and other decorative features shall match the original.

l. The scale, proportion and material of the porches shall match the new house.

6.2.3 Design guidelines for adaptive re-use of residential structures for low intensity commercial/professional office use.

Additions and alterations.

When the owners of a historic house wish to make an addition to the historic house for the purposes of adapting it to commercial or professional office use, the following guidelines shall be met:

a. The new addition shall match the original style, massing, scale configuration and proportion of the original house.

b. The height of the roof on the new addition shall not exceed the height of the existing roof of the house.

c. The original set back of the house from the street shall be maintained.

d. The new architectural features on the addition shall match the scale, materials, texture and color of the original details.

e. The number of stories shall be the same or less than the original house.

f. The set back of the main walls of the new addition from the street shall be the same as the original house.

g. The height of the first floor from the ground shall be the same as the original house.

h. The cladding on the walls shall be the same material as the original cladding.

i. The configuration, scale, proportions and materials of the new doors and windows and the proportional relationships between wall and openings shall match the original doors and windows.
j. The configuration and massing of the roof shall match the original roof.

k. The scale, proportion and materials of the trim and other decorative features shall match the original.

l. The scale, proportion and material of the porches shall match the new house.

**Accessibility adaptations.**

Use of residential structures for commercial purposes will require adaptation of the original house and any additions to it to allow access that satisfies the requirements of the Americans with Disabilities Act (ADA). Certified historic structures may use the State Historic Building Code for alternative solutions to ADA requirements.

a. Where handicapped access ramps must be added to the original structure, or to a new addition that meets the requirements of Section 6.4, then the ramp shall be placed along the side of the building. Materials and forms used in the original structure shall be used to visually integrate the ramp addition with the original structure.

b. Where doorways must be widened to provide access, the alteration of the door shall respect the integrity of the historic door opening in regard to materials, proportions, trim, and details. Historic hardware should be preserved and augmented where required with hardware that meets ADA requirements.

**Site improvements.**

a. The landscape features, driveway and sidewalk will be representative of the historic landscape and paving features on the street.

b. All front yards shall be landscaped and provided with permanent irrigation systems.

c. All front yards shall contain an area planted in sod not less than 50 percent of the total front yard area.

d. All front yards shall contain a continuous concrete or decorative masonry front walk connecting the public sidewalk to the front entrance steps of the building. If concrete is used it should be scored in such a way that it follows those patterns utilized on existing heritage houses in Subdistrict B.

e. If necessary, a service entrance should be provided from a rear alley. If there is no alley a service drive may be provided through a front or side yard but the associated service entrance should not face a public street. Service drives should be constructed of concrete with a lawn strip provided in between.
f. Front yards and exposed side yards of corner lots should use plant materials and planting schemes reflective of those used in the period referenced in the parent building architecture and/or of those used on the street on which the lot front yard is attached.

g. Most commercial properties within Sub-district B lie within the City’s parking district, allowing for in-lieu contributions for parking to minimize or eliminate the need for on-site parking. However, where parking must be provided on-site, it shall be located in the rear of the property and screened from view from public streets by appropriate landscape materials.

h. Street trees shall be provided on parkways bordering the lot according to the approved Street Tree Plan and Planting Standards.

i. Front yard business signs shall be used; window signs are optional; other sign types are prohibited (see Section 2).
6.3 New Professional Office Construction in Sub-district B

Sub-district B is currently zoned largely as Professional Office (P-O) which would permit construction of office buildings of a larger scale and of a significantly different image from the area’s predominantly residential character. Design guidelines are presented here that provide for the type of professional office uses that are currently occupying some of the area’s older residential structures.

The design guidelines allow for the construction of new Professional Offices that essentially appear as historic residential structures found throughout Sub-district B. In order to provide a sympathetic environment for the historic residences that survive in the original residential neighborhoods adjacent to the commercial core, all new construction in the area should be compatible with the existing historic houses (1890-1940) in the District yet be recognizable as a product of its own age. Similarly, residential landscape schemes based on historic precedents in the area are prescribed.

The historical point of reference for the new buildings will be the historic houses in the neighborhood that were constructed between 1890-1940. Since many of the residences have been modified, only the original portions of the houses should be used as models for the new buildings.

6.3.1 Heights and yards.

a. All new Professional Office buildings shall be limited to a maximum of two stories. One story structures shall have a maximum height of 25 feet; two story structures shall have a maximum height of 35 feet.

b. The new building will have the same set back from the street as the historic houses that are adjacent to the site. Where there are no historic structures adjacent to the new building, new Professional Office structures shall have a front yard with a minimum setback of 20 feet.

6.3.2 Site design guidelines.

a. The landscape features, driveway and sidewalk will be representative of the historic landscape and paving features on the street.

b. All front yards shall be landscaped and provided with permanent irrigation systems.

c. All front yards shall contain an area planted in sod not less than 50 percent of the total front yard area.

d. All front yards shall contain a continuous concrete or decorative masonry front walk connecting the public sidewalk to the front entrance steps of the building. If concrete is used it should be scored in such a way that it follows those patterns utilized on existing heritage homes in Sub-district B.
e. If necessary, a service entrance should be provided from a rear alley. If there is no alley a service drive may be provided through a front or side yard but the associated service entrance should not face a public street. Service drives should be constructed of concrete with a lawn strip provided in between.

f. Front yards and exposed side yards of corner lots should use plant materials and planting schemes reflective of those used in the period referenced in the parent building architecture and/or of those used on the street on which the lot front yard is attached.

g. Where parking must be provided on-site, it shall be located in the rear of the property and screened from view from public streets by appropriate landscape materials.

h. Street trees shall be provided on parkways bordering the lot according to the approved Street Tree Plan and Planting Standards.

i. Front yard business signs shall be used; window signs are optional; other sign types are prohibited (refer to Section 2).

6.3.3 Architectural design guidelines.

When owners wish to construct new buildings in residential neighborhoods the following guidelines shall be met:

a. New Professional Office structures should be patterned after one of the historic architectural styles found in the residential buildings in Sub-district B. Architectural design elements of form, materials and colors should be utilized from the architectural vocabulary for those styles as defined in Section 1.2.

b. The style of the new building will be representative of only one residential style. The building may not incorporate architectural features from more than one style.

c. The design on the new building will incorporate the massing, scale, shape, height, proportions and materials of the historic style that has been selected.

d. The new building may be no larger than the largest house of the selected style within Sub-district B. This pertains to number of stories, square footage per floor and total building height.

e. The orientation of the new building to the street will be the same as the adjacent historic structures.

f. All new Professional Office structures shall maintain a principal entrance facing the front of the lot and facing a public street.
Sub-district C is a geographically non-contiguous area. Please consult the map below for precise boundaries. Almost the entire area designated as Sub-district C lies within the Central Commercial Zone (C-2) which permits the construction of a wide variety of general commercial businesses. The Design Guidelines for Sub-district C seek to set a limited number of standards for the area basically addressing the development of parking on site, orientation of the commercial building on its site and some limitations on building forms and materials. Also, since there are a number of architecturally significant structures in Sub-district C (many of which are churches), there are specific guidelines that address the development of new buildings adjacent to these significant structures.
7.1 Goals

The following goals define the directions to be taken for buildings in Sub-district C.

- Encourage architectural design for new structures that respects surrounding heritage structures (e.g., historic churches) permitting those structures to visually dominate their immediate areas.

- Visually and functionally protect existing multi-family areas from any negative impacts (traffic, noise, privacy negation) associated with new or existing commercial development.

- Enhance the visual and functional quality of new and existing public alleys.

- Encourage aesthetic improvements through landscaping to existing parking facilities.

- Promote primary building orientation towards the street and basic visual harmony among façade elements such as signage, building materials and architectural forms.
7.2 Guidelines for Rehabilitation of Existing Buildings in Sub-district C

Rehabilitation efforts for existing buildings when upgraded and/or when utilizing Agency directed funds shall comply with the following guidelines. Restoration of historic resources, where applicable, shall observe the general standards for historic preservation described for historic buildings in Sub-district A.

a. All existing historic elements on the exterior of the building shall be preserved.

b. All demolition work on the exterior shall be limited to the removal of non-historic architectural features.

c. All deteriorated existing original architectural features shall be repaired or restored.

d. Original missing architectural features for which there is sufficient historic documentary, pictorial or physical evidence may be reproduced to match the missing original feature or they may be replaced with architectural features that are compatible with the massing, size, scale and texture of the original.

e. Original missing architectural features for which there is insufficient historic documentary, pictorial or physical evidence should be replaced with features that are compatible with the massing, size, scale and texture of architectural features appropriate to the period.

f. The original or significant configuration of the exterior walls shall be restored.

g. New stories shall not be added to existing heritage buildings.

h. The location, size and configuration of original door and window openings shall be restored.

i. Signs for the building shall be in keeping with the type of historic signs appropriate for the period of the buildings in Porterville.

j. Exterior awnings shall be in keeping with the configuration and materials appropriate for the period of the building in Porterville.
7.3 Guidelines for New Commercial Buildings in Sub-district C

New construction is not eligible for Agency assistance under the Facade Grant Program. However, the Agency encourages new construction within this sub-district to meet the following guidelines.

7.3.1 Heights and yards.

a. New commercial buildings shall not exceed 2 stories or 35 feet in height.

b. All new central commercial buildings shall be built to the front property line and/or rear of sidewalk.

7.3.2 Site design guidelines.

a. All buildings shall maintain a primary entrance at the front of the lot facing the public street.

b. Wherever possible, parking and trash facilities shall be placed on the rear of the lot gaining primary vehicle access from the rear alley.

c. If there is a parkway between the lot and a public street, street trees shall be provided according to the approved Street Tree Plan and Planting Standards.

7.3.3 Architectural design guidelines.

a. If windows are provided on the structure they shall follow a "punched" pattern whereby a window inset of at least 4 inches from the exterior wall surface is achieved. No individual window should exceed 40 SF in area. "Band" windows uninterrupted by building wall sections or members are prohibited.

b. Flat, vaulted and sloped roofs (where the roof pitch is hidden on the principal façade by a parapet) shall be used. Mansard roofs are prohibited.

c. Appropriate exterior building materials include: Brick, stucco, concrete block, painted wood clapboard or painted metal clapboard. The exterior use of slump block, board and batten, and wood or composition shingles is prohibited.

7.3.4 Contextual integration of commercial architecture.

Throughout Sub-district C there are a number of architecturally significant structures that contribute to the beauty of the downtown area and to the City of Porterville. These structures are indicated in Table 1. These structures themselves not only merit special consideration for their physical protection and conservation but their physical presence in the neighborhood must be protected from potential visually detracting influences imposed by poorly placed or designed neighboring structures and landscaping. Buildings or landscaping that directly obstruct the view of a visually important structure prevent the public
from enjoying the building's architectural form and from using the building as a visual landmark. Similarly, an important building can be "overshadowed" by the imposing size, color, divergent style or divergent material of an inappropriately designed neighboring building.

Design guidelines that "protect" a locally designated significant building are given below. The basic approach taken protects significant buildings from the construction of a neighboring building that would visually obstruct it and provides for new neighboring structures and landscaping that permit the significant structure to assume a prominent image in its context -- often by prescribing a new building that exhibits passive, understated or non-dominant characteristics.

**Guidelines for contextual integration of new construction.**

New structures built on lots directly abutting and adjacent and/or located within 120 feet of a designated locally significant building (see Figure 15) shall adhere to the following guidelines.

a. New structures shall not exceed the height or the number of stories of the neighboring significant building's exterior wall top plate height. In no instance shall the height exceed 35 feet. In no instance shall the new building's height extend 5 feet above its exterior wall top plate height. If there are taller portions of the new structure they should be placed to minimize the visual impact upon the neighboring significant structure as viewed from the adjacent public street(s).

b. New buildings located on the same street(s) as the significant building shall be setback from property lines abutting public right-of-ways at least as far as the average building setback of the significant structure.

c. New buildings should exhibit simplified forms and utilize muted colors chosen to subdue the building's visual presence. The new building's exterior wall colors whether derived from exterior materials or paint should, however, contrast with those of the significant structure.

d. New landscaping, hardscape materials or fencing should not be placed so as to block important views of the significant building as viewed from public areas.

**Significant Local Structures Requiring Compliance with Contextual Design Guidelines**

<table>
<thead>
<tr>
<th>U.S. Post Office</th>
<th>Tulare County Fruit Exchange</th>
</tr>
</thead>
<tbody>
<tr>
<td>65 West Hill Avenue</td>
<td>81 West Putnam Avenue</td>
</tr>
<tr>
<td>First Congregational Church</td>
<td>Royal Porter Putnam House</td>
</tr>
<tr>
<td>165 East Mill Avenue</td>
<td>Southeast corner of Mill and North Third Streets</td>
</tr>
<tr>
<td>Commercial Building (Porterville Thrift Shop)</td>
<td>First Missionary Baptist Church</td>
</tr>
<tr>
<td>88 East Mill Avenue</td>
<td>165 East Putnam Avenue</td>
</tr>
</tbody>
</table>
**CONTEXTUAL INTEGRATION OF COMMERCIAL ARCHITECTURE**

Figure 15: Contextual Integration

- **Architecturally Significant Building A**
  - Remains architecturally dominant building in local block context

- **New Neighboring Building B**
  - Same or greater front set-back maintains view and dominance of Building A.
  - Simplified architectural forms (roof, detailing, fenestration) designed not to detract from neighboring significant structure or to draw undue attention to itself.
  - Front yard and other landscaping not to block views to Building A.
  - Lesser height than Building A.
  - Neutral colors on Building B give Building A visual dominance.
Sub-district D includes all South Main Street properties south of Olive Avenue and north of Orange Avenue between C Street and the Southern Pacific Railroad right-of-way.

South Main Street between Olive and Orange Avenues has the potential for incremental new commercial and professional office development and for the long term recycling of businesses. The entire area is currently zoned heavy commercial (C-3). The Porterville Redevelopment Strategic Plan anticipates that over the long term, new development in this sub-district may achieve greater intensity than the historic downtown core between Olive and Morton Avenues, with Olive Avenue serving as an "edge" between the historic imagery of North Main Street and the compatible but contemporary imagery of the new South Main Street. New buildings will be encouraged to mix ground floor retail uses with upper level and/or rear office uses, with the taller office structures held back from the Main Street frontage. New development on Main Street would provide pedestrian access orientation on Main Street and vehicular access on Hockett and C Streets, providing parking towards the rear of lots.
8.1 Goals

The following goals define the design guideline directions to be taken for buildings located in Sub-district D.

- Encourage over the long term new mixed-use retail and office commercial development and/or redevelopment projects with architectural characteristics that are compatible with the historic core of downtown Porterville.

- Develop South Main Street as a key link in the entrance corridor into the downtown from Highway 190, with a continuous blockfront of one- and two-story retail and service façades built to a consistent front setback and parking in the rear accessible from Hockett and C Streets.

- Promote the introduction of additional landscaping into the area to screen automobile parking areas, to provide shade and to visually soften the presence of buildings and hardscape.

- Provide in the short term for the rehabilitation of existing commercial structures.
Many of the buildings along South Main Street are similar in architectural character to those of North Main and should follow the corresponding building type rehabilitation guidelines.

Other types of commercial structures will retain their current image but on-site landscape, parking, screening and maintenance guidelines coupled with city sponsored right-of-way improvements such as street trees and seasonal banners will work together to enliven the composite South Main Street image.
8.2 Revitalization of Existing Commercial Buildings

While the Porterville Redevelopment Strategic Plan provides in the long term for significant new development within Sub-district D, it is anticipated that in the short-term there may be demand for the revitalization or rehabilitation of existing commercial buildings on South Main Street. Owners wishing to upgrade an existing commercial building should respect the underlying historic building fabric of the building, and utilize the basic architectural vocabulary and character-defining features described below.

8.2.1 Guidelines for restoration and rehabilitation of existing commercial buildings on South Main Street.

Rehabilitation efforts for existing buildings when upgraded and/or when utilizing Agency directed funds shall comply with the following guidelines. Restoration of historic resources, where applicable, shall observe the general standards for historic preservation described for historic buildings on North Main Street in Section 5.

a. All existing historic elements on the exterior of the building shall be preserved.

b. All demolition work on the exterior shall be limited to the removal of non-historic architectural features.

c. All deteriorated existing original architectural features shall be repaired or restored.

d. Original missing architectural features for which there is sufficient historic documentary, pictorial or physical evidence may be reproduced to match the missing original feature or they may be replaced with architectural features that are compatible with the massing, size, scale and texture of the original.

e. Original missing architectural features for which there is insufficient historic documentary, pictorial or physical evidence should be replaced with features that are compatible with the massing, size, scale and texture of architectural features appropriate to the period.

f. The original or significant configuration of the exterior walls shall be restored.

g. New stories shall not be added to existing heritage buildings.

h. The location, size and configuration of original door and window openings shall be restored.

i. Signs for the building shall be in keeping with the type of historic signs appropriate for the period of the buildings in Porterville.

j. Exterior awnings shall be in keeping with the configuration and materials appropriate for the period of the building in Porterville.
8.3 New Commercial and Professional Office Development Guidelines

New development on South Main Street or adjacent to the street should be designed to be compatible with the ambience of the historical commercial buildings of the downtown core, but should also reflect its own time. The following guidelines apply to the planning and design of new buildings in Sub-district D.

