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:
4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.
5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Three Cases.

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

Pledge of Allegiance Led by Council Member Brian Ward
Invocation

PRESENTATIONS
Employee of the Month – Larry Rodriguez
Student Entrepreneur Challenge
Mosquito Abatement Update - LAFCO

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 – Natalie Prieto and Jovita Prieto**
   Re: Considering rejection of a claim in an amount of $8.1 million for the wrongful death of Eusbeio Prieto, who the claimants allege was shot and killed without cause by Porterville Police Officers in the vicinity of Foster Farms on Henderson Avenue and Plano Street on July 24, 2008.

3. **Acquisition of Animal Control Vehicle from Tulare County**
   Re: Considering acceptance of a surplus 2001 Dodge pick-up truck with an animal containment unit from Tulare County at no cost for use as a secondary or “back-up” vehicle to provide animal control services in the community.

3a. **Purchase of Unmarked Vehicle for Police Auto-Theft Investigations**
   Re: Considering approval of expenditure of $24,297.88 in funds from the Porterville Police Department’s Asset Forfeiture Account for the purchase of an unmarked vehicle.

4. **Approval of Budget Amendment and Authorization to Advertise for Bids – Murry and Zalud Park Pavilion Replacement Projects**
   Re: Considering approval of a budget amendment and the recommended plans and project manual for the project consisting of the installation of two new pavilions at Murry Park and the replacement of the existing pavilion at Zalud Park.

5. **Award of Contract – One-Half Ton Fleetside Pick Up Truck**
   Re: Awarding contract to Hoblit Dodge of Woodland, CA, in the amount of $17,271.13 for a new one-half ton fleetside pickup truck for the City’s Fire Department, Code Enforcement Division.

6. **Award of Contract – ‘G’ Street Reconstruction Project (Henderson Avenue to 700’ ± South)**
   Re: Awarding contract to Halopoff & Sons, Inc. of Porterville in an amount of $140,146.91 for the project consisting of the installation of curb and gutter, curb returns, new paving, sewer main extension, sewer laterals, water services, storm drain and appurtenances on ‘G’ Street from Henderson Avenue to 700 feet ± South.

7. **Award Contract – Variable Frequency Drive**
   Re: Awarding contract to Graybar of Fresno, CA, in an amount of $8,495.20 for a 125 horsepower variable frequency drive with bypass contactor for pump #3 at the Wastewater Treatment Facility’s outfall station.

8. **Acceptance of Appraised Value of Right of Way for Property Located at APN 261-110-021 – Fruit Growers Supply Company, a California Corporation – Scranton/Indiana Street Project**
   Re: Considering approval of a resolution accepting a Grant Deed in fee for 22,388 sq. ft. of right-of-way needed for the Scranton/Indiana Street Project for a purchase price of $18,000.00.

9. **Acquisition of Right of Way – Property Located at APN 268-110-005 Owners California Ranch Company, a Limited Partnership – Scranton/Indiana Street Project**
   Re: Considering approval of a resolution accepting a grant deed in fee for the 40,866 sq. ft. needed for the Scranton/Indiana Project from California Ranch Company, a Limited Partnership for a purchase price of $44,000.00.
10. **City Easement Conveyance to Southern California Gas Company**  
   Re: Considering approval of a 10-foot wide easement for Southern California Gas Company for the installation and maintenance of an underground pipeline and related facilities from the east right-of-way of Newcomb Street, south of Henderson Avenue, to the north right-of-way of Grand Avenue, west of Prospect Street.

11. **General Plan Consistency Referral – Alta Vista School District – New Elementary School**  
   Re: Review of a proposed elementary school, to be located generally 700 feet east of the intersection of East Olive Avenue and Tulsa Street, to determine if it is consistent with the City’s General Plan.

12. **Approving Amendment No. 1 to Professional Services Agreement with Willdan Engineering**  
   Re: Considering approval of an amendment to agreement to provide for continued availability for on-call professional services associated with Landscape and Lighting District reports and assessments for the period of March 1, 2009 to February 28, 2011.

13. **Airport Lease Renewal – Lot 34B**  
   Re: Considering approval of an extension of the Lease Agreement between the City of Porterville and Mr. Bruce Kaiser of Porterville for Lot 34B at the Porterville Municipal Airport.

14. **Amendment to Storm Drain Master Plan, City Standard Plans and Specifications – Drainage Reservoir Design Criteria**  
   Re: Considering approval of a resolution approving and adopting the amendment to the Storm Drain Master Plan, City Standard Plans and Specifications.

15. **Consideration of Proposed Budget Calendar for Fiscal Year 2009-2010**  
   Re: Considering approval of the proposed budget calendar for the 2009-2010 Fiscal Year.

16. **Request by Council Member – Opposition Letter Regarding Role of White House in 2010 Census**  
   Re: Considering approval of draft letter to President Obama regarding opposition to increased White House role in the 2010 U.S. Census

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

**PUBLIC HEARINGS**

17. **City of Porterville 2009-2014 Housing Element**  
   Re: Considering approval of the City of Porterville 2009-2014 Housing Element for submittal to the State Department of Housing and Community Development.

18. **Request to Allow for a Conditional Use Permit 4-2008 to Upgrade an Existing Type 20, Beer and Wine Off-Sale License to a Type 21, Beer, Wine and Distilled Spirits Off-Sale License and Letter of Public Convenience or Necessity for an Existing Mini-Mart Located at 809 E. Putnam Avenue**  
   Re: Considering approval of an alcohol license upgrade from an off-sale Type 20 beer and wine to an off-sale Type 21 beer, wine, and distilled spirits for an existing Mini-Mart located at 809 E. Putnam Avenue.
SCHEDULED MATTERS

19. Approval of Economic Development Program – Shop Local Campaign
   Re: Considering approval of a “Shop Porterville First” campaign to promote and raise awareness
   of the benefits of shopping local.

20. Request Authorization to Connect to City Water at 943 W. Westfield
   Re: Considering request for connection to City water for commercial property located in County
   area while property owner’s application for annexation is being processed.

21. Scheduling of City Council Citizen Forums
   Re: Considering format, times and locations of public forums for Council Members to meet with
   constituents.

22. Council Member Request – Murry Park Master Plan Pond Renovations
   Re: Acceptance of an informational report regarding the planned pond renovations and
   enhancements described in the Murry Park Master Plan.

    Out Gang Violence Act”
   Re: Considering letter of support for federal legislation which would allow individuals to contribute
   to funding for gang prevention programs through the purchase of certain specially-issued postage
   stamps.

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 March 17, 2009 at 6:00 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 Office of City Clerk at (559) 782-7464. 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 during normal business hours at the Office of City Clerk, 291 North
Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
Call to Order at 6:02 p.m.
Roll Call: Vice Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward (arrived late), Mayor Hamilton

Adjourn to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT CITY/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Vice Chairperson McCracken, Member Pedro Martinez, Member Felipe Martinez, Member Ward (arrived late), Chairperson Hamilton

ORAL COMMUNICATIONS
• Ken Walker, Springville resident and City Clerk/Finance Director with the City of Lindsay, came forward to concede the City of Lindsay’s crushing defeat to the City of Porterville at the Mayor’s Bike Race in Visalia on December 1st. Mr. Walker then challenged the City of Porterville to a dodgeball game to take place during 2009 at the McDermott Field House.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

   City Attorney Julia Lew advised that Council Member Felipe Martinez, Vice Mayor McCracken, and Mayor Hamilton had conflicts of interest on the matter. She stated that in order to achieve a quorum, the rule of necessity would be invoked, and as had been done on this item previously, Mayor Hamilton would be brought back to participate.

Adjourned to a meeting of the Porterville City Council.

CLOSED SESSION:
B. Closed Session Pursuant to:


5- Government Code 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

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

City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Brian Ward

Invocation – a moment of silence was observed.

PRESENTATIONS
Employee Service Awards
- Leon Phillips – 25 years of service
- Jeff Friedman – 10 years of service

ORAL COMMUNICATIONS
- Nikki Edwards, spoke in favor of Item 12 regarding Animal Control and elaborated on the needs of animals currently at the shelter. She requested that additional time be given so as to place the animals, indicating that various shelters in nearby states had evinced an interest to help.
- Herman Livingston spoke of his efforts to open a recycling center in Porterville and of the challenges he has faced with regard to zoning. Mayor Hamilton requested that staff assist him.

CONSENT CALENDAR
Items 14, 15 and 16 were removed for further discussion.

1. CITY COUNCIL MINUTES OF DECEMBER 2, 2008

Recommendation: That the City Council approve the Minutes of December 2, 2008.

Documentation: M.O. 01-121608

Disposition: Approved

2. CLAIM – JAIME GONZALEZ

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.
3. CLAIM – ADAM HOLT

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.

Documentation: M.O. 02-121608
Disposition: Approved

4. CLAIM – MANUEL MADRIGAL, ET AL.

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.

Documentation: M.O. 03-121608
Disposition: Approved

5. AWARD OF CONTRACT – HENDERSON AVENUE (JAYE STREET TO SAN JOAQUIN VALLEY RAILROAD CROSSING) REHABILITATION PROJECT

Recommendation: That City Council:
1. Award the Henderson Avenue Rehabilitation Project to Mitch Brown Construction in the amount of $491,946.84;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 04-121608
Disposition: Approved

6. ACCEPTANCE OF PROJECT – NEWCOMB STREET TRENCH PATCH AND CONCRETE REPLACEMENT PROJECT

Recommendation: That City Council:
1. Accept the 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.

Documentation: M.O. 05-121608
Disposition: Approved
7. AUTHORIZATION TO ADVERTISE FOR BIDS – G STREET RECONSTRUCTION PROJECT (FROM HENDERSON AVE TO 700’± SOUTH)

Recommendation: That City Council:
1. Approve staff’s recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 07-121608
Disposition: Approved

8. AUTHORIZATION TO ADVERTISE FOR BIDS – FIRE STATION NO. 2 CLASSROOM BUILDING HVAC

Recommendation: That City Council:
1. Approve staff’s recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 08-121608
Disposition: Approved

9. TRUCK PARKING ALONG OLIVE AVENUE IN COUNTY JURISDICTION

Recommendation: None. Information only.

Disposition: No action required.

10. CONTINUATION OF VOLUNTARY ODD/EVEN WATERING SCHEDULE

Recommendation: That City Council approve continuation of the voluntary odd/even watering schedule and adjust the public information campaign as it relates to winter conditions.

Documentation: M.O. 09-121608
Disposition: Approved

11. STATUS OF GRANT WRITER EVALUATIONS

Recommendation: For information only.

Disposition: No action required.

12. REQUEST FOR COORDINATION PERIOD FOR USE OF LINDSAY ANIMAL CONTROL FACILITY

Recommendation: Authorize a 90-day coordination period with the City of Lindsay regarding the operation of the Lindsay Animal Control Facility.
13. APPROVAL FOR COMMUNITY CIVIC EVENT – COMISION HONORIFICA MEXICO AMERICANA AND EL FUTURO CREDIT UNION “DIRECTO A MEXICO” ON JANUARY 10, 2009

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Comision Honorifica Mexico Americana and El Futuro Credit Union, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

14. LEGAL SERVICES AGREEMENT – CITY ATTORNEY

Recommendation: That the City Council:
1. Approve the Legal Services Agreement; and
2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

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

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve Items 1 through 13. The motion carried unanimously.

15. PROPOSAL TO FORM PART-TIME PORTERVILLE AIRPORT AREA MANAGER

Recommendation: That the City Council authorize the formation of a part-time, at-will Airport Area Manager, including the indicated work schedule and compensation.

Deputy City Manager Lollis introduced the item and presented the staff report, during which he provided clarification on the new approach proposed for management of the Municipal Airport.
COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Pedro Martinez that the City Council authorize the formation of a part-time, at-will Airport Area Manager, including the indicated work schedule and compensation.

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

Disposition: Approved

16. CONSIDERATION OF ESTABLISHING NEW COMMISSIONS IN THE CITY OF PORTERVILLE

Recommendation: That the City Council approve the formation of an interim Youth Commission and a Community Arts Commission, asking both to develop draft ordinances or resolutions establishing the Commissions of the City for the Council’s consideration.

Deputy City Manager Lollis introduced the item. Council Member Pedro Martinez requested that students in the audience come forward to address the Council.

- Jessie Trujillo, 14763 Imperial Road, Porterville College ASB President, spoke in favor of the development of a Youth Commission.
- Jose Lopez, Strathmore resident, Porterville College ASB Treasurer, was in attendance to support the formation of a Youth Commission and introduced himself to the Council.
- Jessica Facio, 971 N. Jaye Street, La Sierra High School Student, was in attendance to support the formation of a Youth Commission and introduced herself to the Council.
- Brittany Cavahee, Monache High School Treasurer, was in attendance to support the formation of a Youth Commission and introduced herself to the Council.
- Daniel Wright, 2490 Porter Creek Avenue, Harmony Magnet Academy, was in attendance to support the formation of a Youth Commission and introduced himself to the Council.

Council Member Pedro Martinez spoke in support of his request and of his experience in meeting with youth in the community.

Council Member Ward then spoke in support of his request for an Arts Commission and of the benefits of a working relationship with the arts community. Council Member Felipe Martinez also voiced support for the establishment of an arts commission.