8.3.1 Site design guidelines.

a. New Commercial and Professional Office buildings built in Sub-district D with a Main Street frontage shall be set back 5 feet from the front property line. Landscaping of the setback area is encouraged; however, retail and service-oriented businesses shall have their primary orientation and maintain their primary entry on Main Street.

b. New buildings with Main Street frontage shall be the full width of the lot, with no curb cuts for access to parking in the rear. Exceptions will be made for pedestrian-oriented paseos or small landscaped plazas connecting to development behind the street frontage.

c. On-site parking shall be placed at the rear of the lot with primary vehicular access provided off of Hockett and C Streets. New parking facilities are not permitted immediately adjacent to Main Street.

8.3.2 Architectural design guidelines.

a. The Main Street façade of the building shall be a maximum of two stories in height to a distance of fifteen (15) feet from the front property line; thereafter, the building height shall not exceed fifty (50) feet unless subject to approval of a Conditional Use Permit.

b. Flat, vaulted, or sloped roofs (where the roof pitch is hidden on the principal façade by a parapet) shall be used for new commercial buildings fronting on Main Street. Mansard roofs are prohibited.

c. For the commercial frontage on Main Street, appropriate exterior building materials include brick, stucco, concrete block, painted wood clapboard or painted metal clapboard. The exterior use of slump block, board and batten or shingles is prohibited.

d. New commercial buildings with Main Street frontage should include display-type storefront windows with a 12" to 18" high brick, tile, wood or sheet metal bulkhead.

e. New commercial buildings with Main Street frontage shall provide awnings or permanent shade devices such as projections, wire mesh awnings, solid panels or other suitable devices to shade all first floor front façade windows and door/entryway areas.

f. A parapet or wall band located above the display windows shall be provided on all Main Street front façades. Transom windows are encouraged.
g. All upper-level windows shall follow a "punched" pattern whereby a window inset of at least 4 inches from the exterior wall surface is achieved. No individual window should exceed 40 SF in area. "Band" windows uninterrupted by building wall sections or members are prohibited.

h. A cornice shall be provided within the upper two (2) feet of the front façade along the top of all one- and two-story commercial structures with Main Street frontage.

i. Commercial signs for the building shall be of the following types: Front façade/Upper transom; Rear and Side façade signs, awning signs, window signs, guild signs and projecting blade signs. The Commercial Sign Guidelines and Standards shall be followed (see Section 2).

j. Entryway lighting shall be provided at rear entries. Rear entries should receive enhanced architectural treatments such as awnings, projections, accent wall and/or walkway materials, planters/landscape areas, decorative signage or decorative lighting.
Requirements for Sub-district E

South Main Street between Orange and Date Avenues is proposed in the Porterville Redevelopment Strategic Plan to become a focus of future multi-family housing development. The section of South Main Street in Sub-district D represents the largest concentration of candidate properties that could be redeveloped. The area also serves as a gateway district many would pass through or by en route from Highway 190 to the North Main Street downtown historic core. Unfortunately, the area also currently exhibits some of the weaker images that exist within the downtown. Together these factors point to the need for guidelines and other planning measures to address new multi-family development in the area in the long term future, and for short term image enhancements as well as upgrades to existing commercial structures that will remain in the area.
9.1 Goals

The following goals define the design guideline directions to be taken for buildings in Sub-district E.

- Encourage, over the long term, appropriately scaled multi-family residential development.

- Encourage architectural and landscape treatments in the area that will create a "gateway" image for downtown.

- Encourage new retail in-fill development that will serve adjacent neighborhood residential areas.

- Promote short and mid-term aesthetic enhancements to the area in anticipation of a potentially slow process of new investment.
9.2 Revitalization of Existing and Historic Commercial Buildings

While the Strategic Plan provides in the long term for significant new development within Sub-district E, it is anticipated that in the short-term there may be demand for the revitalization or rehabilitation of existing commercial buildings on South Main Street. Owners wishing to upgrade an existing commercial building should respect the underlying historic fabric of the building, and utilize the basic architectural vocabulary and character-defining features. The significant features of typical commercial buildings on South Main Street are identified in Getting Started—A User’s Manual.

9.2.1 Guidelines for restoration and rehabilitation of existing commercial buildings on South Main Street.

Rehabilitation efforts for existing buildings when upgraded and/or when utilizing Agency directed funds shall comply with the following guidelines. Restoration of historic resources, where applicable, shall observe the general standards for historic preservation described for historic buildings on North Main Street in Section 5.

a. All existing historic elements on the exterior of the building shall be preserved.

b. All demolition work on the exterior shall be limited to the removal of non-historic architectural features.

c. All deteriorated existing original architectural features shall be repaired or restored.

d. Original missing architectural features for which there is sufficient historic documentary, pictorial or physical evidence may be reproduced to match the missing original feature or they may be replaced with architectural features that are compatible with the massing, size, scale and texture of the original.

e. Original missing architectural features for which there is insufficient historic documentary, pictorial or physical evidence should be replaced with features that are compatible with the massing, size, scale and texture of architectural features appropriate to the period.

f. The original or significant configuration of the exterior walls shall be restored.

g. New stories shall not be added to existing heritage buildings.

h. The location, size and configuration of original door and window openings shall be restored.

i. Signs for the building shall be in keeping with the type of historic signs appropriate for the period of the buildings in Porterville.

j. Exterior awnings shall be in keeping with the configuration and materials appropriate for the period of the building in Porterville.
9.3 Design Guidelines for New Multi-Family Housing

It is the intent of the Strategic Plan to provide for the development of multi-family housing within Sub-district E. The architectural character of the residential development will be important in the definition of the overall character of the downtown because it will be among the first of Porterville’s neighborhoods to be seen by travelers coming north from Highway 190 on Main Street. The following design guidelines offer a profile of the quality and character of that multi-family housing development as it might contribute to the overall quality of the downtown.

9.3.1 Heights and yards.

a. New multi-family housing should not exceed 2 stories nor 35 feet in height.

b. The minimum front yard setback shall be 15 feet.

c. The minimum rear setback shall be 10 feet.

d. The minimum side yard setback shall be 10 feet from a public street or from an on-site detached habitable building.

9.3.2 Site design guidelines.

a. New multi-family housing should not exceed a density of 15 dwelling units/acre.

b. The minimum lot size for new multi-family residential development should not be less than 19,000 square feet in area.

c. Each residential unit shall maintain a primary ground level entrance facing Main Street, Orange, Locust or Date Avenues, and be provided with a concrete or masonry walk connecting it with the adjacent public sidewalk.

d. Common open space shall be provided at a rate of 200 square feet per unit. The open space(s) should be grouped not to be less than 750 square feet. All of the common open space should be usable and should contain a minimum of 50 percent landscaping materials.

e. Parking provided on site should not be visible from Main Street, and wherever possible should not take its access from Main Street. All parking areas shall be landscaped and landscape materials should be used to screen parking from public and resident view.
9.3.3 Architectural design guidelines.

a. Multi-unit structures should reflect the character-defining features of an architectural style from a single period significant in the residential development of Porterville. These styles include Wood Frame Vernacular, Second Empire, Queen Anne/Eastlake Revival, Classic Box, and California Bungalow, as described in Glossary of Styles and Terms in Volume 1: Getting Started—A User's Manual.

b. All units should maintain a covered front porch at the principal entrance.

9.3.4 Relocation and treatment of existing single family houses.

a. Single family homes in sound condition and built during the period 1890 - 1940 should be relocated to vacant sites in older residential neighborhoods with similar structures.

b. If existing single family structures are adaptively reused as small professional offices of less than 5,000 SF the Guidelines outlined for Sub-district B should be followed (see Section 6).

9.4 New Commercial Infill Buildings

Construction of new commercial buildings should follow the Guidelines for New Commercial Buildings for South Main Street as covered in Section 8.
Requirements for Sub-district F

The westerly and southerly "edges" of downtown Porterville are defined by the relatively strong barriers of the Southern Pacific Railroad right-of-way on the west and the Tule River on the south. Currently, the uses that are found along these edges are a mix of industrial, commercial, and some residential, with an inconsistent visual image. From an urban design perspective, these areas around downtown's periphery are important in that they help to contain the downtown into an easily recognizable area, and also present the first image of downtown to incoming motorists. The Porterville Redevelopment Strategic Plan seeks to maintain the existing light industrial uses—in particular, the historic packinghouses—along E Street between Orange and Putnam Avenues, to develop a commercial "gateway" into the downtown from Highway 190 from the south between the river and Date Avenue, and to infill most of the rest with new multifamily housing. In addition, Orange Avenue provides another entry into the downtown from its connections with Plano Street and Highway 190 to the southeast; this connection is proposed to be retained in the Strategic Plan. Implementation of the plan's recommendations will depend on numerous changes, including a change of the underlying zoning in several areas. However, the guidelines included in this section may serve as an indication of the Agency's preferred direction for the urban design of this sub-district.
10.1 Goals

The following goals define the design guideline directions to be taken for buildings in Sub-district F.

- Promote the upgrading of the area’s image as a gateway district into downtown Porterville.

- Develop South Main Street as a key link in the entrance corridor into the downtown from Highway 190.

- Develop Orange Avenue as a secondary entrance corridor into the downtown from Highway 190.

- Encourage over the long term appropriately scaled multifamily residential development in selected areas of the sub-district.
10.2 Revitalization of Existing Commercial Buildings

Owners wishing to upgrade an existing commercial building should respect the underlying historic building fabric of the building, and utilize the basic architectural vocabulary and character-defining features. The significant features of typical commercial buildings in Sub-district F are similar to those found on South Main Street, and these are identified in the Glossary of Styles and Terms in Volume 1: Getting Started—A User’s Manual.

10.2.1 Guidelines for restoration and rehabilitation of existing commercial buildings.

Rehabilitation efforts for existing buildings when upgraded and/or when utilizing Agency directed funds shall comply with the following guidelines. Restoration of historic resources, where applicable, shall observe the general standards for historic preservation described for historic buildings on North Main Street in Section 5.

a. All existing historic elements on the exterior of the building shall be preserved.

b. All demolition work on the exterior shall be limited to the removal of non-historic architectural features.

c. All deteriorated existing original architectural features shall be repaired or restored.

d. Original missing architectural features for which there is sufficient historic documentary, pictorial or physical evidence may be reproduced to match the missing original feature or they may be replaced with architectural features that are compatible with the massing, size, scale and texture of the original.

e. Original missing architectural features for which there is insufficient historic documentary, pictorial or physical evidence should be replaced with features that are compatible with the massing, size, scale and texture of architectural features appropriate to the period.

f. The original or significant configuration of the exterior walls shall be restored.

g. New stories shall not be added to existing heritage buildings.

h. The location, size and configuration of original door and window openings shall be restored.

i. Signs for the building shall be in keeping with the type of historic signs appropriate for the period of the buildings in Porterville.

j. Exterior awnings shall be in keeping with the configuration and materials appropriate for the period of the building in Porterville.
10.3 Design Guidelines for New Multi-Family Housing

As with Sub-district E, it is the long-term intent of the Strategic Plan to provide for the development of multi-family housing within Sub-district F at its southerly end between the river and Date Avenue. The following design guidelines offer a profile of the quality and character of that multi-family housing development as it might contribute to the overall quality of the downtown.

10.3.1 Heights and yards.

a. New multi-family housing should not exceed 2 stories nor 35 feet in height.

b. The minimum front yard setback shall be 15 feet.

c. The minimum rear setback shall be 10 feet.

d. The minimum side yard setback shall be 10 feet from a public street or from an on-site detached habitable building.

10.3.2 Site design guidelines.

a. New multi-family housing should not exceed a density of 15 dwelling units/acre.

b. The minimum lot size for new multi-family residential development in Sub-district F should not be less than 19,000 square feet in area.

c. Each residential unit shall maintain a primary ground level entrance facing Main Street, Orange, Locust or Date Avenues, and be provided with a concrete or masonry walk connecting it with the adjacent sidewalk.

d. Common open space shall be provided at a rate of 200 square feet per unit. The open space(s) should be grouped not to be less than 750 square feet. All of the common open space should be usable and should contain a minimum of 50 percent landscaping materials.

e. Parking provided on site should not be visible from Main Street, and wherever possible should not take its access from Main Street. All parking areas shall be landscaped and landscape materials should be used to screen parking from public and resident view.
10.3.3 Architectural design guidelines.

a. Multi-unit structures should reflect the character-defining features of an architectural style from a single period significant in the residential development of Porterville. These styles include Wood Frame Vernacular, Second Empire, Queen Anne/Eastlake Revival, Classic Box, and California Bungalow, as described in the Glossary of Styles and Terms in Getting Started—A User’s Manual.

b. All units should maintain a covered front porch at the principal entrance.

10.4 Design Guidelines for New Commercial Development

In addition to the commercial development which exists on the Orange Avenue corridor and that which is proposed in connection with the mixed-use residential/commercial neighborhood in Sub-district E on South Main Street, the Strategic Plan also anticipates the development of a community-scaled commercial center on South Main Street between Date Avenue and the Tule River. This development would function as a gateway into the downtown area from the south. The following design guidelines offer a profile of the quality and character of that commercial development as it might contribute to the overall quality of the downtown.

a. New commercial development shall provide landscaped parking in accordance with the general requirements outlined in Section 1.

b. New commercial development need not comply with any special setback requirements other than those required by the underlying zoning, with one exception. Such development is encouraged to provide a retail or service commercial use at any corner of South Main Street and Date Avenue, in the first fifty feet of the site from either street frontage. This may be integrated into the overall commercial structure or built as outlying structures; in either case, it should serve as a gateway landmark marking an entry into the downtown along the Main Street corridor.

10.5 Design Guidelines for Orange Avenue

Orange Avenue is a key connector between westbound traffic on Highway 190 and downtown Porterville. Its image is currently weakened by older scattered highway-oriented type commercial structures and the back or side yards of single family residential structures. Despite their highway-oriented architectural style, the commercial uses serve an important function as neighborhood commercial outlets and should be encouraged to remain; however, their design should be more reflective of their neighborhood function. Similarly, the portions of Orange Avenue that are lined with single family residences offer no buffer between the occasionally heavily trafficked roadway and the residential lots. What should be a pleasant view from the road of single family residences is undercut by inadequate streetscape improvements, and the residents’ quality of life is compromised by the impacts of the passing traffic. The following guidelines indicate efforts that should be undertaken through both public and private improvements.
10.5.1 Guidelines for public improvements.

a. The parkways on Orange Avenue where they abut or are adjacent to residential property should be landscaped with street trees and a hedge of lower plant materials in order to screen private residential yards from the public view from Orange Avenue.

b. Where possible, the City or the Redevelopment Agency should secure control or rights of use for the irregularly-shaped "excess" sawtooth parcels formed by the diagonal intersection of Orange Avenue with single family residential lots. These irregular parcels should be landscaped with ornamental plant materials (in accordance with the City's water efficient landscape ordinance).

10.5.2 Guidelines for commercial development.

a. New commercial structures built in Sub-district F with an Orange Avenue or Date Avenue frontage shall provide landscaped parking in accordance with the general requirements outlined in Section 1.

b. New commercial development with an Orange Avenue or Date Avenue frontage shall be a maximum of one story in height.

c. Gable, hip, or shed roofs shall be used for new commercial buildings fronting on Orange Avenue or Date Avenue. Mansard roofs are prohibited.

d. For the commercial frontage on Orange Avenue and Date Avenue, appropriate exterior building materials include brick, stucco, concrete block, painted wood clapboard or painted metal clapboard. The exterior use of slump block, board and batten, and wood or composite shingles is prohibited.
PUBLIC HEARING

TITLE: RESOLUTIONS AUTHORIZING THE CALLING OF AN EMERGENCY ELECTION/ ORDINANCE ADDING ARTICLE VI OF CHAPTER 22 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING UTILITY USERS TAX – COMMUNICATIONS SERVICES

SOURCE: CITY ATTORNEY

COMMENT: In 1970, the City Council of the City of Porterville adopted its Utility Users Tax Law (Ordinance No. 980). Since 1970, the City has imposed a telephone users tax on every person in the City using intrastate telephone communications services. Presently, the tax is imposed at a rate of 6% of the charged billed. The City’s tax has been historically applied in a similar manner as the application of the Federal Excise Tax (FET) upon local and long distance telecommunication services as the FET is interpreted by the Internal Revenue Service (IRS).

With the growth of wireless communications, a national dispute arose regarding the application of the FET to long distance phone calls. The FET statute defines long distance or “toll” calls as those for which charges varied according to both the elapsed time of the call and the distance between the persons on the call. Today, long distance calls are based on time only, or in the case of cellular calls, they are based on a flat monthly rate.

On May 25, 2006, the IRS issued a Notice that it intended to stop applying the Federal Excise Tax (FET) to nearly all telephone communication services, except local exchange services, which leaves only about 25% of all the telecommunication services as federally taxable. This IRS action came following many federal court losses involving the outdated definition of “toll telephone service” (or long distance) contained in the FET. In addition to conceding that the FET no longer applies to wired and wireless long distance services which are billed on time only, and not both time and distance (and other bundled services such as VoIP, prepaid cards), the Secretary of the Treasury has further urged Congress to repeal the FET, arguing that it does not make sense to continue the tax on such a small segment of the telecommunication industry.

Like the vast majority of California cities that have a UUT law, Porterville’s UUT ordinance refers to the FET and some of its many exemptions, in response to the telephone companies’ request of many years ago to do so to achieve
administrative ease. The Treasury Department’s May 25th Notice reversed its prior Revenue Rulings and interpretation of the FET, which the City has relied upon in applying its telephone users tax to telecommunications services. There is now a legal question as to whether the IRS Ruling, which dramatically reduces the scope of taxable services, applies to the City’s UUT. This issue is now in litigation in three class action lawsuits against UUT public agencies in the Los Angeles area. Furthermore, this body of law may soon be repealed in its entirety by Congress (S.140 and S.170).

In addition to the Federal Excise Tax (FET) issue and its application to our UUT ordinance, there is another lawsuit pending against the City of Los Angeles, which raises additional legal issues as a result of outdated ordinance language that is typical of most California UUT ordinances. This lawsuit poses an additional threat to the City’s telecomm wireless UUT revenues. The City of Los Angeles lost at the trial court, and an appellate court decision is expected soon.

The total fiscal year 2007/08 UUT revenues were $3.86 million for the General Fund, representing approximately 17% of the total $22.5 million General Fund budget. The telecommunications related portion of the UUT is approximately $1.25 million or 6% of the General Fund. Potentially, 68% or more of the telecommunications revenues are at risk, and an amount equivalent to one or more year’s collections may be required to be refunded upon request of individual taxpayers, depending on the outcome of litigation is other jurisdictions. The concurrent imposition of refunds and loss of revenues provides for a potentially devastating impact on the General Fund. In the current FY 08/09 budget, approximately 49% of expenditures are for ever increasing public safety related expenses including police, fire and code enforcement activities.

Given these outstanding threats, it is, therefore, prudent that the City adopt new telecommunication definitions that avoid the FET controversy and the other legal issues in litigation. The proposed Ordinance will amend the City’s UUT so as to modernize the telecommunications and video tax definitions and other provisions by, including not limited to, the elimination of reference to the FET and broadening the scope of telecommunication and video services to include; regardless of the manner or basis by which the services are calculated or billed; intrastate, interstate, and interstate and international telecommunication services; and IP-TV video services. Importantly, the new definitions are technology-neutral and reflect the modern use of communications so that all taxpayers will be treated the same. Finally, the proposed Ordinance will reduce the current utility tax rate on telecommunication and video services from six percent (6%) to five percent (5%).
The following is a brief summary of the proposed amendments/updates to the City’s UUT relative to telecommunication services:

- Includes a modern, functional definition of telecommunication and video services that is technology-neutral, and includes the use of internet protocol (VoIP), broadband service and private networks for providing data, video and voice services (i.e., “communication services”)

- Adds interstate and international calls so that all taxpayers are treated the same

- Incorporates definitions of “ancillary telecommunication and video services” that are commonly recognized by the industry as being part of such services

- Assures that the “communications” tax will be properly collected and that are revenues will be properly expended through the use of third party auditors

- Anticipates the possibility of new technologies and services to provide telecommunication and video services, or charges in federal law (e.g. expiration of Internet Tax Nondiscrimination Act), so that all taxpayers will be treated the same

- Anticipates the likelihood that other UUT jurisdictions will modernize their UUT ordinances, and allows for a state-wide mechanism that will facilitate uniform interpretations and administration

- Provides other administrative tools for addressing telecommunication taxation issues including administrative rulings and sourcing, bundling and nexus guidelines

- Reduces the current utility tax percentage on telecommunications services by from 6% to 5%

Failure to modernize the City’s UUT relative to telecommunication services could result in a loss of 75% to 100% of the telecommunications related portion of the UUT or upwards to approximately $1.25 million from the General Fund, which could have a substantial impact on the City’s ability to provide essential services, including public safety.

This office and City staff recommend that the City Council adopt the attached Resolutions of the City Council submitting to the qualified electors of the city at a November 4, 2008, Emergency Municipal Election a Measure related to the City’s Utility Tax adding Chapter 22, Article VI of the City of Porterville Municipal Code relative to the Utility Users Tax on telecommunications and video services, including reducing the tax rate on telecommunications and video services from 6% to 5%.
Since the ballot Measure regarding this Ordinance will not be conducted at a regular Municipal Election, Article XIIIC §2 of the California Constitution (Proposition 218) requires that the Resolution declaring an emergency be approved by a unanimous vote of the City Council. The Resolution calling the election and approving the ballot measure must be adopted by a 4/5 vote of the Council. The ballot measure will not be approved, and the ordinance will not go into effect, unless passed by a majority vote (50% + one).

RECOMMENDATION: That the City Council
1) Hold a public hearing concerning the proposed ordinance and ballot measure, and consider any and all public testimony;
2) Approve the draft resolution declaring an emergency and a need for placement of the issue on the November 4, 2008 ballot;
3) Approve the draft resolution approving the ballot measure and calling the special municipal election for November 4, 2008; and
4) Approve the draft resolution requesting and consenting to consolidation of elections and setting specifications of the election order; and
5) Consider, approve and give first reading (reading by title only and waiving further reading thereof) to the draft Ordinance adding Chapter 22, Article VI concerning a communication users tax.

ATTACHMENTS: 1) Resolution No. _____, A Resolution of the City Council of the City of Porterville Declaring an Emergency for Ordering the Submission of a Proposition Related to the City's Utility Users Taxes to the Qualified Voters of the City a Special Election to be Held for that Purpose
2) Resolution No. _____, a Resolution of the City Council of the City of Portervile Submitting to the Qualified Electors of the City at a November 4, 2008 Special Municipal Election a Measure Related to the City's Utility Users Tax
3) Resolution No. _____, a Resolution of the City Council of the City of Porterville Requesting and Consenting to Consolidation of Elections; and Setting Specifications of the Election Order
4) Ordinance No. _____, An Ordinance of the City of Porterville Adding Article VI of Chapter 22 of the Porterville Municipal Code with Respect to a Communication Users’ Tax
RESOLUTION NO. ___-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DECLARING AN EMERGENCY FOR ORDERING THE SUBMISSION OF A PROPOSITION RELATED TO THE CITY’S UTILITY USERS’ TAXES TO THE QUALIFIED VOTERS OF THE CITY AT A SPECIAL ELECTION TO BE HELD FOR THAT PURPOSE

WHEREAS, Article XIIIIC, Section 2(b) of the California Constitution permits the City Council of the Porterville, by unanimous vote, to declare an emergency and allow the submission of a proposition related to the City’s Utility Users’ Taxes for general purposes at a special election called for that purpose;

WHEREAS, the City’s Utility Users’ Tax revenues on telecommunication services are critical to the public welfare and the City’s financial ability to provide essential municipal services;

WHEREAS, lawsuits have been filed in other jurisdictions challenging the application of the utility users tax to certain telecommunications services are a result of outdated ordinance definitions or references to outdated federal laws, and said federal laws may be repealed by Congress; and

WHEREAS, the City of Porterville finds that there are imminent financial risks and dangers to the public welfare and the City’s ability to provide essential municipal services without disruption, so that a special election is necessary to address such risks and dangers;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES RESOLVE AS FOLLOWS: The City of Porterville declares that due to an urgent and immediate need for above concerns to be addressed, an emergency exists pursuant to the California Constitution, Article XIIIIC, Section 2(b), and a special election is necessary to address such risks and dangers.
PASSED, APPROVED AND ADOPTED this _____ day of August, 2008.

__________________________
Cameron Hamilton
Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. ______

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY AT A NOVEMBER 4, 2008 SPECIAL MUNICIPAL ELECTION A MEASURE RELATED TO THE CITY'S UTILITY USERS' TAX

WHEREAS, pursuant to Chapter 22, Article V of the Porterville Municipal Code, the City currently levies a Utility Users' Tax; and

WHEREAS, the City seeks authorization to add Chapter 22, Article VI (exhibit A) of the City of Porterville Municipal Code relative to the Utility Users Tax on telecommunications and video services ("communication services"), including reducing the tax rate on telecommunications services from 6% to 5%; and,

WHEREAS, the City currently receives $1.25 million a year in UUT on telecommunication services, and such tax revenues are critical to the public welfare and the City's financial ability to provide essential municipal services such as police, fire, street repair, and parks and libraries; and,

WHEREAS, lawsuits have been filed in other jurisdictions challenging the application of the utility users tax to certain telecommunication services as a result of outdated ordinance definitions or references to outdated federal laws, which may be repealed by Congress (S 170 and S 140); and,

WHEREAS, several major telecommunication providers have notified the city in writing that they are collecting the City's UUT under protest; and,

WHEREAS, the City desires reasonable certainty in the collection and receipt of its utility user taxes, and wishes to eliminate the current legal and legislative risks associated with its existing UUT on telecommunications by seeking voter approval of a modern ordinance pursuant to Proposition 218; and,

WHEREAS, pursuant to Section 2(b) of California Constitution "Article XIIIC", the City Council has, per Resolution No. _____-2008, unanimously declared the existence of an emergency in that there are imminent financial risks and dangers, as described above, to the public welfare and the City's financial ability to provide essential municipal services without disruption, so that a special election is necessary to address such risks and dangers since the next scheduled local election is not until June 2010; and,

WHEREAS, pursuant to Government Code Section 53724 and Election Code Section 9222, the City Council desires to submit the Ordinance to the qualified electors of the City at an emergency election on November 4, 2008.
WHEREAS, pursuant to the Elections Code, the governing body of any city may, by Resolution, request the Board of Supervisors of the county to permit the county elections official to render specified services to the city relating to the conduct of an election; and

WHEREAS, Elections Code Section 10002 requires the city to reimburse the county in full for the services performed upon presentation of a bill to the city by the county elections official;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council finds and determines that each of the findings set forth above are true and correct.

SECTION 2. The City Council proposes to impose the general taxes set forth in the Ordinance. The proposed type of tax, the rate of the tax, and the method of tax collection are as set forth in Section 1 of the Ordinance. As set forth in Section 3 of this Resolution, the proposal will be presented to the voters on November 4, 2008 at an emergency election.

SECTION 3. Pursuant to Elections Code Section 9222, the City Council hereby submits the Ordinance to the voters at the Election and orders the following question to be submitted to the voters at the Election:

| Shall Ordinance No. ________ be adopted to reduce the rate of the City of Porterville’s Communications Users’ Tax from 6% to 5%; to revise the method for calculating and collecting the Utility Users’ Tax to reflect technological advances and changes in state and federal law; and to ratify and approve the past collection of the Tax? | YES | NO |

This question requires the approval of a majority of those casting votes.

SECTION 4. The measure to be submitted to the voters is attached to this Resolution as Exhibit A and incorporated herein by this reference.

SECTION 5. The city will reimburse the county for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the elections official.
SECTION 6. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit such impartial analysis to the City Clerk within ten (10) days of the adoption of this Resolution.

SECTION 9. The Council shall direct the City Clerk to prepare an argument in favor of the Measure as described in Elections Code section 9282 (b).

SECTION 10. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council:

The Board of Supervisors of Tulare County is hereby requested to permit the County Registrar of Voters to render services to the city relating to the conduct of the November 4, 2008, Special Election as follows:

a. Make all required publications.
b. Prepare, print and mail to the qualified electors of the city sample ballots and voter pamphlets.
c. Provide absent voter ballots for said Special Election for use by the qualified electors who may be entitled to absent voter ballots in the manner provided by law.
d. Order consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
e. Conduct and canvass the returns of the election and certify the votes cast to the city.
f. Receive and process absent voter applications.
g. Prepare, print and deliver to the polling places supplies, including the official ballots and a receipt for said supplies.
h. Recount votes, if requested, in accordance with state law.
i. Conduct the above election duties in accordance with the Voting Rights Act of 1975.
j. Perform all other pertinent services required to be performed for said election other than the requirements of the Fair Political Practices Commission; said Fair Political Practices Commission requirements to be performed by the city clerk.

The city clerk is hereby authorized and directed to transmit certified copies of this Resolution to the Board of Supervisors and to the County Registrar of Voters.

PASSED, APPROVED AND ADOPTED this 5th day of August, 2008.

__________________________
Cameron Hamilton,
Mayor

ATTEST:

John Longley, City Clerk

__________________________
By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. _____-2008

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE REQUESTING AND CONSENTING
TO CONSOLIDATION OF ELECTIONS; AND
SETTING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the City of Porterville has ordered a Special Municipal Election to be held on Tuesday, November 4, 2008, to propose to the electors of the City of Porterville to reduce the rate of the Communications Users’ Tax from 6% to 5%, to revise the method for calculating and collecting the Utility Users’ Tax to reflect technological advances and changes in state and federal law, and to ratify and approve the past collection of the tax; and

WHEREAS, other elections may be held in whole or in part of the territory of the City and it is to the advantage of the City to consolidate pursuant to Elections Code Section 10400; and

WHEREAS, Elections Code Section 10242 provides that the governing board shall determine the hours of opening and closing the polls; and

WHEREAS, Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County elections official; and

WHEREAS, Elections Code Section 12101 requires the publication of a notice of the election once in a newspaper of general circulation in the City;

NOW, THEREFORE, IT IS ORDERED that an election be held in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 4th day of November, 2008. The purpose of the election is to propose to the electors of the City of Porterville to reduce the rate of the Communications Users’ Tax from 6% to 5%, to revise the method for calculating and collecting the Utility Users’ Tax to reflect technological advances and changes in state and federal law, and to ratify and approve the past collection of the tax.

2. This City Council hereby requests and consents to the consolidation of this election with other elections which may be held in whole or in part of the territory of the City, as provided in Elections Code Section 10400.

3. The City hereby designates the hours the polls are to be kept open shall be from 7:00 A.M. to 8:00 P.M.
4. The City will reimburse the County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the elections official.

5. The City requests that the Registrar of Voters publish the Notice of Election in the following newspaper, which is a newspaper of general circulation that is regularly circulated in the City of Porterville: The Porterville Recorder.

6. The City directs that a certified copy of this Resolution be forwarded to the Registrar of Voters, and the Board of Supervisors of Tulare County.

PASSED, APPROVED AND ADOPTED this ______ day of August, 2008.

________________________
Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

________________________
By: Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PORTERVILLE ADDING
ARTICLE VI OF CHAPTER 22 OF THE PORTERVILLE MUNICIPAL
CODE WITH RESPECT TO A COMMUNICATION USERS’ TAX.

THE PEOPLE OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

SECTION 1: Article VI of Chapter 22 of the Porterville Municipal Code is hereby
added, and it shall read as follows:

CHAPTER 22
ARTICLE VI
COMMUNICATION USERS’ TAX

22-60 Short Title.
22-61 Definitions.
22-62 Constitutional, Statutory, and Other Exemptions.
22-63 Communication Users’ Tax.
22-64 Bundling Taxable Items with Non-taxable Items
22-65 Substantial Nexus / Minimum Contacts
22-66 Maximum Tax
22-67 Duty to Collect--Procedures.
22-68 Collection Penalties—Service Suppliers.
22-69 Actions to Collect.
22-70 Deficiency Determination and Assessment—Tax Application Errors.
22-71 Administrative Remedy—Non-Paying Service Users.
22-72 Additional Powers and Duties of the Tax Administrator.
22-73 Records.
22-74 Refunds.
22-75 Appeals.
22-76 Notice No Injunction/Writ of Mandate.
22-77 Notice of Changes to Ordinance.
22-78 Future Amendment to Cited Statute.
22-79 Independent Audit of Tax Collection, Exemption, Remittance, and Expenditure.
22-80 Interaction with Prior Tax
22-81 Amendment or Repeal
22-82 Severability
22-83 Ratification of Prior Tax

22-60 Short Title

This Article shall be known as the "Communication Users’ Tax Law" of the City.
22-61 Definitions.

The following words and phrases whenever used in this Article shall be construed as defined in this section.

(a) "Ancillary telecommunication services" means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services, including but not limited to the following services:

(1) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(2) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(3) "Directory assistance" means an ancillary service of providing telephone number information, and/or address information.

(4) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(5) "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(b) "Ancillary video services" means services that are associated with or incidental to the provision or delivery of video services, including but not limited to electronic program guide services, search functions, or other interactive services or communications that are associated with or incidental to the provision, use or enjoyment of video programming.

(c) "Billing Address" shall mean the mailing address of the service user where the service supplier submits invoices or bills for payment by the customer.

(d) "City" shall mean the City of Porterville.

(e) "Communication Services" means: "telecommunication services", "ancillary telecommunication services", "video services" and "ancillary video services".

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(f) "Mobile Telecommunications Service" has the same meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (currently set forth in 4 U.S.C. Section 124) and the regulations thereunder.

(g) "Month" shall mean a calendar month.

(h) "Municipal Organization" shall mean an organization or association created by statute or by voluntary action, whose purpose is to facilitate the development and dissemination of uniform rulings or interpretations regarding the application of utility users taxes to communication services in the state of California.

(i) "Person" shall mean, without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and non-profit), municipal district or municipal corporation (other than the City) cooperative, receiver, trustee, guardian, or other representative appointed by order of any court.

(j) "Place of Primary Use" means the street address representative of where the customer's use of the communications service primarily occurs, which must be the residential street address or the primary business street address of the customer.