Vice Mayor McCracken inquired about the fiscal impact of both commissions on the City’s budget, and of the support and involvement of the schools and the Chamber in the programs. Council Member Pedro Martinez addressed Vice Mayor McCracken’s concerns, and a discussion ensued about the importance of youth involvement in city government.
Mayor Hamilton emphasized the importance of defining a purpose for the commission to encourage longevity, and suggested that the commissions be established by resolution. City Attorney Lew stated she would need to research the City’s Charter to determine if an ordinance would be required to establish the commissions.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the formation of an interim Youth Commission, as amended to request that a draft resolution establishing the Commission be developed for the Council’s consideration. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the formation of a Community Arts Commission, as amended to request that a draft resolution establishing the Commission be developed for the Council’s consideration. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

SCHEDULED MATTER

17. City Council Study Session to Review the Latest Developments with the Comprehensive Zoning Ordinance Update and Provide Comment on the Proposed Standards

Recommendation: For information purposes only.

Mayor Hamilton requested that the Comprehensive Zoning Ordinance Update be reviewed in sections due to the significant amount of information being presented.

Community Development Director Dunlap introduced City Planner Ben Kimball as the presenter.

City Planner Kimball presented the first component to the Council for further direction and feedback. Mr. Kimball indicated that efforts were being made to consolidate, organize, and clarify the codes for development in the community, and provided examples throughout his presentation. He summarized the information and focused on major policy issues and changes that were considered to be significant to the community; as well as any issues where there may have been varying opinions amongst staff and the committees.

Disposition: No action required.

ORAL COMMUNICATIONS

None
OTHER MATTERS

• Vice Mayor McCracken updated the Council on the recent withdrawal of Delta Vector Control from the Mosquito Abatement Study Group, and requested that the item scheduled for the January 6, 2009 meeting be an action item.

• Council Member Pedro Martinez:
  1. Requested that congratulatory letters be sent to those high schools that did well on their exams;
  2. Spoke of his attendance at the Mariachi Christmas event, and requested that a letter be sent to the organization thanking them for the event; and
  3. Spoke of the lack of entries into the Holiday Decorations Contest and inquired whether the Council could nominate contenders. Glen Faison, Porterville Recorder Editor, advised that one entry had been received that day, and that he would look into the posted rules for the contest.

• Council Member Ward:
  1. Wished everyone a Merry Christmas;
  2. Spoke of the issue of trucks parking along Olive Avenue and advised that his comments should be considered a “formal complaint.” A brief discussion ensued as to enforcement; and
  3. Thanked the Council Members for their support in proceeding with the youth and arts commissions.

• Council Member Felipe Martinez:
  1. Inquired as to the status of the banners that were to have been placed along and across Main Street. Mayor Hamilton indicated that he recalled the banners were cost-prohibitive, and advised that he would speak with another potential vendor and report back to the Council;
  2. Wished everyone a very Merry Christmas; and
  3. Thanked City staff for their hard work.

• Mayor Hamilton spoke of comments made by Supervisor Ennis with regard to a lack of higher education opportunities in Porterville.

• Deputy City Manager Lollis spoke of the Employee Holiday Luncheon scheduled for December 18th and invited the Council to participate.

ADJOURNMENT

The Council adjourned at 9:47 p.m. to the meeting of January 6, 2009 at 6:00 p.m.

___________________________
Luisa Herrera, Deputy City Clerk

___________________________
Cameron Hamilton, Mayor
SUBJECT: CLAIM – NATALIE PRIETO AND JOVINA PRIETO

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: Natalie Prieto and Jovina Preito have filed a claim against the City in an amount of $8.1 Million for the wrongful death of Eusebio Jobi Prieto, husband and father of the named claimants. Claimants allege that on July 24, 2008, Porterville Police Officers shot and killed Mr. Prieto without cause in the vicinity of Foster Farms on Henderson Avenue and Plano Street.

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.
CLAIM AGAINST (Name of Entity: CITY OF PORTERVILLE)

Claimant's Name: JOVINA PRIETO
Claimant's Address: 621 NORTH OXFORD ST. PORTERVILLE, CA. 93257
Claimant's Telephone No. (Home) 559-784-5158 (Work) 559-784-5158

Address where notices about claim are to be sent, if different from above: CLAYPOOL LAW FIRM,
1055 E. COLORADO BLVD. 5TH FLOOR, PASADENA, CA

Date of incident/accident: JULY 24, 2008
Date injuries, damages, or losses were discovered: JULY 25, 2008
Location of incident or accident: CITY OF PORTERVILLE, NEAR FOSTER FARM'S

What did entity or employee do to cause this loss, damage, or injury? CITY OF PORTERVILLE

What are the names of the entity's employees who caused this injury, damage, or loss (if known):
UNKNOW WHICH POLICE OFFICERS SHOT AND KILLED EFUEBIO JORGE PRIETO

What specific injuries, damages, or losses did claimant receive? (See Back)

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)].

TOTAL OF $8 MILLION (See Back)

How was this amount calculated (please itemize): $7.5M FOR GENERAL DAMAGES
AT LEAST $501,000 (OR MORE) FOR FINANCIAL SUPPORT, ALSO, BURIAL EXPENSES, MEDICAL BILLS.

Date Signed: 11/30/09 Signature: BRIAN C. CLAYPOOL

If signed by representative:
Representative's Name BRIAN C. CLAYPOOL
Address 1055 E. COLORADO BLVD. 5TH FLOOR, PASADENA, CA.
Telephone: 626-604-9489

Relationship to Claimant ATTORNEY FOR CLAIMANT
Jovina Prieto is the year old daughter of the deceased Eusebio Jobi Prieto. On July 24, 2008, the city of Porterville police department unjustly shot and killed Mr. Prieto in violation of his civil rights afforded under the 4th Amendment of the U.S. Constitution. As Mr. Prieto's surviving daughter, Jovina Prieto will be prosecuting a wrongful death and negligence action against the City of Porterville Police Dept. Jovina's mother (Natalie Prieto) will be serving as Jovina's guardian ad litem throughout the litigation process. Natalie Prieto will also be prosecuting a federal civil rights action against the City as well as a state claim for battery on behalf of her deceased husband.

Jovina Prieto will be seeking general damages in the amount of $7.5 million for the loss of companionship and comfort in losing her father. She will also be seeking an additional amount of economic damages in the amount of at least $500,000 which represents ongoing financial support that her father was providing and would have continued providing at least until Jovina reached the age of 21 (if not longer). Also, an additional estimate $100,000 for burial expenses and medical bills.
COUNCIL AGENDA: March 3, 2009

SUBJECT:          Acquisition of Animal Control Vehicle from Tulare County

SOURCE:          Police Department

COMMENT:          The County of Tulare has a used Animal Control Vehicle that has met or exceeded the expected service life. The vehicle is a 2001 Dodge pick-up with an animal containment unit affixed to the truck chassis. The vehicle has been placed on surplus status and was on hold for the next government auction. The Purchasing staff at Tulare County has offered the vehicle to the City of Porterville at no charge. The estimated value of the vehicle is $3,000.00. If approved, this transaction would be deemed the transfer of one piece of equipment from one government agency to another. The exterior of the vehicle is in fair condition; however, the engine will require some mechanical repairs. Upon completion of repairs, this vehicle will be added to the Police Department’s fleet of vehicles.

The Animal Control Unit desires to acquire the vehicle as a secondary or “back-up” vehicle to be used in providing animal control services in the community. If accepted, the police department would use funds from the Equipment Replacement Fund to make necessary repairs and modifications to the vehicle to ensure it is safe and meets department needs.

RECOMMENDATION: That City Council:

1) Accept the surplus Animal Control vehicle from Tulare County for local use;

2) Authorize the Purchasing Agent to transfer ownership of the vehicle to the City of Porterville.

Item No. 03
SUBJECT: Purchase of Unmarked Vehicle for Police Auto-Theft Investigations

SOURCE: Police Department

COMMENT: In April of 2008 the Porterville Police Department put a full-time officer into the Tulare County Reduce Auto-Theft Task Force on a trial basis. Since that time TRATT has recovered over 200 stolen vehicles, arrested over 125 individuals for auto-theft and shut down 20 suspected chop shops. The trial basis has been successful and PPD plans to continue with their participation in the Task-Force.

When the officer was assigned to the Task-Force on a trial basis he was assigned a vehicle from the fleet normally reserved for other duties. The officer has learned a full-size pick up truck is conducive to his assignment, it blends easily into the environment of most investigations and a pick up of the quad cab variety allows for secure storage of needed equipment and materials. Porterville Chrysler currently has a 2007 Chevy Silverado quad cab pickup with limited mileage on their lot. The vehicle has been driven and examined by the Porterville Vehicle Maintenance Shop and appears to meet the needs of its intended purpose.

As of the final quarter of 2008 the balance of Porterville PD’s portion of the Tulare County DA’s auto-theft fund is slightly over $50,000. The cash price of the vehicle described is $21,995. Additional fees such as tax and license bring the total cost of the vehicle to $24,297.88, out the door.

The vehicle can be purchased immediately utilizing available funds from the Federal Asset Forfeiture Account (70-2239). That account will be reimbursed when the pending funds are released from The DA’s Anti Auto-Theft Fund.

RECOMMENDATION: That the City Council:
1) Approve the expenditure of $24,297.88 in funds from the Porterville Police Department’s Asset Forfeiture Account.

[Signatures]

Appropriated/Funded MB

Item No. 3a
February 24, 2009

DMV Auto Theft Fund Oversight Committee
Tulare County Chiefs’ Association

Dear Committee Members:

This letter is a request for the release of DMV Auto Theft Prevention Funds currently being held in a trust for the Porterville Police Department. In April 2008, the Porterville Police Department assigned a full-time officer to the Tulare County Reduce Auto Theft Task Force (TRATT) on a trial basis. Since that time TRATT has recovered over 200 stolen vehicles, arrested over 125 individuals for auto theft, and shut down 20 suspected chop shops. The trial basis has been successful and our department plans to continue with our participation in the Task Force.

When our officer was first assigned to the Task Force, he was provided a vehicle from the department’s fleet that was normally reserved for other duties. The officer has learned a full-size pickup truck is conducive to his assignment as it blends easily into the environment of most investigations and a pickup of the quad cab variety allows for secure storage of needed equipment and materials. Porterville Chrysler currently has a 2007 Chevy Silverado quad cab pickup with limited mileage on their lot. The vehicle has been driven and examined by the City of Porterville Vehicle Maintenance Shop and appears to meet the needs of its intended purpose. We plan to purchase the vehicle with the specific use of auto theft investigations.

The purchase price of the vehicle is $21,995, plus tax and licensing, bring the cost to $24,297.88. Please refer to attached printout. Should you have any questions, please feel free to contact me.

Sincerely,

Chuck McMillan
Chief of Police

CM:js

Attachment
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<td>1 Payments of 24,297.88 Beginning 2/24/09</td>
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(c) 2000 - 2001 Arkona, Inc.

15,000 MILES
COUNCIL AGENDA: MARCH 3, 2009

SUBJECT: APPROVAL OF BUDGET AMENDMENT AND AUTHORIZATION TO ADVERTISE FOR BIDS – MURRY AND ZALUD PARK PAVILION REPLACEMENT PROJECTS

SOURCE: Parks and Leisure Services Department / Public Works Department

COMMENT: The Public Works Department, working in conjunction with the Parks and Leisure Services Department, has prepared plans and project manual for the Murry and Zalud Park Pavilion Replacement projects. The projects consist of installing two new pavilions at Murry Park where two concrete slabs exist just southeast of the pond and replacing the existing pavilion at Zalud Park.

The misting systems that Council requested be included in these projects are still being reviewed and designed. Funds will need to be allocated to cover the cost of the water misters.

The Plans and Project Manual for the pavilion replacement projects, absent the misters, have been completed and are available in the La Barca Conference Room for Council’s review.

Due to existing park reservations through the end of May, construction will not commence until June 1, 2009. All future reservations after this date must be put on hold until construction is completed. An estimated construction completion date is July 10, 2009.

The estimate of probable construction related cost for the entire project is $107,800 with $10,780 required for the construction contingency (10%). An additional $5,390 is required for construction management, quality control and inspection. The total estimated construction related cost associated with the project is $123,970. An Estimate of Probable Cost is attached for Council’s review.

A total of $124,000 in funding is provided by Risk Management funds and was approved in the 08/09 Annual Budget. Design costs for the pavilions and mister systems total $12,500. A budget amendment is needed in order to move forward with the bidding and construction of the pavilions.

Options available to fund the necessary $12,500 budget amendment include further allocation of Risk Management funds or redirecting General Fund Carryover funds from the Library Restroom Remodel project.

Dir Appropriated/Funded Item No. 4
Staff recommends that the carryover funds be transferred from the library project to the pavilion replacement projects, with any unused balance at the end of the project being returned to the library project.