(k) "Post-paid telecommunication service" means the telecommunication service obtained by making a payment on a communication-by-communication basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a service number which is not associated with the origination or termination of the telecommunication service.

(l) "Prepaid telecommunication service" means the right to access telecommunication services, which must be paid for in advance and which enables the origination of communications using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(m) "Private telecommunication service" means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels. A communications channel is a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points (i.e., the location where the customer either inputs or receives the communications).
(n). "Service Address" means either:

(1) The location of the service user's communication equipment from which the communication originates or terminates, regardless of where the communication is billed or paid; or,

(2) If the location in subsection (1) of this definition is unknown (e.g., mobile telecommunications service or VoIP service), the service address means the location of the service user's place of primary use.

(3) For prepaid telecommunication service, "service address" means the location associated with the service number.

(o). "Service Supplier" shall mean any entity or person, including the City, that provides communication service to a user of such service within the City.

(p). "Service User" shall mean a person required to pay a tax imposed under the provisions of this Article.

(q). "State" shall mean the State of California.

(r). "Tax Administrator" means the finance director of the city or his or her designee.

(s). "Telecommunications services" means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whatever the technology used, and includes broadband services [e.g., digital subscriber line (DSL), fiber optic, coaxial cable, and wireless broadband, including Wi-Fi, WiMAX, and Wireless MESH] to the extent federal and/or state law permits taxation of such broadband services, now or in the future. The term "telecommunications services" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video and/or data services that is functionally integrated with "telecommunication services". "Telecommunications services" include, but are not limited to the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telecommunication services; broadband service (to the extent federal and/or state law permits taxation of such service); mobile telecommunications service; prepaid telecommunication service; post-paid telecommunication service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); 911 service (or any other similar numbers designated by the Federal
Communications Commission for services whereby subscribers who call in to pre-recorded or live service); and value-added non-voice data service.

(t) “Value-added non-voice data service” means a service that otherwise meets the definition of “telecommunications services” in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(u) “Video Programming” means those programming services commonly provided to subscribers by a “video service supplier” including but not limited to basic services, premium services, audio services, video games, pay-per-view services, video on demand, origination programming, or any other similar services, regardless of the content of such video programming, or the technology used to deliver such services, and regardless of the manner or basis on which such services are calculated or billed.

(v) “Video Services” means any and all services related to the providing or delivering of “video programming” (including origination programming and programming using Internet Protocol, e.g., IP-TV and IP-Video) using one or more channels by a “video service supplier”, regardless of the technology used to deliver or provide such services, and regardless of the manner or basis on which such services are calculated or billed, and includes data services, “telecommunication services”, or interactive communication services that are functionally integrated with “video services”.

(w) “Video Service Supplier” means any person, company, or service which provides or sells one or more channels of video programming, or provides or sells the capability to receive one or more channels of video programming, including any communications that are ancillary, necessary or common to the provision, use or enjoyment of the video programming, to or from a business or residential address in the City, where some fee is paid, whether directly or included in dues or rental charges for that service, whether or not public rights-of-way are utilized in the delivery of the video programming or communications. A “video service supplier” includes, but is not limited to, multichannel video programming distributors [as defined in 47 U.S.C.A. Section 522(13)]; open video systems (OVS) suppliers; and suppliers of cable television; master antenna television; satellite master antenna television; multichannel multipoint distribution services (MMDS); video services using internet protocol (e.g., IP-TV and IP-Video, which provide, among other things, broadcasting and video on demand), direct broadcast satellite to the extent federal law permits taxation of its video services, now or in the future; and other suppliers of video programming or communications (including two-way communications), whatever their technology.

22-62 Constitutional, statutory, and other exemptions.

(a) Nothing in this Article shall be construed as imposing a tax upon any person or service when the imposition of such tax upon such person or service would be in
violation of a federal or state statute, the Constitution of the United States or the Constitution of the State.

(b) Any service user that is exempt from the tax imposed by this Article pursuant to subsection (a) of this section shall file an application with the Tax Administrator for an exemption; provided, however, this requirement shall not apply to a service user that is a state or federal agency or subdivision with a commonly recognized name for such service. Said application shall be made upon a form approved by the Tax Administrator and shall state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, and shall include the names of all utility service suppliers serving that service user. If deemed exempt by the Tax Administrator, such service user shall give the Tax Administrator timely written notice of any change in utility service suppliers so that the Tax Administrator can properly notify the new utility service supplier of the service user’s tax exempt status. A service user that fails to comply with this section shall not be entitled to a refund of utility users’ taxes collected and remitted to the Tax Administrator from such service user as a result of such noncompliance.

The decision of the Tax Administrator may be appealed pursuant to Section 22-75 of this Article. Filing an application with the Tax Administrator and appeal to the City Manager pursuant to Section 22-75 of this Article is a prerequisite to a suit thereon.

(c) The City Council may, by resolution, establish one or more classes of persons or one or more classes of utility service otherwise subject to payment of a tax imposed by this Article and provide that such classes of persons or service shall be exempt, in whole or in part from such tax for a specified period of time.

(d) The Tax Administrator shall prepare a list of the persons exempt from the provisions of this Article by virtue of this section and furnish a copy thereof to each service supplier.

22-63 Communication Users’ Tax.

(a) There is hereby imposed a tax upon every person in the City using communication services. The maximum tax imposed by this section shall be at the rate of five percent (5%) of the charges made for such services and shall be collected from the service user by the communication services supplier or its billing agent. There is a rebuttable presumption that communication services, which are billed to a billing or service address in the City, are used, in whole or in part, within the City’s boundaries, and such services are subject to taxation under this Article. If the billing address of the service user is different from the service address, the service address of the service user shall be used for purposes of imposing the tax. As used in this Section, the term “charges” shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the communication services.
(b) "Mobile Telecommunications Service" shall be sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (§ U.S.C. Section 124). The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Article, sourcing rules for the taxation of other communication services, including but not limited to post-paid communication services, prepaid communication services, and private communication services, provided that such rules are based upon custom and common practice that further administrative efficiency and minimize multi-jurisdictional taxation.

(c) The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Article, an administrative ruling identifying those communication services, or charges therefore, that are subject to or not subject to the tax of subsection (a) above.

(d) As used in this section, the term "telecommunication services" shall include, but are not limited to charges for: connection, reconnection, termination, movement, or change of telecommunication services; late payment fees; detailed billing; central office and custom calling features (including but not limited to call waiting, call forwarding, caller identification and three-way calling); voice mail and other messaging services; directory assistance; access and line charges; universal service charges; regulatory, administrative and other cost recovery charges; local number portability charges; and text messaging. As used in this section, the term "telecommunication services" shall not include separately stated charges for: installation or maintenance of wiring or equipment on a customer's premises and wire maintenance fees; sale or rental of tangible personal property; digital products delivered electronically, such as software, downloaded music, ring tones and reading materials; 911 surcharge, and sales for resale.

(e) Charges for communication services (video) shall include, but are not limited to, charges for the following:

1. franchise fees and access fees (PEG);
2. initial installation of equipment necessary for provision and receipt of communication services;
3. late fees, collection fees, bad debt recoveries, and return check fees;
4. activation fees, reactivation fees, and reconnection fees;
5. all video programming services (e.g., basic services, premium services, audio services, video games, pay-per-view services, or on demand programming);
6. ancillary programming services (e.g., electronic program guide services, search functions, or other interactive services or communications that are ancillary, necessary or common to the use or enjoyment of the video programming);
7. equipment leases (e.g., converters, remote devices); and,
8. service calls, service protection plans, name changes, changes of services, and special services.
(f). To facilitate the uniform interpretation and application of similar ordinance provisions in other local jurisdictions in the state, the Tax Administrator may, prior to issuing and disseminating a sourcing rule or an administrative tax ruling, submit its proposed sourcing rule or administrative tax ruling to a Municipal Organization for review and comment, according to the rules and procedures of that Municipal Organization, or its successor organization.

(g). To prevent actual multi-jurisdictional taxation of communication services subject to tax under this section, any service user, upon proof to the Tax Administrator that the service user has previously paid the same tax in another state or city on such communication services, shall be allowed a credit against the tax imposed to the extent of the amount of such tax legally imposed in such other state or city; provided, however, the amount of credit shall not exceed the tax owed to the City under this section.

(h). The tax on communication services imposed by this section shall be collected from the service user by the service supplier. The amount of tax collected in one (1) month shall be remitted to the Tax Administrator, and must be received by the Tax Administrator on or before the twentieth (20th) day of the following month.

(i). Upon a showing of hardship, the Tax Administrator may administratively delay the implementation of this section until no later than July 1, 2009. Prior to such time, the Tax Administrator may administratively permit the telecommunications tax to be applied to telecommunication services in the same manner as the federal excise tax was applied to “communication services” as defined in Sections 4251 and 4252 of the Internal Revenue Code, and the IRS regulations and rulings pertaining thereto, prior to May 25, 2006, and regardless of whether charges for such services are based on time, distance, or on any other basis, and as such sections are limited by the exceptions of Sections 4252(d) and 4253.”

22-64 Bundling Taxable Items with Non-Taxable Items.

Except as otherwise provided by applicable federal or state law, if any nontaxable charges are combined with and not separately stated from taxable service charges on the customer bill or invoice of a service supplier, the combined charge is subject to tax unless the service supplier identifies, by reasonable and verifiable standards, the portions of the combined charge that are nontaxable and taxable through the service supplier's books and records kept in the regular course of business, and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper apportionment of taxable and non-taxable charges.

22-65 Substantial Nexus / Minimum Contacts.

For purposes of imposing a tax or establishing a duty to collect and remit a tax under this Article, “substantial nexus” and “minimum contacts” shall be construed broadly in favor of the imposition, collection and/or remittance of the utility users tax to the fullest extent
permitted by state and federal law, and as it may change from time to time by judicial interpretation or by statutory enactment. Any communication service (including VoIP) used by a person with a service address in the City, which service is capable of terminating a call to another person on the general telephone network, shall be subject to a rebuttable presumption that “substantial nexus/minimum contacts” exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this Article. A service supplier shall be deemed to have sufficient activity in the City for tax collection and remittance purposes if its activities include, but are not limited to, any of the following: maintains or has within the City, directly or through an agent or subsidiary, a place of business of any nature; solicits business in the City by employees, independent contractors, resellers, agents or other representatives; solicits business in the City on a continuous, regular, seasonal or systematic basis by means of advertising that is broadcast or relayed from a transmitter with the City or distributed from a location with the City; or advertises in newspapers or other periodicals printed and published within the City or through materials distributed in the City by means other than the United States mail.

The City shall make available, upon request, an accurate description of its jurisdictional boundaries based on street addresses and/or ZIP Plus Four in an electronic format. If a service supplier relies upon such information provided by City, it shall not be responsible for any errors in taxation that may result.

22-66 Maximum tax.

(a) The maximum of communication users’ taxes pursuant to this Article VI of Chapter 22, paid by any manufacturer for one location, during any twelve-month period that begins on July 1st of any year and ends of June 30th of the following year shall be as follows: 1) $500.00 for a location with 0-600 employees, 2) $1,000.00 for a location with 601-1,000 employees, and 3) $1,500.00 for a location with over 1,000 employees.

(b) Any manufacturer paying more than the maximum tax provided for in subsection (a) during any twelve-month period commencing July 1st and ending June 30th, may apply to the Tax Administrator for a refund, pursuant to Section 22-74, provided that such application is made no later than 365 days after the end of the year in which the service user exceeded the maximum tax.

(c) The phrase “one location” as used in subsection (b) shall mean one or more contiguous sites for which the service user receives one or more utility billings.

(d) The maximum amounts/limits specified in subsection (a) shall be further adjusted annually by the Tax Administrator based on the average of the San Francisco and Los Angeles Consumer Price Index.

22-67 Duty to Collect--Procedures.

(a) Collection by Service Suppliers. The duty of service suppliers to collect and remit the taxes imposed by the provisions of this Article shall be performed as follows:
(1) The tax shall be collected by service suppliers insofar as practicable at the same time as, and along with, the collection of the charges made in accordance with the regular billing practice of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the charge and tax which was accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid. In those cases where a service user has notified the service supplier of refusal to pay the tax imposed on said charges, Section 22-71 shall apply.

(2) The duty of a service supplier to collect the tax from a service user shall commence with the beginning of the first regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this Article. Where a service user receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.

(b) **Filing Return and Payment.** Each person required by this Article to remit a tax shall file a return to the Tax Administrator, on forms approved by the Tax Administrator, on or before the due date. The full amount of the tax collected shall be included with the return and filed with the Tax Administrator. The Tax Administrator is authorized to require such additional information as he or she deems necessary to determine if the tax is being levied, collected, and remitted in accordance with this Article. Returns are due immediately upon cessation of business for any reason. Pursuant to Revenue and Tax Code Section 7284.6, the Tax Administrator, and its agents, shall maintain such filing returns as confidential information that is exempt from the disclosure provisions of the Public Records Act.

**22-68 Collection Penalties – Service Suppliers.**

(a) Taxes collected from a service user are delinquent if not received by the Tax Administrator on or before the due date. Should the due date occur on a weekend or legal holiday, the return must be received by the Tax Administrator on the first regular working day following the weekend or legal holiday. A direct deposit, including electronic fund transfers and other similar methods of electronically exchanging monies between financial accounts, made by a service supplier in satisfaction of its obligations under this subsection shall be considered timely if the transfer is initiated on or before the due date, and the transfer settles into the City’s account on the following business day.

(b) If the person required to collect and/or remit the utility users’ tax fails to collect the tax (by failing to properly assess the tax on one or more services or charges on the customer’s billing) or fails to remit the tax collected on or before the due date, the Tax Administrator shall attach a penalty for such delinquencies or deficiencies at the rate of fifteen (15%) percent of the total tax that is delinquent or deficient in the remittance, and shall pay interest at the rate of and 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent, until paid.
(c) The Tax Administrator shall have the power to impose additional penalties upon persons required to collect and remit taxes pursuant to the provisions of this Article for fraud or gross negligence in reporting or remitting at the rate of fifteen (15%) percent of the amount of the tax collected and/or required to be remitted, or as recomputed by the Tax Administrator.

(d) For collection purposes only, every penalty imposed and such interest that is accrued under the provisions of this section shall become a part of the tax herein required to be paid.

(e) Notwithstanding the foregoing, the Tax Administrator may, in his or her discretion, modify the due dates of this Article to be consistent with any uniform standards or procedures that are mutually agreed upon by other public agencies imposing a utility users tax, or otherwise legally established, to create a central payment location or mechanism.

22-69 Actions to Collect.

Any tax required to be paid by a service user under the provisions of this Article shall be deemed a debt owed by the service user to the City. Any such tax collected from a service user which has not been remitted to the Tax Administrator shall be deemed a debt owed to the City by the person required to collect and remit and shall no longer be a debt of the service user. Any person owing money to the City under the provisions of this Article shall be liable to an action brought in the name of the City for the recovery of such amount, including penalties and interest as provided for in this Article, along with any collection costs incurred by the City as a result of the person’s noncompliance with this Article, including, but not limited to, reasonable attorneys fees. Any tax required to be collected by a service supplier or owed by a service user is an unsecured priority excise tax obligation under 11 U.S.C.A. Section 507(a)(8)(C).

22-70 Deficiency Determination and Assessment – Tax Application Errors.

(a) The Tax Administrator shall make a deficiency determination if he or she determines that any person required to pay or collect taxes pursuant to the provisions of this Article has failed to pay, collect, and/or remit the proper amount of tax by improperly or failing to apply the tax to one or more taxable services or charges.

(b) The Tax Administrator shall mail a notice of such deficiency determination to the person required to pay or remit the tax, which notice shall refer briefly to the amount of the taxes owed, plus interest at the rate of 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax from the date on which the tax should have been received by the City. Within fourteen (14) calendar days after the date of service of such notice, the person may request in writing to the Tax Administrator for a hearing on the matter.
(c) If the person fails to request a hearing within the prescribed time period, the amount of the deficiency determination shall become a final assessment, and shall immediately be due and owing to the City. If the person requests a hearing, the Tax Administrator shall cause the matter to be set for hearing, which shall be scheduled within thirty (30) days after receipt of the written request for hearing. Notice of the time and place of the hearing shall be mailed by the Tax Administrator to such person at least ten (10) calendar days prior to the hearing, and, if the Tax Administrator desires said person to produce specific records at such hearing, such notice may designate the records requested to be produced.

(d) At the time fixed for the hearing, the Tax Administrator shall hear all relevant testimony and evidence, including that of any other interested parties. At the discretion of the Tax Administrator, the hearing may be continued from time to time for the purpose of allowing the presentation of additional evidence. Within a reasonable time following the conclusion of the hearing, the Tax Administrator shall issue a final assessment (or non-assessment), thereafter, by confirming, modifying or rejecting the original deficiency determination, and shall mail a copy of such final assessment to person owing the tax. The decision of the Tax Administrator may be appealed pursuant to Section 22-75 of this Article. Filing an application with the Tax Administrator and appeal to the City Manager pursuant to Section 22-75 of this Article is a prerequisite to a suit thereon.