RECOMMENDATION: That City Council:

1. Approve staff’s recommended budget amendment;

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

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

ATTACHMENTS: Estimate of Probable Construction Related Cost
Murry Park Pavilions Locator Map
Zalud Park Pavilion Locator Map

P:\pubwork\Engineering\Council Items\Authorization to Advertise for Bids - Murry and Zalud Park Pavilion Replacement Projects - 2009-05-03.doc
# Murry & Zalud Park Pavilion Replacement Projects

City of Porterville - Engineer's Estimate

## Part A - Murry Park

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization and Demobilization</td>
<td>1</td>
<td>LS</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Clearing and Grubbing: including concrete, dirt, irrigation/landscape removal and replacement</td>
<td>1</td>
<td>LS</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Pre-manufactured 30' square, all steel shelter with multi-rib metal roof</td>
<td>2</td>
<td>EA</td>
<td>$21,300.00</td>
<td>$42,600.00</td>
</tr>
<tr>
<td>4</td>
<td>Installation of pre-fabricated steel structures</td>
<td>1</td>
<td>LS</td>
<td>$17,500.00</td>
<td>$17,500.00</td>
</tr>
<tr>
<td>5</td>
<td>Install electrical systems: connection to existing service, conduit, 3-wire, light sensor for pavilion light and standard outlet</td>
<td>1</td>
<td>LS</td>
<td>$3,000.00</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>6</td>
<td>Patch concrete slabs</td>
<td>1</td>
<td>LS</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

**Murry Park Sub Total:** $68,100.00

## Part B - Zalud Park

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QUANTITY</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>TOTAL PRICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Mobilization and Demobilization</td>
<td>1</td>
<td>LS</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Clearing and Grubbing: including concrete, dirt, steel bollard, irrigation/landscape removal and replacement</td>
<td>1</td>
<td>LS</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Demolition of existing wooden arbor</td>
<td>1</td>
<td>LS</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Pre-manufactured 30' square, all steel shelter with multi-rib metal roof</td>
<td>1</td>
<td>EA</td>
<td>$23,125.00</td>
<td>$23,125.00</td>
</tr>
<tr>
<td>5</td>
<td>Installation of pre-fabricated steel structure</td>
<td>1</td>
<td>LS</td>
<td>$9,500.00</td>
<td>$9,500.00</td>
</tr>
<tr>
<td>6</td>
<td>Install electrical systems: connection to existing service, conduit, 3-wire, light sensor for pavilion light and standard outlet</td>
<td>1</td>
<td>LS</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>7</td>
<td>Patch concrete slab</td>
<td>1</td>
<td>LS</td>
<td>$1,000.00</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

**Zalud Park Sub Total:** $39,700.00

**Combined Sub Total:** $107,800.00

10% Contingency: $10,780.00

5% Staff and Testing: $5,390.00

**Total:** $123,970.00
COUNCIL AGENDA: MARCH 3, 2009

SUBJECT: AWARD CONTRACT – ONE-HALF TON FLEETSIDE PICKUP TRUCK

SOURCE: Finance Department/Purchasing

COMMENT: Staff solicited bids for a new one-half ton fleetside pickup truck for the City’s Fire Department, Code Enforcement Division. In response to solicitation, five (5) bids were received, all of which are responsive to the specifications. We also received one (1) “No Bid” letter. The bids are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoblit Dodge, Woodland, CA</td>
<td>$17,271.13</td>
</tr>
<tr>
<td>Downtown Ford, Sacramento, CA</td>
<td>$18,091.91</td>
</tr>
<tr>
<td>Jim Burke Ford, Bakersfield, CA</td>
<td>$18,679.93</td>
</tr>
<tr>
<td>Hoblit Motors, Ford Division, Woodland, CA</td>
<td>$19,168.75</td>
</tr>
<tr>
<td>Motor City GMC, Bakersfield, CA</td>
<td>$21,523.60</td>
</tr>
</tbody>
</table>

Staff has reviewed the bids and finds the low bidder to be responsive to the specifications. Funds for the purchase of the vehicle have been appropriated in the Fire Department’s Equipment Replacement Fund.

RECOMMENDATION: That Council awards the contract for a new one-half ton fleetside pickup truck to Hoblit Dodge of Woodland, CA, in the amount of $17,271.13. Further, that Council authorizes payment upon satisfactory delivery of the equipment.

D.D. Appropriated/Funded C.M. Item No. 5
COUNCIL AGENDA: MARCH 3, 2009

SUBJECT: AWARD OF CONTRACT – ‘G’ STREET RECONSTRUCTION PROJECT (HENDERSON AVENUE TO 700’ +/- SOUTH)

SOURCE: Public Works Department - Engineering Division

COMMENT: On February 24, 2009 staff received four (4) bids for the ‘G’ Street Reconstruction Project. The reconstruction of ‘G’ Street from Henderson Avenue to 700’ +/- South includes curb and gutter, curb returns, new paving, sewer main extension, sewer laterals, water services, storm drain and appurtenances.

The Engineer’s estimate of probable construction cost for the project is $222,408. The low bid is 37% below the Engineer’s estimate. An additional $14,014.69 is required for the construction contingency (10%). An additional $10,000 is required for construction management, quality control and inspection. The total estimated cost associated with the project is $164,161.60.

Funding was approved in the 2008/2009 Annual Budget as well as monies provided by Local Transportation Funds (LTF), Local Measure R and Surface Transportation Program (STP).

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</td>
<td>$140,146.91</td>
</tr>
<tr>
<td>2. Central Valley Asphalt Lindsay</td>
<td>$169,835.47</td>
</tr>
<tr>
<td>3. Mitch Brown Construction, Inc. Porterville</td>
<td>$189,900.00</td>
</tr>
<tr>
<td>4. Jim Crawford Construction Co. Inc. Clovis</td>
<td>$202,044.50</td>
</tr>
</tbody>
</table>

RECOMMENDATION: That City Council:

1. Award the ‘G’ Street Reconstruction Project, Henderson Avenue to 700’ +/- South to Halopoff & Sons, Inc. in the amount of $140,146.91; and

Item No. 40
2. Authorize progress payments up to 90% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen construction costs, and $10,000 for staff time and construction engineering.

ATTACHMENT: Locator Map
SUBJECT: AWARD CONTRACT – VARIABLE FREQUENCY DRIVE

SOURCE: Finance Department/Purchasing Division

COMMENT: Staff solicited bids for a 125 horsepower variable frequency drive with bypass contactor for pump #3 at the outfall station, Wastewater Treatment Facility. In response to solicitation, eight (8) bids were received, all meeting the City’s minimum specifications. They are as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Graybar, Fresno, CA</td>
<td>$8,495.20</td>
</tr>
<tr>
<td>Emcor-Mesa Energy Systems, Fresno, CA</td>
<td>$13,195.00</td>
</tr>
<tr>
<td>Technology International, Lake Mary, FL</td>
<td>$13,913.37</td>
</tr>
<tr>
<td>Blair Electric Services, Porterville, CA</td>
<td>$14,192.55</td>
</tr>
<tr>
<td>Metz Electric, Porterville, CA</td>
<td>$17,103.50</td>
</tr>
<tr>
<td>Medallion Supply, Visalia, CA</td>
<td>$19,373.50</td>
</tr>
<tr>
<td>Bob Ruffa Electric, Porterville, CA</td>
<td>$23,107.04</td>
</tr>
<tr>
<td>Krug Associates, Inc., Hayward, CA</td>
<td>$28,085.00</td>
</tr>
</tbody>
</table>

Staff has reviewed the low bid and finds it to be responsive to the specifications. Funds for the purchase of the equipment have been appropriated in the Wastewater Treatment Facility’s (Sewer Department) Operating Budget.

RECOMMENDATION: That Council awards the contract for a 125 hp. variable frequency drive to Graybar, of Fresno, CA, in the amount of $8,495.20. Further, that Council authorizes payment upon satisfactory delivery of the equipment.

D.D. [Appropriated/Funded] C.M. [ ] Item No. 7
SUBJECT: ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-110-021 – FRUIT GROWERS SUPPLY COMPANY, A CALIFORNIA CORPORATION – SCRANTON/INDIANA STREET PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: Fruit Grower Supply Company, a California Corporation, owners of property located at APN’s 261-110-021, have accepted the appraised value of $18,000.00 for 22,388 square feet of right-of-way needed for the Scranton/Indiana Street Project.

The City recently had the property appraised by Keith J. Hopper, MAI, The Hopper Company, a Certified General Real Estate Appraiser. The appraisal came in at $18,000.00 for the 22,388 square feet of property needed for the project. This appraisal is available in the Community Development Department for your review.

Funding for this project was approved in the 2008/2009 Budget from Measure R Regional Funds.

RECOMMENDATION: That City Council:

1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Fruit Growers Supply Company, a California Corporation, in the amount of $18,000.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS:

1. Right-Of-Way Take Map
2. Resolution
City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827452

That portion of the Southeast Quarter of the
Southeast Quarter of Section 3, Township 22 South,
Range 27 East, Mount Diablo Base and Meridian,
in the County of Tulare, according to the Official
Plat thereof, being a portion of the remainder of
Parcel Map No. 4244, recorded in Book 43 of Maps
at page 48 in the Official Records of Tulare County.

OWNER: Fruit Growers Supply Co.
APN: 268-110-021
AREA: 22,388 S.F. (Total)
ACRES: 0.514 AC (Total)

DRAWN BY TJ
CHC'K BY MKR
RESOLUTION NO. ____________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING A GRANT DEED IN FEE FOR REAL PROPERTY FROM
FRUIT GROWER SUPPLY COMPANY, A CALIFORNIA CORPORATION

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from Fruit Growers Supply Company, a California Corporation, for real property, in the City of Porterville, County of Tulare, State of California, to-with:

See Exhibit “A” and “B” attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $18,000.00 is hereby approved with the City to open escrow account, pay the normal and customary escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The forgoing has been accepted by the City Council for the City of Porterville.

______________________________
Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

______________________________
Patrice Hildreth, Chief Deputy City Clerk
EXHIBIT “A”

The East 60.00 feet of the Remainder of Parcel Map No. 4244, situated in the Southeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, as shown on map filed in Book 43 of Parcel Maps, at Page 48 in the official Records of Tulare County, State of California.

EXCEPTING THEREFROM that interest in the East 20.00 feet of the Southeast Quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, as granted to Tulare County for road purposes per Deed recorded in Book 3, page 404 of Tulare County Official Records.

The above described parcel contains 22,388 square feet or 0.514 Acres more or less.

BASIS OF BEARINGS being the east line of the Southeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, taken as North 0° 38’ 54” East, as shown on Record of Survey filed in Book 21 of Licensed Surveys, at page 68 in the Office of the Tulare County Recorder.

End of Description

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: Michael K. Reed
Licensed Land Surveyor.

Date: 4-5-2008

[Seal]
That portion of the Southeast Quarter of the Southeast Quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, according to the Official Plat thereof, being a portion of the remainder of Parcel Map No. 4244, recorded in Book 43 of Maps at page 48 in the Official Records of Tulare County.
SUBJECT: ACQUISITION OF RIGHT OF WAY - PROPERTY LOCATED AT APN 268-110-005 OWNERS CALIFORNIA RANCH COMPANY, A LIMITED PARTNERSHIP – SCRANTON/INDIANA STREET PROJECT

SOURCE: PUBLIC WORKS DEPARTMENT

COMMENT: On January 20, 2009 during Closed Session City Council approved a counter offer in the amount of $44,000.00 to be presented to California Ranch Company, a Limited Partnership, owners of property located at APN 268-110-005. California Ranch Company accepted the counter offer in the amount of $44,000 for the 40,866 sq. ft. needed for the Scranton/Indiana Street Project.

The City had the property appraised by Keith J. Hopper, MAI, The Hopper Company, a Certified General Real Estate Appraiser, and the appraisal came in at $40,000 for the 40,866 sq. ft. needed for the project. This appraisal is available in the Community Development Department for your review.

Funding for this project was approved in the 2008/2009 Budget from measure R Regional Funds.

RECOMMENDATION: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to California Ranch Company, a Limited Partnership in the amount of $44,000, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

ATTACHMENTS: 1. Right of Way Take Map
2. Resolution

DD \$ APPROPRIATED/FUNDED \$ CM \$ ITEM NO. 9
City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

That portion of the Southeast quarter of
Section 3, Township 22 South, Range 27 East,
Mount Diablo Base and Meridian, in the County
of Tulare, State of California.

OWNER: California Ranch Co.
APN: 268-110-005
AREA: 40,866 S.F. (Total)
ACRES 0.938 A.C. (Total)
DRAWN BY TJ
CHC'K BY MKR
RESOLUTION NO. ________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
ACCEPTING A GRANT DEED IN FEE FOR REAL PROPERTY FROM
CALIFORNIA RANCH COMPANY, A LIMITED PARTNERSHIP

BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby accepts a Grant Deed in fee from California Ranch Company, a Limited Partnership for real property, in the City of Porterville, County of Tulare, State of California, to-wit:

See Exhibit "A" and "B" attached hereto and made a part thereof.

BE IT FURTHER RESOLVED that the purchase price of $44,000.00 is hereby approved with the City to open an escrow account, pay the normal and customary escrow fees, authorize Mayor to sign all necessary documents, and said deed to be recorded in the office of the Tulare County Recorder. The forgoing has been accepted by the City Council for the City of Porterville.

__________________________
Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

__________________________
Patrice Hildreth, Chief Deputy City Clerk
EXHIBIT “A”

That portion of the Southeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the Official Plat thereof, more particularly described as follows:

BEGINNING at the Southeast corner of the Southeast quarter of said Section 3;

Thence, North 00° 38’ 54” East, along the east line of said Southeast quarter, 770.03 feet, to the southeast corner of the Remainder of Parcel Map No. 4244 as shown on map filed in Book 43 of Parcel Maps, at page 48 in the Office of the Tulare County Recorder;

Thence, leaving said quarter section line, North 89° 49’ 58” West, a distance of 60.00;

Thence, South 00° 38’ 54” West, along a line parallel with the east line of said Southeast quarter, a distance of 678.45 feet to the beginning of a curve concave northwesterly, having a radius of 50.00 feet;

Thence, southerly, southwesterly, and westerly along said curve, through a central angle of 89° 31’ 08”, an arc length of 78.12 feet, to point in a line parallel with the south line of said Southeast quarter;

Thence, North 89° 49’ 58” West, along said parallel line, a distance of 570.44 feet, to a point in the east line of Parcel 1 of said Parcel Map No. 4244;

Thence, South 00° 38’ 54” West, a distance of 42.00 feet to a point in the south line of said Southeast quarter;

Thence, South 89° 49’ 58” East, along said south line, a distance of 680.02 feet to the POINT OF BEGINNING.

EXCEPTING that interest in the South 25.00 feet and the East 20.00 feet of the Southeast Quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, as granted to Tulare County for road purposes per Deed recorded in Book 3, page 404 and Book 2, page 550 of Tulare County Official Records.

The above described parcel contains 40,866 square feet or 0.938 Acres more or less.

BASIS OF BEARINGS being the east line of the Southeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, taken as North 0° 38’ 54” East, as shown on Record of Survey filed in Book 21 of Licensed Surveys, at page 68 in the Office of the Tulare County Recorder.

End of Description

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: [Signature]
Licensed Land Surveyor

Date: 4-5-2008
That portion of the Southeast quarter of Section 3, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.
COUNCIL AGENDA: MARCH 3, 2009

SUBJECT: CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA GAS COMPANY

SOURCE: Public Works Department - Engineering Division

COMMENT: Southern California Gas Company is requesting an easement from the City of Porterville for the purpose of installing and maintaining pipelines, conduits and related appurtenances over, under, through and along a proposed 10 foot wide easement from the east right-of-way of Newcomb Street, south of Henderson Avenue, to the north right-of-way of Grand Avenue, west of Prospect Street. The gas facilities, consisting of buried pipelines and related appurtenances, are necessary for the expansion of the supply network including connection to the Compressed Natural Gas Fueling Facility being constructed east of the City's corporation yard.

RECOMMENDATION: That the City Council:

1. Accept Southern California Gas Company request to have the City convey an easement for the installation and maintenance of an underground gas pipeline and related facilities;

2. Authorize the Mayor to sign the Grant of Easement; and

3. Authorize the City Clerk to mail the signed Grant of Easement to Southern California Gas Company for recordation.

ATTACHMENTS: Resolution
Grant of Easement Document
Exhibit "A" – Legal Description
Exhibit "B" – Locator Map

Item No. 10
RESOLUTION NO.____________________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AUTHORIZING A GRANT DEED OF EASEMENT
TO SOUTHERN CALIFORNIA GAS COMPANY

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Porterville, that the City of Porterville hereby grants to Southern California Gas Company, its successors and assigns, an easement and right of way to lay, construct, maintain, operate, repair, replace, patrol, change the size of, add to, or remove from time to time, underground gas supply systems, consisting of one or more pipelines, conduits, together with metering, measuring, regulating, cathodic protection, communications and related appurtenances for the transportation of gas, energy, communications, petroleum products, over, under, through, and along that certain real property in the County of Tulare, State of California, described as follows:

See Exhibit “A” and shown on Exhibit “B” attached hereto and made a part hereof by reference, consisting of two pages.

BE IT FURTHER RESOLVED that the foregoing has been authorized by the City Council for the City of Porterville.

________________________________________
Cameron Hamilton, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
Recording Requested by and
when recorded mail to:

Southern California Gas Company
555 W. 5th St., ML GT 26C2
Los Angeles, CA 90013-1011
Attn.: Land & Right of Way

DOCUMENTARY TRANSFER TAX $ CONVEYANCE OF EASEMENT (OIL AND GAS
LEASE) AND CONSIDERATION & VALUE IS LESS THAN $100, R&T 11911,

Atlas #: 64-89
APN: 251-350-01
W.R.#: 1900473
R.W. 256,962

Southern California Gas Company

GRANT OF EASEMENT (RIGHT OF WAY)

CITY OF PORTERVILLE, a municipal corporation organized and existing under and by virtue of
the laws of the state of California, ("Grantor"), hereby grants to SOUTHERN CALIFORNIA GAS
COMPANY, a california corporation, its successors and assigns, ("Grantee") a 10-foot in width
non-exclusive easement to lay, construct, maintain, operate, repair, replace, patrol the size of, add
to, or remove from time to time, as Grantee deems necessary, one or more pipelines and conduits, together
with metering, measuring, regulating, cathodic protection, communications and other appurtenances (all
hereinafter referred to as the "Facilities") for the transportation of gas, energy, communications, petroleum
products and other substances (whether or not such substances are transported at any particular time),
over, under, through, along, and together with the reasonable right of ingress and egress to and from the
easement Facilities and the right to use Grantor's abutting property during construction of the Facilities,
the land located in the City of Porterville, County of Tulare, State of California, described in Exhibit "A"
and depicted in Exhibit "B" (together "The Easement") attached hereto, and made a part of this
agreement.

Grantor, for its heirs, successors and assigns, agrees that, except as provided below, no change of grade
of the Easement shall be made, that it shall not be inundated, that it shall be kept free of trees, deep-rooted
shrubs, buildings and structures of all kinds (except for Grantee's Facilities), and that nothing shall be
done to impair Grantee's vehicular access to or along the Easement.

Grantor reserves the right to (1) use any surface or subsurface areas, provided such use does not
unreasonably or substantially interfere with Grantee's use of the Easement; (2) improve the Easement area
surface with landscaping (except trees and deep-rooted shrubs), paved driveways, parking surfaces,
sidewalks, curbs and gutters; provided, however, that before making any such improvements involving a
change of grade, Grantor and its heirs, successors and assigns, shall notify the Grantee in advance.

This Easement shall be binding upon and inure to the benefit of successors, heirs, and assigns of Grantor
and Grantee.
IN WITNESS WHEREOF, these presents are hereby signed this ___ day of ____________, 20__.

GRANTOR:

City of Porterville,
a municipal corporation organized and existing
under and by virtue of the laws of the State of California

By: ____________________________  By: ____________________________

Print Name ____________________________  Print Name ____________________________

Title ____________________________  Title ____________________________

ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA  }
  }ss
COUNTY OF ____________________________

On ____________________________, 200__, before me, ____________________________, a Notary Public,
personally appeared ____________________________, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ties), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

Signature ____________________________
Commission #: ____________________________
Commission Expiration: ____________________________
EXHIBIT "A" R.W. #256,962

A 10 foot wide Easement for an underground gas pipeline situated in the Northwest quarter of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, also being a portion of lots 135 and 136 of Pioneer Land Company's First Subdivision as shown on Parcel Map 3874, recorded in Book 39, Page 77 in the Official Records of Tulare County. The centerline of said easement is described as follows:

COMMENCING at the Northwest corner of said Section 27;

THENCE, South 00° 00' 42" East, along the west line of said Northwest quarter, a distance of 526.40 feet;

THENCE, leaving said quarter section line, North 89° 59' 18" East, a distance of 81.80 to a point on the east Right-of-Way line of Newcomb Street as shown on said Parcel Map No. 3874, and the POINT OF BEGINNING,

THENCE, leaving said east Right-of-Way line, North 89° 59' 18" East, a distance of 145.64 feet;

THENCE, South 77° 04' 44" East, a distance of 356.80 feet;

THENCE, South 68° 12' 45" East, a distance of 240.32 feet;

THENCE, South 55° 09' 36" East, a distance of 79.75 feet;

THENCE, South 37° 58' 12" East, a distance of 150.71 feet;

THENCE, South 43° 09' 44" East, a distance of 416.01 feet;

THENCE, South 18° 50' 56" East, a distance of 129.95 feet terminating at a point on the north Right-of-Way line of Grand Avenue as shown on said parcel Map No. 3874. The sidelines of said easement shall extend or shorten to the north Right-of-Way line of Grand Avenue.

The above described easement contains 15,192 square feet or 0.349 Acres more or less.

BASIS OF BEARINGS being the west line of the Northwest quarter of Section 27, Township 21 South, Range 27 East, Mount Diablo Base and Meridian, taken as North 0° 00' 42" West, as shown on Record of Survey filed in Book 21 of Licensed Surveys, at page 68 in the Office of the Tulare County Recorder.

End of Description

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: [Signature]
Licensed Land Surveyor

Date: 2-23-2009
CITY COUNCIL AGENDA: MARCH 3, 2009

SUBJECT: GENERAL PLAN CONSISTENCY REFERRAL – ALTA VISTA SCHOOL DISTRICT – NEW ELEMENTARY SCHOOL

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: Pursuant to Public Resources Code Section 21151.2 and Government Code Section 65402, the Alta Vista School District has requested review of a proposed site for a new elementary school. The school would be located generally 700 feet east of the intersection of East Olive Avenue and Tulsa Street, (APN# 255-170-022) just east of the existing Granite Hills High School. The District is required to carry out such consultation prior to purchasing for the construction of a school.

The request was received by the Planning Division on January 14, 2009. On February 11, 2009, the Project Review Committee reviewed the matter. Representatives of the Alta Vista School District were not present. Attachment 3 to this report is the Project Review Committee letter that was sent out after the Project Review Committee meeting to inform the applicant of development issues likely to be faced at the time of construction. This list is attached to inform the council of these issues. It should be noted that there are significant drainage issues in that area and if the school were to proceed with construction prior to the surrounding residential project, that the school would be responsible for the installation of those improvements. Otherwise, if the residential project were to go in first or at the same time, most of these issues would be addressed in the neighborhood design and construction.

The proposed site would consist of a 13.92 acre portion of a 66.67± acre vacant parcel. The 72.8± acre site is currently within the City Limits and is part of the Red Hawk Estates subdivision that was approved by the City Council in February 2006.

The Land Use Element of the General Plan designates the subject site for an Elementary School.

RECOMMENDATION: That the City Council determine that the proposed elementary school, to be located generally 700 feet east of the intersection of East Olive Avenue and Tulsa Street, (APN# 255-170-022) just east of the existing Granite Hills High School, is consistent with the General Plan of the City of Porterville.

ATTACHMENTS:

1) General Plan Land Use Map
1) Letter of Request from Alta Vista School District
2) Project Review Committee Letter

APPROPRIATED/FUNDED \[\text{\underline{4/14}}\] CM \[\text{\underline{J}}\] Item No. 11
January 13, 2009

Brad Dunlap
Community Development Department
291 North Main Street
Porterville, CA 93257

Subject: Notice of Proposed School Site Acquisition by the Alta Vista School District for the Proposed East Olive Avenue School

Dear Mr. Dunlap:

In accordance with Public Resources Code Section 21151.2 and Government Code Section 65402, this letter serves as formal notice to City of Porterville/County of Tulare regarding the proposed acquisition of the following subject property for construction and operation of a public school facility:

Approximately 13.92 acres located at East Olive Avenue and Tulsa Street in Porterville, Tulare County including the following parcel, APN 255-170-022.

We request that the Community Development Department/Planning Commission analyze the subject property to determine conformity with the underlying General Plan Land Use Designation so that a written report of the investigation and the Planning Commission's recommendations concerning acquisition of the site can be submitted to our governing board.

Please submit findings to Mr. Jasper Land, Interim Superintendent at the Alta Vista Elementary School District, 2293 East Crabtree Avenue, Porterville, CA 93257 within 30 days of receiving this notice.

If you have any questions regarding this request, please contact me at (559) 782-5700 Ext. 2061.

Sincerely,

Jasper Land
Interim Superintendent

cc: John Dominguez
School Site Solutions, Inc.
February 20, 2009

Jasper Land  
Alta Vista School District  
2293 East Crabtree Ave.  
Porterville, CA 93257

RE: BSR 2-2009 Proposed school site acquisition by the Alta vista School District located on Olive Avenue east of Tulsa Street.

Next Level of Submittal: SEE ATTACHED

Dear Mr. Land:

[X] The Project Review Committee, during the course of its regularly scheduled meeting of has determined that materials and data submitted for City review of the above-referenced project are complete as of this date and the item is scheduled for the City Council review at their March 3, 2009 meeting.

[ ] The Project Review Committee, during the course of its regularly scheduled meeting of determined that materials and data submitted for City review of the above-referenced project are NOT complete to accomplish the next level of submittal shown above (Please see attached).

cc: Engineering Division  
Parks and Leisure Services  
Building Division  
Police Department  
Fire Department  
File Copy

291 N. Main St., Porterville, CA 93257 Phone (559) 782-7460 Fax (559) 781-6437
The Project Review Committee (PRC) has reviewed the submitted plans for the proposed 13.92 acres school site to be located at East Olive Avenue and Tulsa Street, which is the southeast corner of the property identified with the Assessor’s Parcel Number 255-170-022. The following topics and requirements were discussed at the Project Review Committee (PRC) meeting on February 11, 2009.

1. The proposed location of the new school appears to be consistent with the Land Use Element of the recently adopted Porterville 2030 General Plan. The adopted General Plan Land Use Diagram shows a school site at that location. It should be noted that there are numerous development issues that need to be addressed when considering this site for a new school. The purpose of our discussion at the PRC meeting, and the purpose of this letter is to give the applicant advance notice of issues that may come up during the design, review, and construction on this site. It should also be noted that the final determination of consistency will be made by the City Council at a regularly scheduled meeting.

2. The proposed project shall promote sustainability in the design and development of public and private development projects (General Plan Policy LU-G-3).

3. The proposed project shall provide transitions between types and intensities of land use using high-quality urban design and greenway buffers. (General Plan Policy LU-G-4).

4. The proposed project shall ensure that new development pays for the public facilities and infrastructure improvements require to meet the demands resulting from that growth (General Plan Policy LU-G-5).

5. The proposed project shall preserve natural, cultural, and biological resources, including stands of large trees and rock outcroppings, to the maximum extent feasible (General Plan Policy LU-I-17).

6. The proposed project shall protect residential neighborhoods from the encroachment of incompatible activities and land uses, and environmental hazards (General Plan Policy LU-I-18).

7. The proposed project shall assist in the creation of an image for Porterville that will attract and retain economic activity (General Plan Policy ED-G-7).