(e) Payment of the final assessment shall become delinquent if not received by the Tax Administrator on or before the thirtieth (30th) day following the date of receipt of the notice of final assessment. The penalty for delinquency shall be fifteen percent (15%) on the total amount of the assessment, along with interest at the rate of 75/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the date of delinquency, until paid. The applicable statute of limitations regarding a claim by the City seeking payment of a tax assessed under this Article shall commence from the date of delinquency as provided in this subsection (e).

(f) All notices under this section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing.

**22-71 Administrative Remedy - Non-Paying Service Users.**

(a) Whenever the Tax Administrator determines that a service user has deliberately withheld the amount of the tax owed by the service user from the amounts remitted to a person required to collect the tax, or whenever the Tax Administrator deems it in the best interest of the City, he or she may relieve such person of the obligation to collect the taxes due under this Article from certain named service users for specific billing periods. To the extent the service user has failed to pay the amount of tax owed for a period of two (2) or more billing periods, the service supplier shall be relieved of the obligation to collect taxes due. The service supplier shall provide the City with the names and addresses of such service users and the amounts of taxes owed under the provisions of this Article.
(b) In addition to the tax owed, the service user shall pay a delinquency penalty at the rate of fifteen percent (15%) of the total tax that is owed, and shall pay interest at the rate of 7.5/100ths (0.75%) percent per month, or any fraction thereof, on the amount of the tax, exclusive of penalties, from the due date, until paid.

(c) The Tax Administrator shall notify the non-paying service user that the Tax Administrator has assumed the responsibility to collect the taxes due for the stated periods and demand payment of such taxes, including penalties and interest. The notice shall be served on the service user by personal delivery or by deposit of the notice in the United States mail, postage prepaid, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have a change of address, to his or her last known address.

(d) If the service user fails to remit the tax to the Tax Administrator within thirty (30) days from the date of the service of the notice upon him or her, the Tax Administrator may impose an additional penalty of fifteen percent (15%) of the amount of the total tax that is owed.

22-72 Additional Powers and Duties of the Tax Administrator.

(a) The Tax Administrator shall have the power and duty, and is hereby directed, to enforce each and all of the provisions of this Article.

(b) The Tax Administrator may adopt administrative rules and regulations consistent with provisions of this Article for the purpose of interpreting, clarifying, carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. The administrative ruling shall not impose a new tax, revise an existing tax methodology as stated in this Section, or increase an existing tax, except as allowed by California Government Code Section 37745(h)(2). A copy of such administrative rules and regulations shall be on file in the Tax Administrator's office.

(c) Upon a proper showing of good cause, the Tax Administrator may make administrative agreements with appropriate conditions, to vary from the strict requirements of this Article and thereby: (1) conform to the billing procedures of a particular service supplier so long as said agreements result in the collection of the tax in conformance with the general purpose and scope of this Article; or, (2) to avoid a hardship where the administrative costs of collection and remittance greatly outweigh the tax benefit. A copy of each such agreement shall be on file in the Tax Administrator's office, and are voidable by the Tax Administrator or the City at any time.

(d) The Tax Administrator may conduct an audit, to ensure proper compliance with the requirements of this Article, of any person required to collect and/or remit a tax pursuant to this Article. The Tax Administrator shall notify said person of the initiation of an audit in writing. In the absence of fraud or other intentional misconduct, the audit period of review shall not exceed a period of three (3) years next preceding the date of receipt of the written notice by said person from the Tax Administrator. Upon completion of the
audit, the Tax Administrator may make a deficiency determination pursuant to Section 22-70 of this Article for all taxes (and applicable penalties and interest) owed and not paid, as evidenced by information provided by such person to the Tax Administrator. If said person is unable or unwilling to provide sufficient records to enable the Tax Administrator to verify compliance with this Article, the Tax Administrator is authorized to make a reasonable estimate of the deficiency. Said reasonable estimate shall be entitled to a rebuttable presumption of correctness.

(e) Upon receipt of a written request of a taxpayer, and for good cause, the Tax Administrator may extend the time for filing any statement required pursuant to this Article for a period of not to exceed forty-five (45) days, provided that the time for filing the required statement has not already passed when the request is received. No penalty for delinquent payment shall accrue by reason of such extension. Interest shall accrue during said extension at the rate of 75/100ths (0.75%) percent per month, prorated for any portion thereof.

(f) The Tax Administrator shall determine the eligibility of any person who asserts a right to exemption from, or a refund of, the tax imposed by this Article.

(g) Notwithstanding any provision in this Article to the contrary, the Tax Administrator may waive any penalty or interest imposed upon a person required to collect and/or remit for failure to collect the tax imposed by this Article if the non-collection occurred in good faith. In determining whether the non-collection was in good faith, the Tax Administrator shall take into consideration industry practice or other precedence.

22-73 Records.

(a) It shall be the duty of every person required to collect and/or remit to the City any tax imposed by this Article to keep and preserve, for a period of at least three (3) years, all records as may be necessary to determine the amount of such tax as he/she may have been liable for the collection of and remittance to the Tax Administrator, which records the Tax Administrator shall have the right to inspect at a reasonable time.

(b) The City may issue an administrative subpoena to compel a person to deliver, to the Tax Administrator, copies of all records deemed necessary by the Tax Administrator to establish compliance with this Article, including the delivery of records in a common electronic format on readily available media if such records are kept electronically by the person in the usual and ordinary course of business. As an alternative to delivering the subpoenaed records to the Tax Administrator on or before the due date provided in the administrative subpoena, such person may provide access to such records outside the City on or before the due date, provided that such person shall reimburse the City for all reasonable travel expenses incurred by the City to inspect those records, including travel, lodging, meals, and other similar expenses, but excluding the normal salary or hourly wages of those persons designated by the City to conduct the inspection.
(c) The Tax Administrator is authorized to execute a non-disclosure agreement approved by the City Attorney to protect the confidentiality of customer information pursuant to California Revenue and Tax Code Sections 7284.6 and 7284.7.

(d) If a service supplier uses a billing agent or billing aggregator to bill, collect, and/or remit the tax, the service supplier shall: i) provide to the Tax Administrator the name, address and telephone number of each billing agent and billing aggregator currently authorized by the service supplier to bill, collect, and/or remit the tax to the City; and, ii) upon request of the Tax Administrator, deliver, or effect the delivery of, any information or records in the possession of such billing agent or billing aggregator that, in the opinion of the Tax Administrator, is necessary to verify the proper application, calculation, collection and/or remittance of such tax to the City.

(e) If any person subject to record-keeping under this section unreasonably denies the Tax Administrator access to such records, or fails to produce the information requested in an administrative subpoena within the time specified, then the Tax Administrator may impose a penalty of $500 on such person for each day following: i) the initial date that the person refuses to provide such access; or, ii) the due date for production of records as set forth in the administrative subpoena. This penalty shall be in addition to any other penalty imposed under this Article.

22-74 Refunds.

Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Article from a person or service supplier, it may be refunded as provided in this section:

(a) The Tax Administrator may refund any tax that has been overpaid or paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this Article from a person or service supplier, provided that no refund shall be paid under the provisions of this section unless the claimant or his or her guardian, conservator, executor, or administrator has submitted a written claim to the Tax Administrator within one year of the overpayment or erroneous or illegal collection of said tax. Such claim must clearly establish claimant's right to the refund by written records showing entitlement thereto. Nothing herein shall permit the filing of a claim on behalf of a class or group of taxpayers unless each member of the class has submitted a written claim under penalty of perjury as provided by this subsection.

(b) The filing of a written claim pursuant to Government Code Section 935 is a prerequisite to any suit thereon. Any action brought against the City pursuant to this section shall be subject to the provisions of Government Code Sections 945.6 and 946. The Tax Administrator, or the City Council where the claim is in excess of five thousand dollars ($5,000), shall act upon the refund claim within the time period set forth in Government Code Section 912.4. If the Tax Administrator/City Council fails or refuses to act on a refund claim within the time prescribed by Government Section 912.4, the claim shall be deemed to have been rejected by the City Council on the last day of the period within which the City Council was required to act upon the claim as provided in
Government Code Section 912.4. The Tax Administrator shall give notice of the action in a form which substantially complies with that set forth in Government Code Section 913.

(c) Notwithstanding the notice provisions of subsection (a) of this section, a service supplier that has collected any amount of tax in excess of the amount of tax imposed by this Article and actually due from a service user (whether due to overpayment or erroneous or illegal collection of said tax), may refund such amount to the service user, or credit to charges subsequently payable by the service user to the service supplier, and claim credit for such overpayment against the amount of tax which is due upon any other monthly returns to the Tax Administrator, provided such credit is claimed in a return dated no later than one year from the date of overpayment or erroneous or illegal collection of said tax. The Tax Administrator shall first determine the validity of the service user's claim of credit, and the underlying basis for such claim.

(d) Notwithstanding the notice provisions of subsection (a) of this section, in the event that a service supplier remits a tax to City in excess of the amount of tax imposed by this Article, said service supplier may claim credit for such overpayment against the amount of tax which is due upon any other monthly returns to the Tax Administrator, provided such credit is claimed in a return dated no later than one year from the date of overpayment of said tax. The Tax Administrator shall first determine the validity of the service user’s claim of credit, and the underlying basis for such claim.

22-75 Appeals.

(a) The provisions of this section apply to any decision (other than a decision relating to a refund pursuant to Section 22-74 of this Article), deficiency determination, assessment, or administrative ruling of the Tax Administrator. Any person aggrieved by any decision (other than a decision relating to a refund pursuant to Section 22-74 of this Article), deficiency determination, assessment, or administrative ruling of the Tax Administrator, shall be required to comply with the appeals procedure of this section. Compliance with this section shall be a prerequisite to a suit thereon. [See Government Code Section 935(b)]. Nothing herein shall permit the filing of a claim or action on behalf of a class or group of taxpayers.

(b) If any person is aggrieved by any decision (other than a decision relating to a refund pursuant to Section 22-74 of this Article), deficiency determination, assessment, or administrative ruling of the Tax Administrator; he or she may appeal to the City Manager by filing a notice of appeal with the City Clerk within fourteen (14) days of the date of the decision, deficiency determination, assessment, or administrative ruling of the Tax Administrator which aggrieved the service user or service supplier.

(c) The matter shall be scheduled for hearing before an independent hearing officer selected by the City Manager, no more than thirty (30) days from the receipt of the appeal. The appellant shall be served with notice of the time and place of the hearing, as well as any relevant materials, at least five (5) calendar days prior to the hearing. The hearing may be continued from time to time upon mutual consent. At the time of the
hearing, the appealing party, the Tax Administrator, and any other interested person may present such relevant evidence as he or she may have relating to the determination from which the appeal is taken.

(d) Based upon the submission of such evidence and the review of the City’s files, the hearing officer shall issue a written notice and order upholding, modifying or reversing the determination from which the appeal is taken. The notice shall be given within fourteen (14) days after the conclusion of the hearing and shall state the reasons for the decision. The notice shall specify that the decision is final and that any petition for judicial review shall be filed within ninety (90) days from the date of the decision in accordance with Code of Civil Procedure Section 1094.6.

(e) All notices under this section may be sent by regular mail, postage prepaid, and shall be deemed received on the third calendar day following the date of mailing, as established by a proof of mailing.

22-76 No Injunction/Writ of Mandate.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this City or against any officer of the City to prevent or enjoin the collection under this Article of any tax or any amount of tax required to be collected and/or remitted.

22-77 Notice of changes to ordinance.

If a tax under this Article is added repealed, increased, reduced, or the tax base is changed, the Tax Administrator shall follow the notice requirements of California Public Utilities Code Section 799.

22-78 Future Amendment to Cited Statute.

Unless specifically provided otherwise, any reference to a state or federal statute in this Article shall mean such statute as it may be amended from time to time.

22-79 Independent Audit of Tax Collection, Exemption, Remittance, and Expenditure.

The City shall annually verify that the taxes owed under this Article have been properly applied, exempted, collected, and remitted in accordance with this Article, and properly expended according to applicable municipal law. The annual verification shall be performed by a qualified independent third party and the review shall employ reasonable, cost-effective steps to assure compliance, including the use of sampling audits. The verification shall not be required of tax remitters where the cost of the verification may exceed the tax revenues to be reviewed.
22-80 Interaction with Prior Tax

(a). Satisfication of Tax Obligation by Service Users. Any person who pays the tax levied pursuant to Section 22-63 of this Code with respect to any charge for a communication service shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to Sections 22-43 and 22-47 of this Code with respect to that charge. Likewise, prior to April 1, 2009, any person who pays the tax levied pursuant to Sections 22-43 and 22-47 of this Code with respect to any charge for a service shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to Section 22-63 of this Code with respect to that charge. The intent of this paragraph is to prevent the imposition of multiple taxes upon a single utility charge during the transition period from the prior telephone and video users’ tax to the new communication users’ tax (which transition period ends April 1, 2009) and to permit communications service providers, during that transition period to satisfy their collection obligations by collecting either tax.

(b). Collection of Tax by Service Providers. Service providers shall begin to collect the tax imposed by this Article as soon as feasible after the effective date of the Article, but in no event later than permitted by Section 799 of the California Public Utilities Code.

22-81 Amendment or Repeal

Sections 22-43 and 22-47 of the Porterville Municipal Code may be repealed or amended by the City Council without a vote of the people. However, as required by Article XIIIIC of the California Constitution, voter approval is required for any amendment provision that would increase the rate of any tax levied pursuant to this Ordinance.

22-82 Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The people hereby declares that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

22-83 Ratification of Prior Tax

The voters of the City of Porterville hereby ratify and approve the past collection of the Telephone and Video Users Tax under Sections 22-43 and 22-47 of the Porterville Municipal Code as it existed prior to the effective date of this Ordinance.

SECTION 2. Effective Date. This Article shall become effective immediately upon the date that this Ordinance is confirmed and approved by the voters of Porterville at the Election of November 4, 2008.
SECTION 3. Execution. The Mayor is hereby authorized to attest to the adoption of this Ordinance by the voters of the City by signing where indicated below.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED by the people of the City of Porterville voting on the 4th day of November, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney
TO: Honorable Mayor & Councilmembers, Ms. Lew, Mr Lollis, Mr. Rodriguez

FROM: John Longley, CM

DATE: 1 August 2008 at 11:30 AM

RE: Emergency Repair – Sewer at Westwood Bridge

By previous memorandum I have asked that this matter be added to the Agenda as an emergency item. Given that there is 72 hours to make notice, I have asked the Chief Deputy City Clerk to add it onto the Agenda.

The issue is that the City has been advised that because of lost (stolen) supports, the City’s sewer is severely sagging at the Westwood Bridge. A break in the sewer line could cause great harm, so immediate emergency action is warranted.

The Public Works Director has retained Halopoff and Sons to complete the critical, emergency repair to the system. The estimated cost for the repair is $25,000.

Additional clarification including pictures have been attached.

RECOMMENDATION: Ratify the action of the City Manager approving the emergency repair.
MEMORANDUM

DATE: August 1, 2008

TO: John Longley – City Manager

FROM: Baldo Rodriguez – Public Works Director

SUBJECT: Emergency Repair of Pipe Supports @ Westwood/Tule River Bridge.

On July 31, 2008, a citizen contacted Field Services regarding the City’s six inch sludge line located across the Westwood/Tule River Bridge. The citizen informed that the sludge line appeared to be sagging excessively.

Field Services investigated the situation and found that 26 of the 43 pipe supports had been stolen. The attached photos clearly show the damage to the sludge line system. This is a serious situation not only from an environmental standpoint but from a WWTF operational standpoint.

My field reviewed convinced me that this was an emergency and therefore, I authorized Halopoff & Sons to move immediately to fabricate and install new pipe supports. The 6” pipe line has been temporarily “chained” to the bridge railing but, future thefts will place our operation in extreme jeopardy. The Treatment Plant can resume operations specific to the discharge of sludge but at some risk. The Treatment Plant Supervisor will pump sludge across the bridge judiciously and will store sludge at the treatment plant in between pumps.

Cc: P:\PW\...Proj Files\..\Grit Tower/Westwood/Tule River Bridge Pipe Support Thefts

PUBLIC WORKS DEPARTMENT
My Album
COUNCIL AGENDA: AUGUST 5, 2008

SUBJECT: AMENDMENT TO TRAFFIC ORDINANCE NO. 1162 – AUTHORITY TO ISSUE TRANSIT USER PARKING PERMITS

SOURCE: Public Works Department – Engineering Division

COMMENT: The last construction phase of the “Singer” Parking Lot located at the southeast corner of Hockett Street and Oak Avenue (east of the Transit Center) was recently completed. The funding source for this project is “Section 5307” Federal Transit funds programmed by the City and approved by the Federal Transit Authority (FTA) with specific conditions, which were outlined in a staff report presented to City Council during the September 20, 2005 Council Meeting. Transit parking and enforcement requirements within the “Singer” Parking Lot as described by the FTA Grant are:

- Eleven (11) transit parking spaces shall be designated within the parking lot adjacent to the transit center (Hockett Street frontage)
- Signs and asphalt markings shall be used to denote spaces for transit use only.
- All vehicles parking within a designated transit stall will be required to display a special transit parking pass/decal.
- Parking passes will be available on a monthly basis at the Transit Center.
- Transit users desiring to obtain parking passes will be required to provide pertinent information necessary to obtain a permit, such as, name, address, driver’s-license number, make, model and license plate number of the vehicle, etc.
- Transit user shall certify their understanding of the sole purpose of the parking permit, transit use only.
- Any vehicle parking in violation of the intent of the parking permit will be cited by the Porterville Police Department.
- Any vehicle found to be illegally parked within the designated transit parking spaces will be subject to a fine or towing.
- Vehicles may be ticketed for multiple violations, including illegal parking and display of unauthorized/expired pass/decal.