8. The proposed project shall promote safe and efficient vehicular circulation (General Plan Policy C-G-1).

9. The proposed project shall make efficient use of existing transportation facilities and, through coordinated land use planning, strive to improve accessibility to shops, schools, parks and employment centers and reduce total vehicle miles traveled per
household to minimize vehicle emissions and save energy (General Plan Policy C-G-3).

10. The proposed project shall protect neighborhoods by discouraging through-traffic on local streets (General Plan Policy C-G-5).

11. The proposed project shall provide right-of-way and improvements consistent with the General Plan street designations and City street section standards (General Plan Policy C-I-2).

12. The proposed project shall provide for greater street connectivity by:
   a. Encouraging roundabouts over signals, where feasible and appropriate
   b. Requiring the bicycle and pedestrian connections from cul-de-sacs to nearby public areas and main streets
   c. Requiring [new development] on undeveloped land planned for urban uses to provide stubs for future connections to the edge of the property line. Where stubs exist on adjacent properties, new streets within the development [shall] connect to these stubs (General Plan Policy C-I-3).

13. The proposed project shall install traffic calming devices, such as signage and bulbs, as needed and appropriate (General Plan Policy C-I-5).

14. The proposed project shall include the installation of landscaping in center medians and at major intersections to minimize summer heat and enhance the character of the streetscapes (General Plan Policy C-I-6).

15. The proposed project shall include street tree planting as part of an urban forestry program (General Plan Policy C-I-7).

16. The proposed project shall promote the use of public transit for daily trips to schools and work and for other purposes (General Plan Policy C-G-8).

17. The proposed project shall situate transit stops and hubs at locations that are convenient for transit users, and promote increased transit ridership through the provision of shelters, benches, bike racks on buses, and other amenities (General Plan Policy C-I-15).

18. The proposed project shall promote the use of bicycles to alleviate vehicle traffic and improve public health (General Plan Policy C-G-9).

19. The proposed project shall promote pedestrian activity (General Plan Policy C-G-10).
20. The proposed project shall include bike lanes, bike routes and bike paths consistent with the General Plan (General Plan Policy C-I-17).

21. The proposed project shall give bikes equal treatment in terms of provisions for safety and comfort on arterials and collectors as motor vehicles (General Plan Policy C-I-20).

22. The proposed project shall provide for pedestrian friendly zones in conjunction with the development...and design of...schools, parks and other high use areas by:

   a. Providing pedestrian facilities at all signalized intersections

   b. Providing sidewalks of adequate width to encourage pedestrian use (General Plan Policy C-I-22).

23. The proposed project shall support efforts to provide superior public and private educational opportunities for all segments of the population (General Plan Policy PSCF-G-4).

24. The proposed project shall locate the school at the core of new neighborhoods and co-located parks and school sites where possible (General Plan Policy PSCF-G-5).

25. The proposed project shall promote water-conserving landscape plans, including the use of drought tolerant plants (General Plan Policy OSC-I-30).

26. The proposed project shall include street tree planting (General Plan Policy OSC-I-34).

27. The proposed project shall incorporate natural drainage systems and groundwater recharge features into the development where appropriate and feasible to the satisfaction of the City Engineer and Building Official (General Plan Policy OSC-I-56).

28. The proposed project shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of [the project].

29. San Joaquin Valley Air Pollution Control District (District) Adoption of Rules 9510 and 3180 – Indirect Source Review (ISR) Rules

   Effective March 1, 2006, the San Joaquin Valley Air Pollution Control District will enforce the Indirect Source Rule (ISR). ISR applies to projects that are at least:

   - 50 residential units
   - 2,000 square feet of commercial space
• 9,000 square feet of educational space
• 10,000 square feet of government space
• 20,000 square feet of medical or recreational space
• 25,000 square feet of light industrial space
• 39,000 square feet of general office space
• 100,000 square feet of heavy industrial space
• Or, 9,000 square feet of any land use not identified above.

Projects that meet the above thresholds but are found through the application process to have mitigated emissions of less than two tons per year each of nitrogen oxides and PM10 (particulate matter 10 microns and smaller) will not be subject to the emission-reduction requirements of the rule.

a. It is the applicants’ responsibility to file an application (found at http://www.valleyair.org/ISR/ISR.htm) with the District. The application must be filed with the District no later than concurrent with an application for final discretionary approval with a public agency. An application maybe filed with the District prior to applying for a final discretionary permit from the local agency, at the discretion of the applicant. This timing was included in the rule so that applications filed with the District would not interfere with the local agency development approval process and so that local agencies could consider the benefits of the ISR program emission reductions in their environmental documents.

b. The District recognizes the land use authority of local land use agencies and will not impose any design requirements upon ISR projects.

c. ISR applicants can take credit for those measures that are required by the local agency or included in the design of the project that have a quantifiable air quality benefit. ISR applicants can also take emission reduction credit for those measures that are not required by the local agency, but have been voluntarily identified by the applicant.

d. The District will be responsible for enforcing compliance for those measures identified by the applicant that are not required by the local agency and do not affect the design or construction standards. Examples of District enforced measures are operational measures such as businesses offering transit subsidies to employees and transportation demand management programs. The District will enforce those measures through a Monitoring and Reporting Schedule (MRS).

e. The District will notify the local agency when a project’s application is deemed complete, and when it is approved. The District will send copies of the preliminary and finalized MRS to the local agency for voluntary review for consistency with local regulations and programs.

f. If the local agency, or applicant or district determines that a measure on the MRS is not consistent with local agency regulations and programs, that measure will be removed from the MRS and the project will be re-assessed.
g. The District will provide a letter of rule compliance status to the local agency upon request.
h. The ISR Rules and Program does not place any requirements upon the agency.

For more information regarding the Indirect Source Rule, please contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000. The Central Region office in Fresno is leading the ISR enforcement.

30. The proposed project shall include dust control measures (General Plan Policy OSC-I-60).

31. The proposed project shall comply with the provisions of State and regional ATCM regulations for control of airborne asbestos emissions relating to construction, road maintenance and grading activities, if naturally occurring asbestos is identified in the preliminary soils report (General Plan Policy OSC-I-65).

32. The proposed project shall include a construction dust management plan if it is determined that soils contain naturally-occurring asbestos (General Plan Policy PHS-I-5).

33. The proposed project shall reduce and conserve energy use in existing and new commercial, industrial, and public structures (General Plan Policy OSC-G-10).

34. The proposed project shall incorporate cost-effective energy conservation measures into all building programs owned by the City, including construction, operations, and maintenance (General Plan Policy OSC-I-67).

35. The proposed project shall protect the community from risks to life and property posed by flooding and storm water runoff (General Plan Policy PHS-G-2).

36. The proposed project shall obtain a permit from the California Reclamation Board and adhere to the Flood Damage Prevention Ordinance (General Plan Policy PHS-I-10).

37. The proposed project shall coordinate with the Tulare County Department of Environmental Health, and other appropriate regulatory agencies during the review process of all proposals for the use of hazardous materials or those involving properties that may have toxic contamination, such as petroleum hydrocarbons, CAM 17 metals, asbestos, and lead.

38. The proposed project shall include a comprehensive soil and groundwater contamination assessment in accordance with regulatory agency testing standards, and if contamination exceeds regulatory action levels, require the project applicant to undertake remediation procedures prior to grading and development under supervision of appropriate agencies, such as Tulare county Department of
Environmental Health, Department of Toxic Substances Control, or Regional Water Quality Control Board.

39. The proposed project shall install all on-site utility lines underground (General Plan Policy PU-I-28).

40. The proposed project shall include street trees, spaced and average of 35 feet along all major public streets, consistent with the General Plan.

41. Unless otherwise noted, the developer/applicant shall comply with the City Master Plans, Standard Specifications for Public Works Construction (2000 Edition), Standard Plans and Specifications (Rev. 8-20-02), the Tulare County Hazardous Waste Management Plan, the California Manual on Uniform Traffic Control Devices, the Porterville Circulation Element, and the Tulare County Congestion Management Program.

42. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law, prior to approval of the final map by City Council. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

43. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by City Council. The developer/applicant shall dedicate and improve a right-of-way adequate for a minimum of two lanes of traffic and on-street parking, on one side, on streets adjacent to the property lines as well as dedication of property required for disabled ramp(s) (C.C. Sec. 21-23).

44. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

45. Prior to start of grading, the developer/applicant shall abandon and cap existing wells that are no longer in service. Prior to approval of the improvement plans, the developer/applicant shall obtain an abandonment permit from the County Department of Environmental Health.

46. Developer/applicant shall comply with City standard for “backflow” prevention pursuant to Resolution No. 9615 for all wells that will remain in service.

47. The developer/applicant shall replace irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted.

48. The developer/applicant shall coordinate with the Pioneer Irrigation Company and
City of Porterville in regards to the replacement of the existing pipeline that crosses the property. The Pioneer Irrigation Company shall specify appropriate pipeline replacement size and material.

49. The developer/applicant shall obtain a demolition permit from San Joaquin Valley Unified Air Pollution Control District when destroying existing, abandoned and unnecessary structures, including existing foundations, septic tanks, etc.

50. The developer/applicant shall assure compliance with applicable San Joaquin Valley Unified Air Pollution Control District Rules (e.g., Numbers 8010, 8020 and 8030), regarding fugitive dust, as well as Section 7-8, Project Site Maintenance of the Standard Specifications. The developer/applicant shall provide a street sweeper as necessary to comply. The improvement plans shall show a designated wash out area for concrete trucks, and a sign designating it as such. The developer/applicant shall remove and properly dispose of waste concrete deposited in this area.

51. The developer/applicant shall construct all drainage facilities that the City Engineer determines are necessary to comply with the intent of the Storm Drain Master Plan. The developer/applicant shall install pipeline in Olive Avenue from the easterly boundary of the proposed development to the point of connection at the easterly boundary of the Granite Hills High School property. Pipe sizing shall be in accordance the City’s adopted Master Plan. Uphill run-off above the school site shall also be retained in accordance with the Storm Drain Master Plan. The County Reservoir designated as Drainage Reservoir No. 26 in the City’s adopted Master Plan will receive the run-off from this proposed school site and will require coordination between the developer, County of Tulare, and City of Porterville. The developer/applicants’ Civil Engineer shall provide all calculations necessary to satisfy the County and the City regarding the enlargement of this reservoir.

52. The developer/applicant is advised that he is obligated to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 for discharge of Storm Water Associated with construction activity will be required (except operations that result in disturbance of less than five acres of total land area and which are not a part of a larger common plan of development or sale) . Before construction begins, the proponent must submit a Notice of Intent (NOI) to comply with the permit, a site map, and appropriate fee to the State Water Resources Control Board (SWRCB). The proponent must also prepare a Storm Water Pollution Prevention Plan (SWPPP) for the entire project before construction begins. The SWPPP must contain at a minimum all items listed in Section A of the permit, including descriptions of measures to be taken to prevent or eliminate unauthorized non-storm water discharges and both temporary (e.g., fiber rolls, silt fences, etc.) and permanent (e.g., vegetated swales, detention basins, etc.) best management practices that will be implemented to prevent pollutants from discharging with storm water into water of the United States. If portions of the project area are to be sold off before the entire project is completed, the proponent must submit to the California Regional
Water Quality Control Board a change of information form identifying the new owners along with a revised site map clearly depicting those portions that were sold and those that are remaining. The proponent is also responsible for informing each new owner of their responsibility to submit their own NOI, site map, and appropriate fee to the SWRCB and to prepare their own SWPPP.

53. The developer/applicant shall construct for construction of curb, gutter, sidewalk, water, sewer, street paving to the center of the street (if necessary), pavement lane transitions (offsite), traffic safety marking and signs, etc. along the full frontage of all proposed project except where they exist to City standards and are in good condition in the opinion of the City Engineer. The developer/applicant shall stub improvements to the property line if, in the opinion of the City Engineer, they will be needed for connection to development on the adjacent property.

54. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to occupying the proposed school. Nearest point of connection for this project is Olive Avenue at the easterly boundary of Granite Hills High School.

55. The developer/applicant shall move existing utility structures (For example, poles, splice boxes, vaults, etc.) to a position that provides a minimum of four feet (4') of clear space in the sidewalk area and a minimum of two feet (2') of clear space from the curb face to the structure, unless they are below grade (Title 24 DSA) or provide surety in lieu of (Section 2616.1 of the Zoning Ordinance).

56. Prior to acceptance of improvements, the developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications as required by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

57. The developer/applicant is hereby notified that proposed project will require a Civil Engineer to study and provide a report on the infrastructure necessary to provide the required water supply to the proposed school.

58. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, and the requirements of the Emergency Management Agency (FEMA Community letter Dated August 5, 2005 – Case No. 05-09-062R). The FEMA letter is attached thereto and made a part hereof by reference. All documentation required within the FEMA letter shall be prepared by the developer/applicants' responsible civil engineer and delivered to the City's Floodplain Administrator for review and processing.

59. The developer/applicant is hereby notified that reimbursement for Master Plan facilities is made when funds are available and is contingent upon the work being done by the approved low bidder of at least two bona fide bidders. The bids must be
approved by the City prior to construction.

60. A back-flow device is required on the water meter.

61. A grease trap or grease interceptor is required.

62. The developer/applicant shall install a refuse container enclosure which will accommodate solid waste and recyclable materials removal or collection according to City standards (Sec 13-15). **Enclosure location to be approved by City prior to issuance of building permit.** Enclosure should be oriented for direct pick up. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container location requires refuse trucks to travel on the parking lot.

63. The project must comply with latest applicable codes.

64. Based on the occupancy classification, a fire alarm and/or an automatic sprinkler system will be required.

65. When a sprinkler system is required all valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number of sprinklers is more than 20.

66. For automatic sprinkler systems, underground plans must be submitted with above ground plans. A hydrant will be required within 50 feet of the Fire Department connection.

67. When any portion of the facility or building to be protected is more than 400 feet from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

68. Depending on the location of the existing fire hydrant(s), additional fire hydrants will be required. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

69. The City will test and maintain all fire hydrants in the City whether on private property or not. An "easement" is required from the owner.

70. Fire hydrant spacing shall be as follows:
   In **Commercial development**, one hydrant shall be installed at 300-foot intervals. Or as required by Appendix C California Fire Code.

71. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved onto or within the City of Porterville. It
shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building or facility. All roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

72. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City Standards.

73. Project must meet minimum fire flow requirements per the table in Appendix B & C of the California Fire Code.

74. Areas identified as "Fire Lanes" must be identified as such by red painted curbs and identified per requirements set forth in the California Vehicle Code Section 22500.1.

75. A Knox box will be required. An application may be obtained from the Fire Department.

76. Hydrants will be required along streets that do not have structures facing them at a maximum spacing distance of 1000 feet per California Fire Code Appendix C Table C105.1, Note Number c.

77. Locked gates that restricts access to the facility must provide adequate access for emergency vehicles throughout the facility.

Sincerely,

[Signature]

Benjamin Kimball
City Planner

BK:hd
COUNCIL AGENDA: MARCH 3, 2009

SUBJECT: APPROVING AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City entered into a Professional Services Agreement with WILLDAN, on October 4, 2005 for consulting engineering and services. The Agreement provided for professional services related to the Rails to Trails Project as well as for on-call services as may be needed for other projects from time to time. WILLDAN has provided such on-call services for regular Landscape and Lighting District reports and compilation of assessments, as well as other periodic services. The Agreement provides for payment to WILLDAN for services authorized by the Parks & Leisure Services Director, not to exceed $15,000 per project, and at their October 2005 time and materials fee rates.

Amendment No. 1 will provide for continued availability of WILLDAN for on-call professional services, but will allow for an updated fee schedule to be utilized for two-year periods hereafter. Approval of Amendment No. 1 will utilize the July 1, 2008 to June 30, 2009 WILLDAN fee schedule for the period of March 1, 2009 to February 28, 2011.

RECOMMENDATION: Approve Amendment No. 1 to Professional Services Agreement with WILLDAN Engineering, and authorize and direct the Mayor to execute same.

ATTACHMENTS: Amendment No. 1 to Professional Services Agreement Professional Services Master Agreement
SUBJECT:  AIRPORT LEASE RENEWAL – LOT 34B

SOURCE:  FINANCE DEPARTMENT/PURCHASING DIVISION

COMMENT:  Mr. Bruce Kaiser is the current leaseholder of Lot 34B at the Porterville Municipal Airport. The lease will expire on May 31, 2009; however, the lease terms allow for an option to extend the lease for an additional five (5) years, 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. Kaiser dated February 10, 2009, asking to continue his lease on Lot 34B. Staff recommends that Council waive the 120-day notice requirement and grant the five-year option to extend the lease to 2014.

RECOMMENDATION:  That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Bruce Kaiser of Porterville for Lots 34B at the Porterville Municipal Airport.

ATTACHMENT:  Locator Map
               Letter from Mr. Kaiser requesting renewal
               Paragraph 2 of original Lease Agreement
February 10 2009

City of Porterville
Airport Manager
291 N. Main Street
Porterville Ca 93257

Subject: Lease Agreement Hanger-Lot 34B at Porterville Airport
Expires on May 31 2009.

This letter is a request for renewal assignment of lease for lot
34B at the Porterville Airport for the additional 5 year option
which will expire on May 31 2014.

If required you may contact me at 784-1153

Bruce Kaiser

2150 w. tomah
Porterville Calif
93257
LEASE AGREEMENT

PORTERVILLE MUNICIPAL AIRPORT

THIS LEASE AGREEMENT ("Lease"). executed at Porterville, California the first day of June 1, 1999 by and between the CITY OF PORTERVILLE, a charter city and municipal corporation of the State of California, hereinafter referred to as “City” and Bruce Kaiser 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 34 B 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 June 1, 1999, both parties having executed the same, and shall terminate on May 31, 2009. 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.
AMENDMENT TO STORM DRAIN MASTER PLAN, CITY STANDARD PLANS AND SPECIFICATIONS – DRAINAGE RESERVOIR DESIGN CRITERIA

On occasion, Staff finds the need to clarify specific sections of the City's Water, Sewer and Storm Drain Master Plans when proposed developments are submitted for review. Most recently, staff found the need to address design criteria for sizing storm drain reservoirs.

The Engineering Division reviews each development project for drainage conveyance and storage of storm water. When a drainage reservoir is needed as part of the development, each developer must perform percolation tests and provide calculations that approximate the drainage reservoir's physical size and capacity. This process is followed whether it is a temporary or master plan facility.

Currently, the City’s Storm Drain Master Plan and Standard Specifications allow a professional engineer to consider percolation rates when calculating peak storage requirements for a ten (10) day period or event. Attached is an example of these calculations. The City’s Storm Drain Master Plan and Standard Specifications specify that two (2) safety factors be considered in the calculations. The two factors are:

1. First day cumulative percolation is ignored.
2. Actual field derived percolation rate is reduced by one third (1/3).

Variations in soil types and diminishing percolation rates over time are the reasons behind these safety factors. Obviously, these two safety factors have a significant impact on drainage reservoir sizing. The higher the percolation rate the smaller the reservoir size. The attached calculations compare and contrast the difference in reservoir size when allowing and not allowing percolation values from day one. The example provided reflects a drainage reservoir sized to accommodate 0.92 acre-feet when allowing percolation during the first day and reflects a reservoir sized to accommodate 1.57 acre-feet when ignoring the first day percolation quantity.

Local and “outside” engineers have argued that the City should allow for percolation during the first day. To date, staff has held to City requirements and not allowed first day percolation. After considerable thought and discussions, staff feels there is merit to their requests.

Appropriated/Funded N/A CM Item No. 14
As indicated above, soils throughout the City vary considerably in their permeability; that is, the ability to absorb or percolate rainfall or surface water. The Storm Drain Master Plan includes, as a component of the plan, a map identifying the different soil classifications in the City. The map is based on the Soil Conservation Series prepared by the United States Department of Agriculture (USDA). Soil designations within the "plan" are categorized as Type A, B, C, and D. Type A soils are very permeable while Type D soils have very low permeability characteristics. In accordance with the USDA report, the permeability rates for the various soil types generally are as follows:

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Permeability Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A</td>
<td>6&quot; to 20&quot; per hour</td>
</tr>
<tr>
<td>Type B</td>
<td>2&quot; to 6&quot; per hour</td>
</tr>
<tr>
<td>Type C</td>
<td>0.6&quot; to 2&quot; per hour</td>
</tr>
<tr>
<td>Type D</td>
<td>0.06&quot; to 0.2&quot; per hour</td>
</tr>
</tbody>
</table>

There is approximately 21.7 square miles within the currently approved Urban Development Boundary (UDB). Of the total area, 39% is highly expansive or Type D soil. These soil types are predominately on the east side of the City. About 12.6% of the soils are moderately expansive (Type B & C) and these soils are typically found in the southwest quadrant of the City. The remaining 48.5% is low expansive material and would qualify as Type A soil. This soil type is predominately located on the west side of the City.

As indicated earlier, several engineering firms have questioned the City’s criteria and feel that it is unusually stringent. Staff has considered the issue in great detail and believes that “first day” percolation values should be allowed within specific soil conditions. Even with day one percolation included, some conservatism is built into the system due to the fact that the percolation test rate value is reduced by one-third.

Staff recommends that City Council consider allowing engineers to include first day percolation when actual field percolation test results equal or exceed 6” per hour. All other design criteria necessary to size a drainage reservoir should remain the same.

RECOMMENDATION: That City Council:

1. Approve and adopt the attached resolution changing Appendix C, Page 4 of the 1994 Storm Drain Master Plan and City Standard Plan D-4 to reflect the allowance of the first day percolation volume when field percolation test results meet or exceed 6” per hour; and
2. Direct the City Engineer to bring forth at the earliest time possible; modified design criteria for drainage systems for incorporation into the 1994 Storm Drain Master Plan, Standard Plans and Specifications.

ATTACHMENTS: Resolution
Sample Calculations

P:\pubwork\Engineering\Council Items\Amendment to Storm Drain Master Plan - To allow First Day Percolation - 2008-03-03.doc
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE APPROVING AND ADOPTING THE
AMENDMENT TO THE STORM DRAIN MASTER PLAN, CITY STANDARD PLANS
AND SPECIFICATIONS

WHEREAS, developers and engineers are requesting that consideration be
given to allow for the first day percolation volume when sizing new drainage reservoirs;

WHEREAS, the first day percolation volume would be consistent when designing
all drainage reservoirs; temporary (detention or retention) or permanent (detention or
retention);

WHEREAS, Staff concurs with the request when field percolation test results
meet or exceed a permeability rate of 6" per hour;

WHEREAS, all remaining design criteria shall be unchanged;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of
Porterville, hereby adopts the modification to Appendix C, Page 4 of the 1994 Storm
Drain Master Plan and revised Standard Plans D-9 – Criteria for Drainage Systems to
allow for first day percolation volumes for calculating drainage reservoir sizes when field
testing results meet or exceed a permeability rate of 6" per hour;

BE IT FURTHER RESOLVED that the changes mentioned herein to City's 1994
Storm Drain Master Plan and Standard Plan D-4 by text and resolution be incorporated
until such time that the master plan, standard plans and specifications, in whole, can be
properly modified and presented to City Council for review and approval at a later date.

APPROVED AND ADOPTED this 3rd day of March, 2009.

Cameron Hamilton, Mayor

ATTEST:
John Lolliis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
### Drainage Basin Calculations

Comparison between allowing percolation the first day or until the second day.

<table>
<thead>
<tr>
<th>Drainage Area</th>
<th>Tributary Area Size, ac</th>
<th>Runoff Coefficient, C</th>
<th>Top of Basin Length, ft</th>
<th>Top of Basin Width, ft</th>
<th>Bottom of Basin Length, ft</th>
<th>Bottom of Basin Width, ft</th>
<th>Depth of Water, ft</th>
<th>Area of Basin Top, sf</th>
<th>Area of Basin Bottom, sf</th>
<th>Volume of Basin, ac-ft</th>
<th>Volume of Basin, cy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10.00</td>
<td>0.35</td>
<td>380</td>
<td>30</td>
<td>370</td>
<td>20</td>
<td>2.5</td>
<td>11400</td>
<td>7400</td>
<td>0.54</td>
<td>870</td>
</tr>
<tr>
<td>1</td>
<td>10.00</td>
<td>0.35</td>
<td>380</td>
<td>30</td>
<td>370</td>
<td>20</td>
<td>2.5</td>
<td>11400</td>
<td>7400</td>
<td>0.54</td>
<td>870</td>
</tr>
</tbody>
</table>

Basin Side Slopes = 2 / 1

### Basin with Percolation on 1st Day

<table>
<thead>
<tr>
<th>Event Day</th>
<th>Event Rainfall, in</th>
<th>Avg. Basin Area, sf</th>
<th>Runoff In, ac-ft</th>
<th>Percolation Out, ac-ft</th>
<th>Accumulated Volume, ac-ft</th>
<th>Provided Volume, ac-ft</th>
<th>Excess Runoff, ac-ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3.15</td>
<td>9400</td>
<td>0.92</td>
<td>0.39</td>
<td>0.53</td>
<td>0.54</td>
<td>0.00</td>
</tr>
<tr>
<td>2</td>
<td>4.23</td>
<td>9400</td>
<td>1.23</td>
<td>0.78</td>
<td>0.45</td>
<td>0.54</td>
<td>0.00</td>
</tr>
<tr>
<td>3</td>
<td>4.73</td>
<td>9400</td>
<td>1.38</td>
<td>1.18</td>
<td>0.20</td>
<td>0.54</td>
<td>0.00</td>
</tr>
<tr>
<td>5</td>
<td>5.39</td>
<td>9400</td>
<td>1.57</td>
<td>1.96</td>
<td>0.00</td>
<td>0.54</td>
<td>0.00</td>
</tr>
<tr>
<td>10</td>
<td>6.45</td>
<td>9400</td>
<td>1.88</td>
<td>3.92</td>
<td>0.00</td>
<td>0.54</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Percolation Rate (Area 1) = \( \frac{22}{min/in} \)**

### Basin with Percolation on 2nd Day

<table>
<thead>
<tr>
<th>Event Day</th>
<th>Event Rainfall, in</th>
<th>Avg. Basin Area, sf</th>
<th>Runoff In, ac-ft</th>
<th>Percolation Out, ac-ft</th>
<th>Accumulated Volume, ac-ft</th>
<th>Provided Volume, ac-ft</th>
<th>Excess Runoff, ac-ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3.15</td>
<td>9400</td>
<td>0.92</td>
<td>0.00</td>
<td>0.92</td>
<td>0.54</td>
<td>0.38</td>
</tr>
<tr>
<td>2</td>
<td>4.23</td>
<td>9400</td>
<td>1.23</td>
<td>0.39</td>
<td>0.84</td>
<td>0.54</td>
<td>0.30</td>
</tr>
<tr>
<td>3</td>
<td>4.73</td>
<td>9400</td>
<td>1.38</td>
<td>0.78</td>
<td>0.59</td>
<td>0.54</td>
<td>0.06</td>
</tr>
<tr>
<td>5</td>
<td>5.39</td>
<td>9400</td>
<td>1.57</td>
<td>1.57</td>
<td>0.00</td>
<td>0.54</td>
<td>0.00</td>
</tr>
<tr>
<td>10</td>
<td>6.45</td>
<td>9400</td>
<td>1.88</td>
<td>3.53</td>
<td>0.00</td>
<td>0.54</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Percolation Rate (Area 3) = \( \frac{22}{min/in} \)**

### Calculations

**Runoff In:**
- \( V = \text{RCA} \div 12 \), where
- \( R = \text{event rainfall (in)} \)
- \( C = \text{runoff coefficient} \)
- \( A = \text{area (ac)} \)
- and 12 in/ft

**Percolation per day**
- \( (\text{in/day}) = (24 \text{ hr/min} \times 60 \text{ min/hr}) + (\text{percolation rate} \times 3) \)

**Percolation Out:**
- \( (\text{Percolation per day} \times \text{avg. basin area}) \div (43560 \text{ sf/acre} \times 12 \text{ (in/ft)}) \times (\text{event day, contingent on perc beginning on 1st or 2nd day}) \)
COUNCIL AGENDA: March 3, 2009

SUBJECT: CONSIDERATION OF PROPOSED BUDGET CALENDAR FOR FISCAL YEAR 2009-2010

SOURCE: Finance Department

COMMENT: For the Council's consideration, please find enclosed the proposed budget calendar for the fiscal year 2009-2010.