An amendment of Traffic Ordinance No. 1162 is required prior to implementing permitted transit user parking within the “Singer” Parking Lot as stated above. Currently the code only provides that “the City Traffic Engineer shall designate parking stalls or spaces in public owned, leased, or controlled off-street parking facilities for exclusive use by physically disabled persons” (Section 17:14:11). Staff reviewed the California
Vehicle Code and found that Local Agencies may, by ordinance or resolution, adopt under Section 22507 the authority to authorize preferential parking permits for members of organizations, professions, or other designated groups, parking spaces within publicly owned facilities if the local authority determines that the use of these parking spaces do not adversely affect parking conditions for residents and merchants in the area.

The “Singer” Parking Lot Project has enhanced the parking within the downtown area by increasing parking spaces from sixty-five (65) to a total of eighty-five (85). Therefore, there is a net increase of nine (9) public parking spaces when designating eleven (11) for transit users and in the opinion of staff, does not adversely affect residents and merchants in the area.

Therefore, staff recommends that Section 17.11.11 of the Porterville Municipal Code be amended as follows:

Sec. 17.11.11 Off-Street/Public Owned Facilities.

(a) The City Traffic Engineer shall designate parking stalls or spaces in public owned, leased, or controlled off-street parking facilities for exclusive use by physically disabled persons.

(b) The City Traffic Engineer shall designate eleven (11) parking spaces for transit users within the publicly owned parking lot located at the southeast corner of Hockett Street and Oak Avenue. The City Traffic Engineer shall issue rules and regulations needed for the administration and enforcement of transit users parking within transit user designated parking spaces including but not limited to criteria and procedures for issuance and revocation of a parking permit.

When signs authorizing the provision of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

Citation fees shall be set by resolutions of the City Council if deemed to warrant fees.

Note: bold-italic indicates proposed Traffic Code amendment.

Upon approval of the proposed Ordinance Amendment and implementation of rules and regulations, parking citations may be issued per the “Bail Schedule” adopted by City Council during the meeting of April 1, 2003. The citation fee is $20 per Vehicle Code Section 23336,
RECOMMENDATION: That City Council:

1. Amend the Traffic Resolution as mentioned herein and as outlined in the attached Ordinance Amendment;

2. Authorize the City Traffic Engineer to implement and issue rules and regulations needed for the administration and enforcement of transit users parking within the "Singer" Parking Lot, totally compliant with the funding source application; and

3. Authorize the Police Chief to issue citations in accordance with the latest adopted "Bail Schedule" once rules and regulation are enforceable.

ATTACHMENT: Locator Map
Proposed Parking Lot Map
Ordinance
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF PORTERVILLE AMENDING A SECTION OF
CHAPTER 17, ARTICLE XI
STOPPING, STANDING OR PARKING RESTRICTED OR
PROHIBITED ON CERTAIN STREETS AND PUBLIC PARKING LOTS

THE COUNCIL OF THE CITY OF PORTERVILLE DOES ORDAIN AS
FOLLOWS:

A. That Section 17-11.11 of the Code of the City of Porterville is hereby
added as follows:

Section 17-11.11 Off-Street/ Public Owned Facilities.

(a) The City Traffic Engineer shall designate parking stalls or
spaces in public owned, leased, or controlled off-street parking facilities
for exclusive use by physically disabled persons.

(b) The City Traffic Engineer shall designate eleven (11) parking
spaces for transit users within the publicly owned parking lot located at the
southeast corner of Hockett Street and Oak Avenue. The City Traffic
Engineer shall issue rules and regulations needed for the administration
and enforcement of transit users parking within transit user designated
parking spaces including but not limited to criteria and procedures for
issuance and revocation of a parking permit.

When signs authorizing the provision of this section are in place
giving notice thereof, no person shall operate, park or stand any vehicle
contrary to the directions and provisions of such signs.

Citation fees shall be set by resolutions of the City Council if
deemed to warrant fees.

B. This ordinance and code amendment shall be in full force and effect thirty
(30) days from and after its publication and passage.
APPROVED AND ADOPTED this 5th day of August, 2008.

________________________________________
Cameron Hamilton, Mayor

ATTEST:
John Longley, City Clerk

________________________________________
By: Patrice Hildreth, Deputy Chief City Clerk
SUBJECT: STREET PERFORMANCE MEASURE - 4TH QUARTER UPDATE

SOURCE: Public Works Department - Engineering Division

COMMENT: The purpose of this staff report is to provide Council with an update on the progress made on street reconstruction, overlay, micro-overlay and pothole repair efforts for the 4th quarter in FY 2007/2008. The 3rd Quarter report is included in Council's packet so that Council can visualize the progress made from the 3rd to 4th quarter.

For Council's edification, the light blue bar represents staff's estimated quantity of "work" for each category. The black overlaid bar represents the quantity of work accomplished to date.

Council will note that there has not been any activity in the "Micro-overlay" category since the end of the 1st quarter. Council recently awarded a Crack Seal & Type II Slurry Mix contract to service the streets collectively known as the East Granite Hills area. This work is expected to be completed by the end of August prior to the start of the new school year. This project will complete the remaining 20,000 lineal feet of "equivalent" street lanes identified in the progress report.

RECOMMENDATION: Information Only

ATTACHMENTS: 4th Quarter Street Performance Chart
3rd Quarter Street Performance Chart

Item No. 27
## CITY OF PORTERVILLE
### 2007/2008 Level of Service Quarterly Progress Report

**Prepared By:** B. Rodriguez

**June 30, 2008 Progress Report**

<table>
<thead>
<tr>
<th>Task</th>
<th>1st Qtr</th>
<th>2nd Qtr</th>
<th>3rd Qtr</th>
<th>4th Qtr</th>
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<td>1. Street Reconstruction Progress</td>
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<tr>
<td>Each square represents 200 LF of street lane</td>
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<tr>
<th>Task</th>
<th>1st Qtr</th>
<th>2nd Qtr</th>
<th>3rd Qtr</th>
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<td>Each square represents 300 LF of control sheet</td>
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<th>1st Qtr</th>
<th>2nd Qtr</th>
<th>3rd Qtr</th>
<th>4th Qtr</th>
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<tr>
<td>3. Micro Overlay Progress</td>
<td><img src="image" alt="Data Table" /></td>
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<tr>
<td>Each square represents 400 LF of overlay treatment</td>
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<tr>
<th>Task</th>
<th>1st Qtr</th>
<th>2nd Qtr</th>
<th>3rd Qtr</th>
<th>4th Qtr</th>
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<tr>
<td>4. Pole Hole Report Progress</td>
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<tr>
<td>Each square represents 100 SF</td>
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Total amount of work in each row or column should be equal.

**Completed As Of:** March 31, 2009
SUBJECT:  INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

SOURCE:  Administrative Services - Finance Division

COMMENT: The City Charter requires financial status reports to be provided to City Council members on a monthly basis. Council Minute Order #13-041602 and #10-011607 established the requirement and parameters for the preparation and presentation of interim financial status reports.

In accordance with Council Minute Order #13-041602 and #10-011607, the interim financial status reports for the 3rd fiscal quarter ended June 30, 2008, are submitted.

RECOMMENDATION: That the City Council accept the interim financial status reports and grants summary report as presented.

ATTACHMENTS:  Interim financial reports
                Grants summary report

D.D.  Appropriated/Funded  J. C.M.  Item No. 28
## City of Porterville

### Revenue Status Report - General Fund

**For the Years Ended**

**June 30, 2008 and June 30, 2007**

**Preliminary**

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>2007-2008 Estimated Revenue</th>
<th>2007-2008 Year-to-Date Revenue</th>
<th>% of Estimate</th>
<th>2006-2007 Estimated Revenue</th>
<th>2006-2007 Year-to-Date Revenue</th>
<th>% of Estimate</th>
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<td><strong>Property Taxes</strong></td>
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<td>$7,312,736</td>
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<td><strong>Other Taxes:</strong></td>
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<td>3,664,966</td>
<td>97.62%</td>
</tr>
<tr>
<td>Transient Occupancy Tax</td>
<td>300,000</td>
<td>192,446</td>
<td>64.15%</td>
<td>285,000</td>
<td>268,671</td>
<td>94.27%</td>
</tr>
<tr>
<td>Property Transfer Tax</td>
<td>75,000</td>
<td>71,906</td>
<td>95.87%</td>
<td>100,000</td>
<td>122,092</td>
<td>122.09%</td>
</tr>
<tr>
<td>Franchise Tax</td>
<td>1,651,137</td>
<td>1,670,622</td>
<td>101.18%</td>
<td>1,460,000</td>
<td>1,542,033</td>
<td>105.62%</td>
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<tr>
<td>Sales Tax - Public Safety</td>
<td>150,000</td>
<td>152,996</td>
<td>102.00%</td>
<td>164,000</td>
<td>161,586</td>
<td>98.53%</td>
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<tr>
<td><strong>Licenses and Permits:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Licenses</td>
<td>434,650</td>
<td>426,245</td>
<td>98.07%</td>
<td>385,150</td>
<td>393,570</td>
<td>102.19%</td>
</tr>
<tr>
<td>Construction Permits</td>
<td>468,500</td>
<td>715,310</td>
<td>152.68%</td>
<td>559,622</td>
<td>974,678</td>
<td>174.17%</td>
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<td><strong>Revenue from Agencies-Taxes:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Motor Vehicle In-lieu Tax</td>
<td>230,000</td>
<td>215,879</td>
<td>93.86%</td>
<td>390,000</td>
<td>870,673</td>
<td>223.25%</td>
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<tr>
<td>Other Taxes</td>
<td>30,000</td>
<td>16,388</td>
<td>54.63%</td>
<td>30,000</td>
<td>29,197</td>
<td>97.32%</td>
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<td><strong>Revenue from Agencies-Grants:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Use of Money and Property</td>
<td>107,500</td>
<td>227,952</td>
<td>212.05%</td>
<td>1,234,150</td>
<td>1,059,114</td>
<td>85.82%</td>
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<tr>
<td>Fines and Forfeitures</td>
<td>380,706</td>
<td>652,773</td>
<td>171.46%</td>
<td>80,710</td>
<td>360,127</td>
<td>446.20%</td>
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<td><strong>Charges for Services:</strong></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Planning and Engineering</td>
<td>57,000</td>
<td>75,646</td>
<td>132.71%</td>
<td>42,380</td>
<td>63,333</td>
<td>149.44%</td>
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<tr>
<td>Police</td>
<td>142,100</td>
<td>195,097</td>
<td>137.30%</td>
<td>277,178</td>
<td>241,730</td>
<td>87.21%</td>
</tr>
<tr>
<td>Fire</td>
<td>181,200</td>
<td>201,597</td>
<td>111.26%</td>
<td>74,200</td>
<td>165,954</td>
<td>223.66%</td>
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<tr>
<td>Library</td>
<td>17,000</td>
<td>2,253</td>
<td>13.25%</td>
<td>15,400</td>
<td>29,621</td>
<td>192.34%</td>
</tr>
<tr>
<td>Library</td>
<td>30,000</td>
<td>34,290</td>
<td>114.30%</td>
<td>31,000</td>
<td>33,039</td>
<td>106.56%</td>
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<td>Recreational</td>
<td>1,161,591</td>
<td>1,093,301</td>
<td>94.12%</td>
<td>1,010,000</td>
<td>1,091,984</td>
<td>108.12%</td>
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<td>Interdepartmental</td>
<td>1,757,000</td>
<td>1,506,269</td>
<td>85.67%</td>
<td>1,500,000</td>
<td>1,627,797</td>
<td>108.52%</td>
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<tr>
<td>Other</td>
<td>2,500</td>
<td>2,500</td>
<td>100.00%</td>
<td>2,500</td>
<td>3,250</td>
<td>130.00%</td>
</tr>
<tr>
<td><strong>Other Revenues</strong></td>
<td>1,017,538</td>
<td>1,068,274</td>
<td>104.99%</td>
<td>136,777</td>
<td>97,850</td>
<td>71.54%</td>
</tr>
</tbody>
</table>

**Subtotals**

|                              | 22,413,422 | 22,934,048 | 102.32% | 21,192,483 | 23,679,736 | 111.74% |

**Debt Service Transfers**

| 767,500                      | 767,500     | 100.00%    | 1,142,500 | 1,142,500   | 100.00%    |

**Proceeds from Sale of Property**

| 910,438                      | (910,438)   | $         |          |            |            |          |

**Transfer for Construction Projects**

| $                              |            |          |          |            |            |          |

**Totals**

| 23,180,922 | 23,701,548 | 102.25% | 22,334,983 | 24,822,236 | 111.14% |
CITY OF PORTERVILLE
GENERAL FUND REVENUES
Year Ended June 30, 2008
(PRELIMINARY)

PROPERTY TAXES 30.85%
OTHER 8.64%
OTHER TAXES 8.23%
LICENSES AND PERMITS 4.82%
SALES & USE TAX 15.61%
MOTOR VEHICLE IN-LIEU 0.91%
CHARGES FOR SERVICES 12.79%
DEBT SERVICE 3.24%

CITY OF PORTERVILLE
GENERAL FUND REVENUES
Year Ended June 30, 2007
(PRELIMINARY)

PROPERTY TAXES 26.94%
OTHER 6.37%
OTHER TAXES 7.90%
LICENSES AND PERMITS 6.01%
SALES & USE TAX 17.53%
MOTOR VEHICLE IN-LIEU 3.51%
CHARGES FOR SERVICES 12.86%
DEBT SERVICE 4.60%
## CITY OF PORTERVILLE

### REVENUE STATUS REPORT - ALL OTHER FUNDS

**FOR THE YEARS ENDED**

**JUNE 30, 2008 AND JUNE 30, 2007**

**PRELIMINARY**

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ESTIMATED</td>
<td>YEAR-TO-DATE</td>
<td>% OF</td>
<td>ESTIMATE</td>
<td>YEAR-TO-DATE</td>
<td>% OF</td>
</tr>
<tr>
<td></td>
<td>REVENUE</td>
<td>REVENUE</td>
<td></td>
<td>REVENUE</td>
<td>REVENUE</td>
<td></td>
</tr>
<tr>
<td>MEASURE H SALES TAX</td>
<td>$ 2,810,000</td>
<td>$ 2,768,899</td>
<td>98.5%</td>
<td>$ 1,670,000</td>
<td>$ 2,995,318</td>
<td>179.4%</td>
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<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>896,696</td>
<td>968,007</td>
<td>108.0%</td>
<td>729,970</td>
<td>1,305,438</td>
<td>178.8%</td>
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<tr>
<td>SPECIAL GAS TAX</td>
<td>2,014,100</td>
<td>1,727,273</td>
<td>85.8%</td>
<td>7,619,400</td>
<td>1,194,371</td>
<td>15.7%</td>
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<tr>
<td>LOCAL TRANSPORTATION FUNDS (LTF)</td>
<td>3,147,886</td>
<td>2,226,496</td>
<td>70.7%</td>
<td>1,241,287</td>
<td>690,492</td>
<td>55.6%</td>
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<tr>
<td>TRAFFIC SAFETY FUND</td>
<td>125,500</td>
<td>165,694</td>
<td>132.0%</td>
<td>40,518</td>
<td>153,802</td>
<td>379.6%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>5,000</td>
<td>6,108</td>
<td>122.2%</td>
<td>4,000</td>
<td>8,061</td>
<td>201.5%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>3,317,295</td>
<td>3,073,110</td>
<td>92.6%</td>
<td>2,929,707</td>
<td>1,814,282</td>
<td>61.9%</td>
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<tr>
<td>TRANSIT</td>
<td>4,895,715</td>
<td>3,875,348</td>
<td>78.8%</td>
<td>2,781,538</td>
<td>1,999,210</td>
<td>71.9%</td>
</tr>
<tr>
<td>SPECIAL SAFETY GRANTS</td>
<td>153,017</td>
<td>140,912</td>
<td>92.1%</td>
<td>385,707</td>
<td>456,803</td>
<td>118.4%</td>
</tr>
<tr>
<td>SEWER OPERATING</td>
<td>6,539,861</td>
<td>6,788,648</td>
<td>103.8%</td>
<td>6,195,165</td>
<td>6,396,915</td>
<td>103.3%</td>
</tr>
<tr>
<td>REFUSE REMOVAL</td>
<td>5,156,418</td>
<td>5,249,862</td>
<td>101.8%</td>
<td>5,036,164</td>
<td>5,025,647</td>
<td>99.8%</td>
</tr>
<tr>
<td>AIRPORT OPERATIONS</td>
<td>1,094,450</td>
<td>1,447,766</td>
<td>132.3%</td>
<td>972,127</td>
<td>1,457,963</td>
<td>150.0%</td>
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<tr>
<td>GOLF COURSE</td>
<td>322,532</td>
<td>298,931</td>
<td>92.7%</td>
<td>312,430</td>
<td>308,352</td>
<td>98.7%</td>
</tr>
<tr>
<td>WATER OPERATING</td>
<td>5,165,108</td>
<td>4,946,953</td>
<td>95.8%</td>
<td>4,853,822</td>
<td>4,917,317</td>
<td>101.3%</td>
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<tr>
<td>RISK MANAGEMENT</td>
<td>3,621,850</td>
<td>4,433,236</td>
<td>122.4%</td>
<td>3,565,759</td>
<td>3,882,389</td>
<td>108.9%</td>
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<tr>
<td>EQUIPMENT MAINTENANCE</td>
<td>2,047,168</td>
<td>2,345,090</td>
<td>114.6%</td>
<td>1,893,444</td>
<td>1,831,822</td>
<td>98.7%</td>
</tr>
<tr>
<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>194,000</td>
<td>177,066</td>
<td>91.3%</td>
<td>162,000</td>
<td>198,780</td>
<td>122.7%</td>
</tr>
<tr>
<td>WATER REPLACEMENT</td>
<td>714,362</td>
<td>420,679</td>
<td>58.9%</td>
<td>490,162</td>
<td>807,530</td>
<td>164.7%</td>
</tr>
<tr>
<td>SOLID WASTE RESERVE</td>
<td>500,250</td>
<td>546,570</td>
<td>109.3%</td>
<td>637,254</td>
<td>637,254</td>
<td>100.0%</td>
</tr>
<tr>
<td>SEWER REVOLVING</td>
<td>445,400</td>
<td>244,902</td>
<td>55.0%</td>
<td>265,000</td>
<td>459,977</td>
<td>173.6%</td>
</tr>
<tr>
<td>TRANSPORTATION DEVELOPMENT</td>
<td>1,350,000</td>
<td>1,507,682</td>
<td>111.7%</td>
<td>305,000</td>
<td>507,348</td>
<td>166.3%</td>
</tr>
<tr>
<td>PARK DEVELOPMENT</td>
<td>70,000</td>
<td>101,702</td>
<td>145.3%</td>
<td>144,500</td>
<td>176,340</td>
<td>122.0%</td>
</tr>
<tr>
<td>TREATMENT PLANT RESERVE</td>
<td>1,025,000</td>
<td>910,253</td>
<td>88.8%</td>
<td>985,000</td>
<td>1,229,511</td>
<td>124.8%</td>
</tr>
<tr>
<td>STORM DRAIN DEVELOPMENT</td>
<td>417,800</td>
<td>525,316</td>
<td>125.7%</td>
<td>265,000</td>
<td>646,576</td>
<td>244.0%</td>
</tr>
<tr>
<td>BUILDING CONSTRUCTION</td>
<td>50,000</td>
<td>62,460</td>
<td>124.9%</td>
<td>50,000</td>
<td>78,345</td>
<td>156.7%</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$ 43,269,408</strong></td>
<td><strong>$ 44,940,961</strong></td>
<td><strong>103.9%</strong></td>
<td><strong>$ 42,897,700</strong></td>
<td><strong>$ 39,179,843</strong></td>
<td><strong>91.3%</strong></td>
</tr>
</tbody>
</table>
## CITY OF PORTERVILLE