RECOMMENDATION: That the City Council approve the proposed budget calendar for the 2009-2010 fiscal year.

ATTACHMENTS: Proposed FY 2009-2010 budget calendar

D.D. Appropriated/Funded NA C.M. Item No. 15
<table>
<thead>
<tr>
<th>Date</th>
<th>Task</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 27</td>
<td>Budget worksheets to Departments</td>
<td>Finance</td>
</tr>
<tr>
<td>March 6</td>
<td>Preliminary revenue estimates completed</td>
<td>Finance</td>
</tr>
<tr>
<td>March 12 - 13</td>
<td>10-Year Capital Projects update</td>
<td>CM/Directors</td>
</tr>
<tr>
<td>March 16</td>
<td>Budget retreat</td>
<td>CM/Directors</td>
</tr>
<tr>
<td>April 15</td>
<td>Completed budget worksheets to Finance</td>
<td>Directors</td>
</tr>
<tr>
<td>May 8</td>
<td>Preliminary budget completed</td>
<td>Finance</td>
</tr>
<tr>
<td>May 22</td>
<td>Preliminary budget approved by City Manager</td>
<td>CM</td>
</tr>
<tr>
<td>June 2</td>
<td>Preliminary budget presented to City Council</td>
<td>CM</td>
</tr>
<tr>
<td>June 6 or 9</td>
<td>Preliminary budget Council study session</td>
<td>Council</td>
</tr>
<tr>
<td>June 16</td>
<td>Final budget public hearing and approval by Council</td>
<td>Council</td>
</tr>
</tbody>
</table>
SUBJECT: REQUEST BY COUNCIL MEMBER – OPPOSITION LETTER REGARDING ROLE OF WHITE HOUSE IN 2010 CENSUS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: On February 5, 2009, White House staff announced plans for an increased role in the upcoming 2010 Census. Pursuant to Title 13 of the U.S. Code, the Census Bureau falls under the purview of Commerce and under the delegated authority of the Secretary of Commerce.

During the City Council Meeting of February 17, 2009, a request was made by a Council Member to send a letter to President Obama opposing the increased role of the White House in the upcoming Census. While the City Council voiced unanimous approval of this request, said item was not agendized, and therefore ratification of the Council’s approval is herein requested.

RECOMMENDATION: That the City Council ratify its approval of the draft letter to President Barack Obama opposing an increased White House role in the 2010 U.S. Census; and direct staff to transmit said letter.

ATTACHMENT: Draft letter to President Barack Obama

Item No. 16
March 3, 2009

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Commerce Department Authority for 2010 Census

Dear Mr. President:

On behalf of the City Council of the City of Porterville, I am writing to strongly encourage that the responsibilities for the upcoming decennial 2010 Census remain under the complete delegated authority of the Commerce Department. Given that the upcoming census will define several critical national policy issues, including the appropriation of Federal monies to state and local governments based on population, as well as the allocation of congressional seats and drawing of congressional districts, we believe it is imperative that a fair and accurate census count be conducted, and that it be conducted pursuant to law. Title 13 of the United States federal code states that the Census Bureau falls under the purview of Commerce and delegated authority of the secretary of Commerce.

Thank you for your consideration in this matter.

Sincerely,

Cameron Hamilton, Mayor
City of Porterville
The Housing Element is a component of the General Plan and contains the city's goals, policies, and strategic plan for addressing the most critical housing needs in the community over the next five (5) years from August 2009 to August 2014. The Housing Element is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community.

On October 7, 2008 a contract was awarded to Veronica Tam and Associates to assist with the update of the City's Housing Element. The update of the Housing Element is required to be completed and certified by the State Department of Housing and Community Development (HCD) by August 31, 2009. Through the community housing surveys, public meetings, and the compilation of data for the housing needs assessment in the community, Veronica Tam & Associates has assisted with the preparation of the draft Housing Element for 2009-2014.

A very important component of the Housing Element identifies the types and number of housing units the City must provide and/or have available in developable land as mandated by the 2008 Regional Housing Needs Assessment (RHNA) Plan for the planning period of January 1, 2007 to July 1, 2014. The State Department of Housing and Community Development (HCD) provides each region throughout the state its proportional share of housing units that must be provided for within the seven and a half year RHNA period. The Council of Governments within each region then allocates to each jurisdiction its proportionate share based on the RHNA plan. Tulare County Association of Governments (TCAG) makes allocations specific to jurisdictions based on housing needs of all incomes (market rate and non-market rate housing), market demand for housing, employment opportunities, availability of sites and public facilities, commuting patterns, type and tenure of housing, and the housing needs of farm workers. The City of Porterville has been allocated 5,473 units to accommodate over the remainder of the planning period. Below is a break-down by income level:

<table>
<thead>
<tr>
<th>Income Level</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>1,224 units</td>
</tr>
<tr>
<td>Low</td>
<td>862 units</td>
</tr>
<tr>
<td>Moderate</td>
<td>979 units</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>2,409 units</td>
</tr>
<tr>
<td>Total units by 2014</td>
<td>5,473 units</td>
</tr>
</tbody>
</table>

D.D.L. Appropriated/Funded / C.M.  
Item No. 17
The City’s Housing Element consultant has completed an analysis using the City’s adopted General Plan and Geographic Information System (GIS) database and determined that the City does meet its RHNA housing needs as allocated by TCAG. In terms of available units, sites and available land area, Agencies are mandated to plan and provide for their RHNA allocation but are not penalized if the market does not achieve the unit #’s by the end of the RHNA planning period. The City meets its housing allocation requirements by the following margins:

<table>
<thead>
<tr>
<th>Income Category</th>
<th>Target RHNA</th>
<th>Units Approved, Constructed, or Under Construction Since January 1, 2007</th>
<th>Available units based on Vacant and Underutilized sites</th>
<th>Surplus RHNA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extremely Low/Very Low</td>
<td>1,224</td>
<td>51</td>
<td>2,363</td>
<td>+490</td>
</tr>
<tr>
<td>Low</td>
<td>862</td>
<td>162</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moderate</td>
<td>979</td>
<td>129</td>
<td>1,106</td>
<td>+256</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>2,409</td>
<td>2,946</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>5,473</td>
<td>3,288</td>
<td>3,469</td>
<td>+746</td>
</tr>
</tbody>
</table>

Upon submittal of the draft document to HCD for review, they will have sixty days to respond and provide comment to the City regarding concerns and changes that need to be made. The document will then be revised and fine tuned, the environmental review completed, and the required public hearings held by the City Council before the final adoption of the Housing Element, submittal to HCD, and HCD approval by August 31, 2009.

RECOMMENDATION: That the City Council approve the Draft City of Porterville 2009-2014 Housing Element for submittal to the State Department of Housing and Community Development.

Attachment:

1. City’s available sites inventory map for the RHNA
2. Draft City of Porterville 2009-2014 Housing Element
CHAPTER 1
INTRODUCTION

The 2009-2014 Housing Element is a component of the Porterville 2030 General Plan. The Housing Element contains the City's goals, policies, and strategic plan for addressing the most critical housing needs in the community over the next eight years. The Housing Element is designed to provide the City with a coordinated and comprehensive strategy for promoting the production of safe, decent, and affordable housing within the community.

A. COMMUNITY CONTEXT

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

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

Incorporated in 1902 with a population of 2,906, Porterville has grown to a community of 51,163 in 2008, according to the Department of Finance population and housing estimates. Similar to Tulare County, Porterville has experienced rapid growth since 1960, with a 50 percent or greater increase during the decades of the 1970s and 1980s. The Tulare County Association of Governments (TCAG) predicts less rapid growth through 2008, with an expected annual population increase of 2.8 percent. As the City continues to grow into areas where urban services and infrastructure are not yet in place, this expected population growth will pose a challenge in helping ensure that all members of the community have access to decent and affordable housing.

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

The housing stock in Porterville consists predominantly of single-family homes. Housing prices in the City are low compared to other areas in the County and region. Approximately 44 percent of the households in Porterville are renters, compared to 39 percent Countywide.

In preparing a housing plan to address the housing needs of residents, the City has set forth policies and programs that:
preserve existing housing;
provide sites for new housing construction;
expand housing opportunities for low income and special needs households;
reduce governmental constraints to housing development; and
ensure equal housing access for all residents.

B. STATE POLICY AND AUTHORIZATION

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

Previously state law required housing elements to be updated at least every five years to reflect a community's changing housing needs. The 2003 Housing Element covered the five-year period spanning 2003 through 2008. Special legislation extended the deadline for Housing Element updates in Tulare County by one year. This new update covers the planning period of July 1, 2009 through June 30, 2014.

A critical measure of compliance with the State Housing Element Law is the City's ability to accommodate its share of the regional housing needs, as allocated in the Regional Housing Needs Assessment (RHNA) Plan prepared by the Tulare County Association of Governments. For Tulare County, the RHNA covers the period between January 1, 2007 and July 1, 2014. Therefore, while the Housing Element is an five-year document, the City has seven and one-half years (January 1, 2007 to July 1, 2014) to fulfill the RHNA.

C. ORGANIZATION OF THE HOUSING ELEMENT

The Housing Element consists of the following major components:

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

2. An analysis of the City's demographic and housing characteristics and trends (Chapter 2).

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

4. An evaluation of land, financial, and administrative resources available to address the City's housing goals (Chapter 4).
5. An evaluation of the accomplishments of the 2003 Housing Element (Chapter 5).

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

D. RELATIONSHIP TO PORTERVILLE GENERAL PLAN

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

LAND USE ELEMENT

The following General Plan “Guiding Policies” relate to housing in the City:

LU-G-6 Provide for residential development with strong community identities, appropriate and compatible scales of development, identifiable centers and edges and well-defined public spaces for recreation and civic activities.

LU-G-7 Guide new development into compact neighborhoods with defined, mixed-use center including public open space, a school or other community facilities, and neighborhood commercial.

LU-G-8 Allow and encourage efficient infill development in existing neighborhoods.

LU-G-9 Provide sufficient land with appropriate parcel sizes to support a full range of housing types and prices.

LAND USE ELEMENT IMPLEMENTATION POLICIES

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

LU-G-I-10: Amend the Zoning Ordinance to include:
- Minimum lot sizes and densities consistent with the Plan’s land use classifications;
- Development standards that permit townhouses and zero-lot line attached or detached single-family dwellings on sites designated for low-medium, medium, or medium-high densities;
- Development standards that permit second units, small family daycares, and residential care homes in neighborhoods in accord with State law; and
• Sustainable design standards that will achieve compact, walkable neighborhoods and provide an interconnected network of local streets.

LU-I-11 Only allow gated communities in very low density, planned development areas, and Resort Residential areas.

LU-I-12 Require residential development on slopes over six percent to comply with the Hillside Development Ordinance.

This ordinance establishes a Hillside Development Zoning District with standards and review procedures tailored to the City’s needs and expectation for hillside development.

LU-I-13 Discourage residential development within the Airport Safety Zone. If residential development is approved in the County within the Airport Safety Zone, it must comply with Tulare County Airport Land Use Commissions’s land-use compatibility standards and density restrictions.

The County is currently preparing an Airport Land Use Compatibility Plan which will include updated information for a safety zone.

LU-I-14 Allow residential developments to employ creative site design, landscaping, and architectural quality that blend with the characteristics of each location and its surroundings and offer superior design solutions.

LU-I-15 Adopt community design standards for new residential development. These could include but are not limited to:
• Maximum block length;
• Maximum ratio of block length to width;
• Limited use of dead-end streets;
• Orientation of residential building; and
• Required connectivity.

Exceptions may be provided for infill sites and projects in the Hillside Development Zone.

LU-I-16 Establish guidelines and incentives to promote green building techniques and materials in residential development.

LU-I-17 Require that all new subdivisions preserve natural, cultural, and biological resources, including stands of large trees and rock outcroppings, to the maximum extent feasible.

LU-I-18 Protect existing, residential neighborhoods from the encroachment of incompatible activities and land uses, and environmental hazards.
Enforce zoning and development regulations through project review, construction inspections, and code enforcement, with fees to enable full-cost recovery for providing these services.

State law allows cities to set permit fees to recover administrative costs.