**EXPENDITURE STATUS REPORT - GENERAL FUND**

**FOR THE YEARS ENDED**

**JUNE 30, 2008 AND JUNE 30, 2007**

**PRELIMINARY**

<table>
<thead>
<tr>
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</thead>
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<td><strong>LEGISLATIVE:</strong></td>
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<td></td>
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</tr>
<tr>
<td>CITY COUNCIL</td>
<td>$ 214,381</td>
<td>$ 204,035</td>
<td>95.2%</td>
<td>$ 195,867</td>
<td>$ 189,564</td>
<td>96.8%</td>
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<tr>
<td>COMMUNITY PROMOTION</td>
<td>234,665</td>
<td>206,522</td>
<td>88.0%</td>
<td>214,765</td>
<td>192,799</td>
<td>88.0%</td>
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<tr>
<td><strong>ADMINISTRATIVE &amp; LEGAL:</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>CITY MANAGER</td>
<td>272,916</td>
<td>261,291</td>
<td>95.7%</td>
<td>263,434</td>
<td>247,130</td>
<td>93.8%</td>
</tr>
<tr>
<td>CITY CLERK</td>
<td>195,023</td>
<td>177,910</td>
<td>91.2%</td>
<td>182,163</td>
<td>182,163</td>
<td>100.0%</td>
</tr>
<tr>
<td>HUMAN RESOURCES</td>
<td>259,585</td>
<td>167,793</td>
<td>64.6%</td>
<td>242,032</td>
<td>242,032</td>
<td>100.0%</td>
</tr>
<tr>
<td>CITY ATTORNEY</td>
<td>180,000</td>
<td>198,733</td>
<td>110.4%</td>
<td>256,479</td>
<td>256,479</td>
<td>100.0%</td>
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<td><strong>FINANCE:</strong></td>
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</tr>
<tr>
<td>FINANCE &amp; ACCOUNTING</td>
<td>686,328</td>
<td>607,304</td>
<td>88.5%</td>
<td>684,482</td>
<td>510,747</td>
<td>74.6%</td>
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<td>INFORMATION SERVICES</td>
<td>340,641</td>
<td>322,890</td>
<td>94.8%</td>
<td>329,837</td>
<td>307,530</td>
<td>93.2%</td>
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<tr>
<td>ADMINISTRATIVE SERVICES</td>
<td>385,161</td>
<td>366,414</td>
<td>95.1%</td>
<td>393,973</td>
<td>400,543</td>
<td>101.7%</td>
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<tr>
<td>POLICE PROTECTION</td>
<td>7,492,807</td>
<td>7,239,731</td>
<td>96.6%</td>
<td>6,933,060</td>
<td>6,652,668</td>
<td>96.0%</td>
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<td>FIRE PROTECTION</td>
<td>3,603,801</td>
<td>3,121,443</td>
<td>86.6%</td>
<td>3,381,080</td>
<td>3,071,668</td>
<td>90.8%</td>
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<td><strong>COMMUNITY DEVELOPMENT:</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PLANNING &amp; ZONING</td>
<td>406,398</td>
<td>377,943</td>
<td>93.2%</td>
<td>393,354</td>
<td>336,976</td>
<td>85.7%</td>
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<tr>
<td>ECONOMIC DEVELOPMENT</td>
<td>229,906</td>
<td>200,572</td>
<td>87.2%</td>
<td>228,502</td>
<td>178,356</td>
<td>78.1%</td>
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<td><strong>PUBLIC WORKS:</strong></td>
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<tr>
<td>ENGINEERING &amp; BUILDING</td>
<td>887,770</td>
<td>727,297</td>
<td>81.9%</td>
<td>775,584</td>
<td>712,746</td>
<td>91.9%</td>
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<tr>
<td>STREET MAINTENANCE</td>
<td>404,058</td>
<td>415,198</td>
<td>102.8%</td>
<td>399,143</td>
<td>418,391</td>
<td>104.8%</td>
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<td>SIGNALS, SIGNING &amp; STRIPING</td>
<td>362,606</td>
<td>324,839</td>
<td>89.6%</td>
<td>336,781</td>
<td>325,624</td>
<td>96.7%</td>
</tr>
<tr>
<td>STREET LIGHTING</td>
<td>384,222</td>
<td>397,525</td>
<td>103.5%</td>
<td>308,798</td>
<td>357,509</td>
<td>115.8%</td>
</tr>
<tr>
<td>STORM DRAINS</td>
<td>119,146</td>
<td>81,927</td>
<td>68.8%</td>
<td>117,699</td>
<td>79,005</td>
<td>67.1%</td>
</tr>
<tr>
<td>PARKING LOTS</td>
<td>38,537</td>
<td>43,628</td>
<td>113.2%</td>
<td>37,390</td>
<td>45,972</td>
<td>123.0%</td>
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<tr>
<td><strong>PARKS &amp; LEISURE:</strong></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PARK MAINTENANCE &amp; OPERATION</td>
<td>1,752,668</td>
<td>1,543,123</td>
<td>88.0%</td>
<td>1,621,544</td>
<td>1,511,355</td>
<td>93.2%</td>
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<tr>
<td>STREET TREES &amp; PARKWAYS</td>
<td>223,750</td>
<td>185,344</td>
<td>82.8%</td>
<td>153,000</td>
<td>196,978</td>
<td>128.7%</td>
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<td>COMMUNITY CENTERS</td>
<td>243,765</td>
<td>221,758</td>
<td>91.0%</td>
<td>291,845</td>
<td>229,295</td>
<td>78.6%</td>
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<td>LEISURE SERVICES</td>
<td>240,396</td>
<td>216,813</td>
<td>90.2%</td>
<td>243,536</td>
<td>171,047</td>
<td>70.2%</td>
</tr>
<tr>
<td>LEISURE SERVICES - SPECIAL PROG</td>
<td>1,035,071</td>
<td>1,002,004</td>
<td>96.8%</td>
<td>828,700</td>
<td>893,844</td>
<td>107.9%</td>
</tr>
<tr>
<td>SWIMMING POOL</td>
<td>151,268</td>
<td>151,616</td>
<td>100.2%</td>
<td>144,247</td>
<td>153,804</td>
<td>106.6%</td>
</tr>
<tr>
<td>LIBRARY OPERATIONS</td>
<td>613,254</td>
<td>607,123</td>
<td>99.0%</td>
<td>586,548</td>
<td>531,122</td>
<td>90.6%</td>
</tr>
<tr>
<td>SPECIAL PROJECTS</td>
<td>60,591</td>
<td>54,981</td>
<td>90.7%</td>
<td>79,312</td>
<td>63,920</td>
<td>80.6%</td>
</tr>
<tr>
<td><strong>SUB TOTALS</strong></td>
<td>$ 21,017,515</td>
<td>$ 19,456,332</td>
<td>92.6%</td>
<td>$ 19,623,155</td>
<td>$ 18,459,258</td>
<td>94.1%</td>
</tr>
<tr>
<td><strong>DEBT SERVICE</strong></td>
<td>1,831,296</td>
<td>1,831,296</td>
<td>100.0%</td>
<td>2,310,000</td>
<td>2,310,000</td>
<td>100.0%</td>
</tr>
<tr>
<td><strong>$ 22,848,811</strong></td>
<td>$ 21,287,628</td>
<td>93.2%</td>
<td>$ 21,933,155</td>
<td>$ 20,769,258</td>
<td>94.7%</td>
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</tr>
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</table>
CITY OF PORTERVILLE

EXPENDITURE STATUS REPORT - ALL OTHER FUNDS
FOR THE YEARS ENDED
JUNE 30, 2008 AND JUNE 30, 2007
PRELIMINARY

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td></td>
<td>AMENDED</td>
<td>YEAR-TO-DATE</td>
<td></td>
<td>AMENDED</td>
<td>YEAR-TO-DATE</td>
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<tr>
<td></td>
<td>APPROP</td>
<td>EXPEND</td>
<td></td>
<td>APPROP</td>
<td>EXPEND</td>
<td></td>
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<tr>
<td>MEASURE H SALES TAX</td>
<td>$ 2,043,050</td>
<td>$ 1,689,621</td>
<td>82.7%</td>
<td>$ 1,372,006</td>
<td>$ 968,292</td>
<td>70.6%</td>
</tr>
<tr>
<td>REDEVELOPMENT AGENCY</td>
<td>808,080</td>
<td>724,401</td>
<td>89.6%</td>
<td>661,860</td>
<td>2,484,237</td>
<td>375.3%</td>
</tr>
<tr>
<td>ZALUD ESTATE</td>
<td>28,480</td>
<td>25,179</td>
<td>88.4%</td>
<td>28,123</td>
<td>28,812</td>
<td>102.5%</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT BLOCK GRANT</td>
<td>480,489</td>
<td>138,707</td>
<td>28.9%</td>
<td>274,941</td>
<td>141,739</td>
<td>51.6%</td>
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<tr>
<td>TRANSIT</td>
<td>3,566,206</td>
<td>3,334,471</td>
<td>93.5%</td>
<td>2,316,781</td>
<td>1,809,190</td>
<td>78.1%</td>
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<td>SPECIAL SAFETY GRANTS</td>
<td>406,782</td>
<td>315,439</td>
<td>77.5%</td>
<td>401,547</td>
<td>362,244</td>
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<td>SEWER OPERATING</td>
<td>5,787,837</td>
<td>5,192,239</td>
<td>89.7%</td>
<td>5,501,280</td>
<td>5,488,118</td>
<td>99.8%</td>
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<tr>
<td>REFUSE REMOVAL</td>
<td>5,010,353</td>
<td>5,192,158</td>
<td>103.4%</td>
<td>4,757,157</td>
<td>4,970,234</td>
<td>104.5%</td>
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<td>AIRPORT</td>
<td>1,460,108</td>
<td>1,433,045</td>
<td>98.1%</td>
<td>1,010,344</td>
<td>1,287,511</td>
<td>127.4%</td>
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<td>GOLF COURSE</td>
<td>381,532</td>
<td>354,821</td>
<td>93.0%</td>
<td>372,241</td>
<td>427,110</td>
<td>114.7%</td>
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<tr>
<td>WATER OPERATING</td>
<td>4,709,385</td>
<td>4,009,477</td>
<td>85.1%</td>
<td>4,266,791</td>
<td>4,144,023</td>
<td>97.1%</td>
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<td>RISK MANAGEMENT</td>
<td>3,621,850</td>
<td>3,710,965</td>
<td>102.5%</td>
<td>3,565,759</td>
<td>3,249,191</td>
<td>91.1%</td>
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<td>EQUIPMENT MAINTENANCE</td>
<td>2,026,013</td>
<td>2,315,595</td>
<td>114.3%</td>
<td>1,891,707</td>
<td>2,040,306</td>
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<td>LANDSCAPE MAINTENANCE DISTRICT</td>
<td>197,379</td>
<td>140,075</td>
<td>71.0%</td>
<td>203,207</td>
<td>139,735</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td><strong>$ 30,527,544</strong></td>
<td><strong>$ 28,566,194</strong></td>
<td><strong>93.6%</strong></td>
<td><strong>$ 26,623,744</strong></td>
<td><strong>$ 27,540,742</strong></td>
<td><strong>103.4%</strong></td>
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CITY OF PORTERVILLE
INTERIM PERFORMANCE REPORT - ENTERPRISE FUNDS
For the Years Ended June 30, 2008 and June 30, 2007
PRELIMINARY

<table>
<thead>
<tr>
<th>FUND</th>
<th>REVENUES &amp; TRANSFERS IN</th>
<th>EXPENSES &amp; TRANSFERS OUT</th>
<th>06/30/2008 NET PROFIT (LOSS)</th>
<th>06/30/2007 NET PROFIT (LOSS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zalud Estate</td>
<td>$16,108</td>
<td>(25,179) $</td>
<td>(9,071) $</td>
<td>(10,751) $</td>
</tr>
<tr>
<td>Sewer Operating</td>
<td>6,788,648</td>
<td>(6,615,003)</td>
<td>173,646</td>
<td>(42,002)</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>5,249,862</td>
<td>(5,182,158)</td>
<td>67,704</td>
<td>55,413</td>
</tr>
<tr>
<td>Airport</td>
<td>1,649,453</td>
<td>(1,452,688)</td>
<td>196,765</td>
<td>(34,218)</td>
</tr>
<tr>
<td>Golf</td>
<td>357,931</td>
<td>(354,821)</td>
<td>3,111</td>
<td>(59,758)</td>
</tr>
<tr>
<td>Water Operating</td>
<td>4,946,953</td>
<td>(4,009,477)</td>
<td>937,476</td>
<td>904,005</td>
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</table>

NOTE: The Transit Fund is not included as it does not contain any retained earnings
## CITY OF PORTERVILLE
### INTERIM PERFORMANCE REPORT - MEASURE H
For the Years Ended June 30, 2008 and June 30, 2007
**PRELIMINARY**

<table>
<thead>
<tr>
<th></th>
<th>FY 2007-08</th>
<th>FY 2006-07</th>
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<tr>
<td><strong>REVENUES</strong></td>
<td>$ 2,768,899</td>
<td>$ 2,995,318</td>
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<td><strong>EXPENDITURES</strong></td>
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<tr>
<td>Police Department</td>
<td>870,636</td>
<td>484,658</td>
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<td>Fire Department</td>
<td>598,598</td>
<td>338,937</td>
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<td>Library &amp; Literacy</td>
<td>220,388</td>
<td>144,697</td>
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<td>Capital</td>
<td>132</td>
<td>267,994</td>
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<td><strong>TOTAL EXPENDITURES</strong></td>
<td>1,689,753</td>
<td>1,236,286</td>
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<td><strong>REVENUE OVER/(UNDER) EXPENDITURES</strong></td>
<td>$ 1,079,146</td>
<td>$ 1,759,032</td>
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<tr>
<td>Grant/Subsidized Loan Description</td>
<td>City/Point-of-Contact</td>
<td>Granting Agency</td>
</tr>
<tr>
<td>----------------------------------</td>
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<td>-----------------</td>
</tr>
<tr>
<td>COMMUNITY DEVELOPMENT DEPARTMENT:</td>
<td>B. Dunlap</td>
<td>HUD</td>
</tr>
<tr>
<td>2007 CDBG entitlement allocation</td>
<td>B. Dunlap</td>
<td>HUD</td>
</tr>
<tr>
<td>2006 CDBG entitlement allocation</td>
<td>B. Dunlap</td>
<td>HCD</td>
</tr>
<tr>
<td>HOME 2006 grant - FTHS and HRLP</td>
<td>B. Dunlap</td>
<td>HCD</td>
</tr>
<tr>
<td>Workforce Housing Funds - 05</td>
<td>B. Dunlap</td>
<td>HCD</td>
</tr>
<tr>
<td>Workforce Housing Funds - 06</td>
<td>B. Dunlap</td>
<td>HCD</td>
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<tr>
<td>Section 108</td>
<td>B. Dunlap</td>
<td>HUD</td>
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<tr>
<td>ENTREPRENEURIAL ANALYSIS</td>
<td>B. Dunlap</td>
<td>Economic Dev Admin</td>
</tr>
<tr>
<td>TRANSIT:</td>
<td>Transit Operating Assistance</td>
<td>L. Clark</td>
</tr>
<tr>
<td>CNG buses (4)</td>
<td>L. Clark</td>
<td>FTA</td>
</tr>
<tr>
<td>Bus turn-outs</td>
<td>L. Clark</td>
<td>FTA</td>
</tr>
<tr>
<td>Partially filtered</td>
<td>L. Clark</td>
<td>FTA</td>
</tr>
<tr>
<td>Pedestrian Mall Project</td>
<td>L. Clark</td>
<td>FTA</td>
</tr>
<tr>
<td>Bus Maintenance Facility</td>
<td>L. Clark</td>
<td>FTA</td>
</tr>
<tr>
<td>Bus Maintenance Facility</td>
<td>L. Clark</td>
<td>FTA</td>
</tr>
<tr>
<td>Activators (3)</td>
<td>L. Clark</td>
<td>FTA</td>
</tr>
<tr>
<td>AIRPORT:</td>
<td>Runway Guidance System (Design)</td>
<td>J. Longley</td>
</tr>
<tr>
<td>ACP Lighting Construct</td>
<td>J. Longley</td>
<td>FAA</td>
</tr>
<tr>
<td>CAAP grant</td>
<td>J. Longley</td>
<td>DOT-Dev of Aeronautics</td>
</tr>
<tr>
<td>PARKS AND LEISURE SERVICES DEPARTMENT:</td>
<td>Rails-to-Trails</td>
<td>J. Perrine</td>
</tr>
<tr>
<td>Tule River Parkway, Phase III</td>
<td>J. Perrine</td>
<td>CA Resources Agency (EEDN 200612)</td>
</tr>
<tr>
<td>Porterville OHV Park - Oper &amp; Maint</td>
<td>J. Perrine</td>
<td>CA Dept of Parks &amp; Rec</td>
</tr>
<tr>
<td>Porterville OHV Park - Development</td>
<td>J. Perrine</td>
<td>CA Dept of Parks &amp; Rec</td>
</tr>
<tr>
<td>Porterville OHV Park - Public Safety</td>
<td>J. Perrine</td>
<td>CA Dept of Parks &amp; Rec</td>
</tr>
<tr>
<td>CA Public Library Funds</td>
<td>J. Perrine</td>
<td>CA State Library</td>
</tr>
<tr>
<td>POLICE DEPARTMENT:</td>
<td>Citizens Option for Public Safety (COPS)</td>
<td>C. McFadden</td>
</tr>
<tr>
<td>Bullet Proof Vest Grant</td>
<td>C. McFadden</td>
<td>US, Dept of Justice</td>
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<tr>
<td>Edward Byrne Memorial Justice Assistance Grant (JAG)</td>
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<tr>
<td>PUBLIC WORKS DEPARTMENT:</td>
<td>Plano St @ Tule River Bridge widening project</td>
<td>B. Rodriguez</td>
</tr>
<tr>
<td>Jaye St @ Tule River Bridge widening project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - HBR</td>
</tr>
<tr>
<td>Core area curb, gutter &amp; sidewalk project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>Tressle Site @ Matthew &amp; Olive</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>Newcomb street shoulder stabilization project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>Main St &amp; College Ave Roundabout project</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>Tressle Site @ Newcomb &amp; Westfield</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>Indiana St sidewalk &amp; shoulder stabilization - North</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>Indiana St sidewalk &amp; shoulder stabilization - South</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>Prospect St sidewalk</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>CNS Facility</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>Shop upgrade for CNS Facility</td>
<td>B. Rodriguez</td>
<td>CALTRANS - CMAQ</td>
</tr>
<tr>
<td>FINANCING THROUGH C.I.E.D.S.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewer system expansion</td>
<td>B. Rodriguez</td>
<td>CEDB-R04-053</td>
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<tr>
<td>Eastside water system improvements</td>
<td>B. Rodriguez</td>
<td>CEDB</td>
</tr>
<tr>
<td>TOTAL GRANTS/SUBSIDIZED LOANS AWARDED</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SUBJECT: QUARTERLY PORTFOLIO SUMMARY

SOURCE: Administrative Services - Finance Division

COMMENT: During the 1995 Legislative Session, the State adopted SB 564 and SB 866 which became effective January 1, 1996. These pieces of legislation set formal requirements for annual reaffirmation of the Investment Policy by Council, as well as for quarterly portfolio updates to Council.

Items identified in the summary that are requirements under SB 564 and SB 866 include the fact that all current holdings are in compliance with the current Investment Policy and that all City cash needs will be met. The date of the next update has also been identified.

RECOMMENDATION: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

ATTACHMENTS: Quarterly Portfolio Summary

D.D. Appropriated/Funded C.M. Item No. 29
<table>
<thead>
<tr>
<th>INVESTMENT NUMBER</th>
<th>INSTITUTION</th>
<th>PURCHASE PRICE</th>
<th>MARKET VALUE</th>
<th>COUPON</th>
<th>INTEREST RATE</th>
<th>PURCHASE DATE</th>
<th>MATURITY DATE</th>
<th>DAYS TO MATURITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1026</td>
<td>LOCAL AGENCY INVESTMENT FUND</td>
<td>$15,493,150</td>
<td>$15,493,150</td>
<td>3.110%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>DAILY</td>
<td>1</td>
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<tr>
<td>1029</td>
<td>LOCAL AGENCY INVESTMENT FUND</td>
<td>1,757,000</td>
<td>1,757,000</td>
<td>3.110%</td>
<td>DAILY</td>
<td>DAILY</td>
<td>DAILY</td>
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<tr>
<td>1007</td>
<td>CSJ/VMFA INVESTMENT FUND</td>
<td>5,635,919</td>
<td>5,492,672</td>
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<td>DAILY</td>
<td>DAILY</td>
<td>DAILY</td>
<td>30</td>
</tr>
<tr>
<td>866</td>
<td>TULARE COUNTY INVESTMENT POOL</td>
<td>7,533,498</td>
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<td>DAILY</td>
<td>DAILY</td>
<td>30</td>
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<td>3128069PR1</td>
<td>FEDERAL HOME LOAN MORTGAGE COI</td>
<td>500,000</td>
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<td>10/22/2012</td>
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<td>3126069PR8</td>
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<td>10/22/2012</td>
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<td>6/1/2008</td>
<td>6/15/2013</td>
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<td>3128F6R6</td>
<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
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<td>1/26/2008</td>
<td>1/22/2013</td>
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<td>31251Y3T2</td>
<td>FEDERAL FARM CREDIT BANK</td>
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<td>3/1/2008</td>
<td>3/1/2013</td>
<td>1,715</td>
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<td>3128776M6</td>
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<td>1,000,000</td>
<td>4.150%</td>
<td>3/1/2008</td>
<td>3/1/2013</td>
<td>1,715</td>
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<tr>
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<td>3/1/2008</td>
<td>3/1/2013</td>
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<td>FEDERAL NATIONAL MORTGAGE ASSN</td>
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<td>1,000,000</td>
<td>4.150%</td>
<td>3/1/2008</td>
<td>3/1/2013</td>
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<td>3/1/2013</td>
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<td>3/1/2013</td>
<td>1,715</td>
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<tr>
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| TOTALS          | | $49,441,533 | $49,351,131 | | | | | |
SUBJECT: DESIGNATION OF VOTING DELEGATES FOR LEAGUE OF CALIFORNIA CITIES 2008 ANNUAL CONFERENCE

SOURCE: ADMINISTRATION/CITY CLERK DIVISION

COMMENT: The League of California Cities' Annual Conference is scheduled to take place September 24 – 27, 2008 in Long Beach. An important aspect of this conference is the Annual Business Meeting, during which the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, the City Council must designate a voting delegate. In the event the voting delegate is unable to serve in that capacity, the League's Bylaws also allow for the designation of up to two alternates.

RECOMMENDATION: That the City Council designate one City Council Member to serve as a voting delegate, and one City Council Member to serve as an alternate voting delegate, at the League of California Cities 2008 Annual Conference on September 24-27, 2008.

ATTACHMENTS: Annual Conference Voting Procedures
Voting Delegate/Alternate Form

Item No. 30
Annual Conference Voting Procedures
2008 Annual Conference

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.

2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. We encourage voting delegates and alternates to sign in at the Voting Delegate Desk so that they may receive a special stamp on their name badge and thus be admitted to the voting area at the Business Meeting.

4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates) and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is not either a voting delegate or alternate.

6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission will be limited to those individuals with a special stamp on their name badge identifying them as a voting delegate or alternate. If the city's voting delegate and alternates wish to sit together, all should sign in at the Voting Delegate desk and obtain the special stamps on their badges.

7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.
2008 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to the League office by September 5, 2008. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this special area will be limited to individuals (voting delegates and alternates) who are identified with a special stamp on their conference badge. If your city’s voting delegate and alternates wish to sit together at the Business Meeting, they are all encouraged to sign in at the Voting Desk in order to obtain the identifying stamp that will admit them to the special voting area.

1. VOTING DELEGATE

Name: __________________________

Title: __________________________

2. VOTING DELEGATE - ALTERNATE

Name: __________________________

Title: __________________________

3. VOTING DELEGATE - ALTERNATE

Name: __________________________

Title: __________________________

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

ATTEST (I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate.)

Name: __________________________

Phone: __________________________

Title: __________________________

Date: __________________________

Please complete and return by September 5 to:

League of California Cities
ATTN: Mary McCullough
1400 K Street
Sacramento, CA 95814

FAX: (916) 658-8240

AC2008VotingDelegateLetter.doc
SUBJECT: REQUEST BY COUNCIL MEMBER – CONSIDERATION TO ALLOW AUTO DEALERSHIPS TO PARK VEHICLES FOR SALE ON CITY STREETS

SOURCE: ADMINISTRATION

COMMENT: A request was made by a Council Member to add this item onto the City Council Agenda of July 15, 2008. Due to an oversight, the item was not placed on that Agenda and is hereby now presented.

Because of the three week delay in getting this item before the City Council, the City Manager has temporarily stayed enforcement of the prohibition of parking vehicles for sale by auto dealerships on City streets until such time as the Council has been afforded the opportunity to consider the matter.

RECOMMENDATION: That the Council provide direction to staff.

Item No. 31
JOINT CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA: AUGUST 5, 2008

SUBJECT: AUTHORIZATION TO ADVERTISE FOR BIDS – HOCKETT / MILL / OAK PARKING LOT RECONSTRUCTION

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: During the June 19, 2007 joint meeting of the City Council (City) and Porterville Redevelopment Agency (Agency), the reconstruction of the Hockett/Mill/Oak parking lot was approved as a project.

Plans and Project Manual have been prepared for the Hockett/Mill/Oak Parking Lot Reconstruction Project. Complete reconstruction of the parking lot serving downtown includes new paving, curb & gutter, sidewalk, stamped concrete walkways, alley approaches, landscaping, irrigation, nostalgic interior parking lot and perimeter street lighting and trash enclosures.

The Plans and Project Manual are available in the La Barca Conference Room for Council/Agency’s review.

The estimate of probable cost for the entire project is $450,619 with $45,061.90 required for the construction contingency (10%). Additional funding of $22,530.95 is required for construction management, quality control and inspection and $18,000 is required for Edison perimeter street lighting installation. The total estimated cost associated with the project is $536,211.85. An Estimate of Probable Cost is attached for Council’s review.

Funding in the amount of $405,000 was approved during the June 19, 2007 City/Agency meeting as a loan from the Risk Management fund to the Agency. Additional funding in the amount of $100,000 was approved during the adoption of the 2008-2009 Capital Projects budget. To date approximately $29,000 has been expended for design, arborist, and engineering services. Staff has reviewed options for the unfunded portion of the project ($60,211.85) and recommends that the unfunded portion of the project be funded utilizing Community Development Block Grant (CDBG) Business Assistance funds. The CDBG Consolidated Plan identifies parking lot improvements as an approved use of these funds.

RECOMMENDATION: That the Porterville Redevelopment Agency:

1. Amend the request for a loan with the City of Porterville for the reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues for an amount of $505,000, with all other terms and conditions to remain as outlined in
Resolution 56-2007;

2. Approve staff's recommended plans and project manual; and

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

That the City Council:

1. Approve the Porterville Redevelopment Agency's request to amend the loan to an amount of $505,000 for reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues;

2. Approve the use of Community Development Block Grant Business Assistance Funds to provide for that portion of the construction that is not funded by the Redevelopment Agency;

3. Approve staff's recommended plans and project manual; and

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

ATTACHMENTS: 1) Resolution 56-2007
2) Engineer's Cost Estimate
3) Locator Map
RESOLUTION NO. 56-2007

A RESOLUTION OF
THE CITY OF PORTERVILLE AND THE PORTERVILLE REDEVELOPMENT AGENCY
MAKING CERTAIN FINDINGS AND APPROVING A REQUEST TO PROVIDE A LOAN
TO THE PORTERVILLE REDEVELOPMENT AGENCY WITH RESPECT TO PARKING
LOT IMPROVEMENTS

WHEREAS, the Porterville Redevelopment Agency (the "Agency") is a community
redevelopment agency organized and existing under the California Community Redevelopment
Law Health and Safety Code 33000 et seq; and

WHEREAS, the Agency is engaged in activities necessary and appropriate to carry out
the Redevelopment Plan for the Porterville Redevelopment Project Area #1; and

WHEREAS, Section 33445 of the California Community Redevelopment Health and
Safety Code Section 33000, et seq, authorizes a redevelopment agency with the consent of the
legislative body, to pay for all or part of the value of the land for and the cost of the installation
and construction of any building, facility, structure, or other improvement which is publicly
owned either within or without the project area upon certain findings; and

WHEREAS, the Agency proposes to enter into an agreement to fund the cost of parking
lot improvements on property that is owned by the City of Porterville (the "City") and is located
on the east side of Hockett Street, between Mill and Oak Avenues (the "Improvements"); and

WHEREAS, the expenditure of Agency funds for the Improvements is of benefit to
Project Area #1 and the surrounding development, and is necessary to effectuate the purposes of
the redevelopment plan; and

WHEREAS, the Agency has no other reasonable means of financing the cost of the
Improvements, and the City of Porterville has offered to lend the Agency funds in order to
expedite the construction; and

WHEREAS, the installation of the Improvements is in furtherance of the purpose of
redevelopment and will assist in the elimination of one or more blighting conditions inside the
project area, specifically, the reconstruction of an aged and hazardous parking lot inside the
project area.

NOW THEREFORE, THE CITY OF PORTERVILLE DOES RESOLVE AS
FOLLOWS:

4. The City Council finds and determines that the Agency's funding of the
Improvements is of benefit to the Porterville Redevelopment Project Area #1 and
the surrounding development, and is necessary to effectuate the purposes of the
redevelopment plan.
2. The City Council finds and determines that no other means of financing the Agency's funding of the Improvements are available to the community.

3. The City Council finds and determines that the payment of funds for the Improvements will assist in the elimination of one or more blighting conditions inside the project area, as the project will facilitate the rehabilitation of a deteriorated and hazardous parking lot.

4. The City Council authorizes a loan agreement between the City and the Agency to reconstruct the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues. The amount of the loan would be for the actual costs of reconstruction of the parking lot, including design, arborist report, administration, construction management, testing, landscaping, and lighting. Payments to satisfy the loan debt are to be made annually beginning one-year from the time of acceptance of the completed parking lot for a term of ten (10) years. Payments will be made on an escalating schedule, with an interest rate equivalent to the Local Agency Investment Fund rate as reported at the time of acceptance of the completed parking lot. Annual payments are to include any interest accumulated during each year of the loan.

5. The Agency is authorized to pay the costs of the Improvements.

Cameron Hamilton, Mayor

ATTEST:

John Longley, City Clerk

Georgia Hawley, Chief Deputy
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Subtotal: $409,654

10% Contingency: $40,965

Total Estimate: $450,619

Prepared By: Curtis M. Skaggs, Project Engineer
Reviewed By: Mike Reed, City Engineer
Reviewed By: Baldomero S. Rodriguez, Public Works Director
Reviewed By: John Langley, City Manager

7/19/2008

ATTACHMENT
ITEM NO. 2
City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 782-7462

THE AREA LOCATED SOUTH OF MILL AVENUE BETWEEN HOCKETT STREET AND DIVISION STREET.

PARKING LOT
RECONSTRUCTION
ATTACHMENT