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

E. COMMUNITY PARTICIPATION

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

COMMUNITY WORKSHOPS

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

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

- CCFCC
- Salvation Army
- Rescue Mission
- PSW Independent Living Program
- Central California Legal Services
- Central California Family Crisis Center Media
- Porterville Recorder
HOUSING NEEDS SURVEY

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

In total, 42 people completed the survey. Among those completing the survey, 27 were renters and 17 were owners. The most common housing need indicated by both renters and owners was home improvement, as approximately half of both owners and renters indicated their units were in need of improvement. Several housing policies received a favorable response from survey respondents. Policies and programs receiving the most favorable responses were:

- Offering credit counseling to first-time homebuyers;
- Policies encouraging new apartments at rents affordable to lower-income households;
- Policies encouraging new homes at prices affordable to lower-income households; and
- A first-time homebuyers workshop that informs prospective buyers of the home purchasing process.
CHAPTER 2

HOUSING NEEDS ASSESSMENT

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

A. POPULATION CHARACTERISTICS

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

1. POPULATION TRENDS

Porterville is the third largest city in Tulare County. Porterville has grown rapidly for many years: the City has more than tripled in population since 1970, with 50 percent or greater increases in population during the decades of the 1970s and 1980s. As of January 2008, the State Department of Finance (DOF) reported a population of 51,467 for Porterville.

As the Bureau of the Census continues its efforts with the 2010 census we turn to the previous census see a continued pattern and consistent development for the region. Although population growth in Porterville leveled off during the 1990s, it was still high compared to most Tulare County communities (Table 2-1). Only Farmersville recorded a larger growth than Porterville. Immigration appears to account for a significant portion of the City’s population growth during the 1990s. The City population grew by approximately 10,000 in the 1990s. Among residents new to the City during the 1990s, 36 percent were born in foreign countries, with a majority born in Mexico. The foreign-born residents who moved to Porterville during the 1990s account for 40 percent of the City’s entire foreign-born population as of 2000.

Table 2-1
Regional Population Trends, 1990-2000

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>1990</th>
<th>2000</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porterville</td>
<td>29,563</td>
<td>39,615</td>
<td>34.0%</td>
</tr>
<tr>
<td>Dinuba</td>
<td>12,743</td>
<td>16,844</td>
<td>32.2%</td>
</tr>
<tr>
<td>Exeter</td>
<td>7,276</td>
<td>9,168</td>
<td>26.0%</td>
</tr>
<tr>
<td>Farmersville</td>
<td>6,235</td>
<td>8,737</td>
<td>40.1%</td>
</tr>
<tr>
<td>Lindsay</td>
<td>8,338</td>
<td>10,297</td>
<td>23.5%</td>
</tr>
<tr>
<td>Tulare</td>
<td>33,249</td>
<td>43,994</td>
<td>32.3%</td>
</tr>
<tr>
<td>Visalia</td>
<td>75,636</td>
<td>91,565</td>
<td>21.1%</td>
</tr>
<tr>
<td>Woodlake</td>
<td>5,678</td>
<td>6,651</td>
<td>17.1%</td>
</tr>
<tr>
<td>Tulare County</td>
<td>311,921</td>
<td>368,021</td>
<td>18.0%</td>
</tr>
</tbody>
</table>

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

The Porterville population trends since 1970 as well as projections through 2008 are presented in Table 2-2. An estimated population of 50,000 by 2008 was projected from the Tulare County Association of Governments (TCAG) assuming a straight-line growth rate of 2.8 percent over the six year period within the City’s incorporated area. Based on the TCAG projection, Porterville surpassed the estimated 50,000 population mark prior to 2008.

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>% Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>12,602</td>
<td></td>
</tr>
<tr>
<td>1980</td>
<td>19,707</td>
<td>56.4%</td>
</tr>
<tr>
<td>1990</td>
<td>29,563</td>
<td>50.0%</td>
</tr>
<tr>
<td>2000</td>
<td>39,615</td>
<td>34.0%</td>
</tr>
<tr>
<td>2003</td>
<td>41,945</td>
<td>5.8%</td>
</tr>
<tr>
<td>2008</td>
<td>51,467</td>
<td>22.7%</td>
</tr>
</tbody>
</table>


2. **AGE CHARACTERISTICS**

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

A review of the changes among age groups in Porterville reveals several interesting trends (Table 2-3). First, in absolute and percentage terms, Porterville’s senior population decreased during the last decade. The decrease stands in contrast to the robust overall population increase during the 1990s. Many potential factors may be associated with the decrease in the number of seniors, including natural processes, lack of housing appropriate to

---

\(^1\) Fresno Bee, March 18, 2003.
the needs of seniors, and a small to non-existent number of new residents over 65 years of age.

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

![Table 2-3](image)

### Table 2-3

**Age Characteristics, 1990 - 2000**

<table>
<thead>
<tr>
<th>Age Group</th>
<th>1990</th>
<th>2000</th>
<th>% Change 1990-2000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Persons</td>
<td>Percent</td>
<td>Persons</td>
</tr>
<tr>
<td>0-4</td>
<td>2,775</td>
<td>9.4%</td>
<td>3,759</td>
</tr>
<tr>
<td>5-9</td>
<td>3,005</td>
<td>10.1%</td>
<td>3,919</td>
</tr>
<tr>
<td>10-14</td>
<td>2,390</td>
<td>8.1%</td>
<td>3,684</td>
</tr>
<tr>
<td>15-19</td>
<td>2,061</td>
<td>6.9%</td>
<td>3,598</td>
</tr>
<tr>
<td>20-24</td>
<td>2,246</td>
<td>7.6%</td>
<td>2,882</td>
</tr>
<tr>
<td>25-29</td>
<td>2,079</td>
<td>7.0%</td>
<td>2,742</td>
</tr>
<tr>
<td>30-34</td>
<td>2,555</td>
<td>8.6%</td>
<td>2,799</td>
</tr>
<tr>
<td>35-39</td>
<td>2,265</td>
<td>7.6%</td>
<td>2,880</td>
</tr>
<tr>
<td>40-44</td>
<td>2,035</td>
<td>6.9%</td>
<td>2,679</td>
</tr>
<tr>
<td>45-49</td>
<td>1,341</td>
<td>4.5%</td>
<td>2,439</td>
</tr>
<tr>
<td>50-54</td>
<td>1,031</td>
<td>3.5%</td>
<td>2,000</td>
</tr>
<tr>
<td>55-59</td>
<td>1,003</td>
<td>3.4%</td>
<td>1,376</td>
</tr>
<tr>
<td>60-64</td>
<td>998</td>
<td>3.4%</td>
<td>1,120</td>
</tr>
<tr>
<td>65-69</td>
<td>1,075</td>
<td>3.6%</td>
<td>896</td>
</tr>
<tr>
<td>70-74</td>
<td>952</td>
<td>3.2%</td>
<td>842</td>
</tr>
<tr>
<td>75-79</td>
<td>901</td>
<td>3.0%</td>
<td>813</td>
</tr>
<tr>
<td>80-84</td>
<td>511</td>
<td>1.7%</td>
<td>589</td>
</tr>
<tr>
<td>85+</td>
<td>437</td>
<td>1.5%</td>
<td>598</td>
</tr>
<tr>
<td>Totals</td>
<td>29,660</td>
<td>100%</td>
<td>39,615</td>
</tr>
</tbody>
</table>

Source: 1990 and 2000 U.S. Census

Among the older age groups, the 45-49 and 50-54 age groups grew the fastest during the 1990s in relative terms. However, these relative increases seem to be due more to the population aging than to in-migration. The 50-54 age group increased 94 percent in size.
between 1990 and 2000, but in tracking this age group through different time periods, one finds a shrinking population. Specifically, the 40-44 years age group in 1990 had a population of 2,035. Its associated age group in the year 2000, the 50-54 age group, had a population of 2,000 — a 35-person decrease in ten years. This suggests that the increase of this age group may be attributable to aging in place rather than to in-migration. It also suggests that from 2010 to 2017, the City will see a large group of residents at or very close to retirement age. This is potentially critical given that, as previously noted, there appear to be factors inducing seniors to leave Porterville upon reaching retirement age.

3. **RACE AND ETHNICITY**

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

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

School enrollment data from the California Department of Education provide additional insight on the race and ethnicity of the student body of the two school districts that cover Porterville. Of the nearly 13,500 students in the Porterville Unified School District, 65 percent or 8,775 are of Hispanic origin. Of the 3,688 students in the Burton School District, 57 percent of students are identified as Hispanic.

Porterville has clearly seen a tremendous increase in its Hispanic population in the past twenty years. If current trends continue, the next census in 2010 will likely indicate that those of Hispanic origin will constitute over fifty percent of Porterville residents. This has implications for many city government issues, particularly housing policy, because Census data further reveal that people of Hispanic origin are disproportionately concentrated in the lower income group, young, and tend to live in overcrowded conditions.

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

3 School district reports treated Hispanics as a separate racial group, rather than allowing for separate ethnic and racial identification.
### Table 2-4

**Race and Ethnicity, 1990 - 2000**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>10,299</td>
<td>35%</td>
<td>19,589</td>
<td>49%</td>
</tr>
<tr>
<td>White</td>
<td>16,787</td>
<td>57%</td>
<td>16,649</td>
<td>42%</td>
</tr>
<tr>
<td>Asian</td>
<td>1,824</td>
<td>6%</td>
<td>1,789</td>
<td>5%</td>
</tr>
<tr>
<td>Black</td>
<td>253</td>
<td>1%</td>
<td>406</td>
<td>1%</td>
</tr>
<tr>
<td>Other*</td>
<td>400</td>
<td>1%</td>
<td>1,182</td>
<td>3%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>29,563</strong></td>
<td><strong>100%</strong></td>
<td><strong>39,615</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

*Includes persons of two or more races


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4. **EDUCATION AND EMPLOYMENT**

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

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

#### Figure 2-1 Highest level of educational attainment for Porterville residents, 25 years or older, 2000

- Graduate degree: 3.6%
- College Degree: 12.5%
- Some college: 22.5%
- H.S. Diploma: 23.1%
- No H.S. diploma: 38.2%

Source: 2000 U.S. Census
5. **Occupational and Industrial Characteristics**

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

**Occupational Characteristics**

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

<table>
<thead>
<tr>
<th>Occupational Category</th>
<th>Porterville</th>
<th>Tulare County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management, professional, and related occupations</td>
<td>3,744</td>
<td>33,892</td>
</tr>
<tr>
<td>Sales and office occupations</td>
<td>3,344</td>
<td>30,447</td>
</tr>
<tr>
<td>Service occupations</td>
<td>2,491</td>
<td>21,708</td>
</tr>
<tr>
<td>Production, transportation, and material moving occupations</td>
<td>1,920</td>
<td>19,108</td>
</tr>
<tr>
<td>Farming, fishing, and forestry occupations</td>
<td>1,505</td>
<td>17,643</td>
</tr>
<tr>
<td>Construction, extraction, and maintenance occupations</td>
<td>1,148</td>
<td>11,296</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>14,152</strong></td>
<td><strong>134,094</strong></td>
</tr>
</tbody>
</table>

Source: US Census, 2000

**Industrial Characteristics**

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

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

Table 2-6
Industrial Profile, 2000

<table>
<thead>
<tr>
<th>Industry</th>
<th>Porterville</th>
<th>Tulare County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Educational, health and social services</td>
<td>3,984</td>
<td>27,691</td>
</tr>
<tr>
<td>Retail trade</td>
<td>1,769</td>
<td>14,317</td>
</tr>
<tr>
<td>Agriculture, forestry, fishing and hunting, and mining</td>
<td>1,588</td>
<td>20,383</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>1,079</td>
<td>12,610</td>
</tr>
<tr>
<td>Arts, entertainment, recreation, accommodation and food services</td>
<td>954</td>
<td>8,542</td>
</tr>
<tr>
<td>Public administration</td>
<td>900</td>
<td>7,701</td>
</tr>
<tr>
<td>Wholesale trade</td>
<td>734</td>
<td>8,209</td>
</tr>
<tr>
<td>Other services (except public administration)</td>
<td>728</td>
<td>6,977</td>
</tr>
<tr>
<td>Professional, scientific, management, administrative, etc.</td>
<td>665</td>
<td>8,219</td>
</tr>
<tr>
<td>Construction</td>
<td>649</td>
<td>7,106</td>
</tr>
<tr>
<td>Transportation and warehousing, and utilities</td>
<td>505</td>
<td>5,670</td>
</tr>
<tr>
<td>Finance, insurance, real estate, and rental and leasing</td>
<td>464</td>
<td>5,041</td>
</tr>
<tr>
<td>Information</td>
<td>133</td>
<td>1,628</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>14,152</strong></td>
<td><strong>134,094</strong></td>
</tr>
</tbody>
</table>

Source: 2000 Census

Major Employers

A more refined understanding of the City’s employment picture comes from a review of its major employers (Table 2-7). These jobs are held by Porterville residents and non-residents alike. Health care and education providers comprise five of the City's largest employers. Six of the ten largest employers are public entities, which cumulatively have more than 6,300 employees.

The single largest employer is the Porterville Developmental Center, with more than 1,600 employees. The second largest private employer is Walmart, with nearly 901 of which work in the distribution center, with the balance in the company’s retail store. Other large employers are Porterville Public Schools, Sierra View District Hospital, Family Health Care, Eagle Mountain Casino and the City of Porterville. Large privately owned employers include Beckman Coulter, an Orange County based medical equipment manufacturer, and Royalty Carpet Mills, a carpet maker also based in Orange County. The largest private employer with headquarters in Porterville is Bank of the Sierra, with branch offices in Tulare, Fresno, and Kern counties.
<table>
<thead>
<tr>
<th>Employer</th>
<th>Employees in Porterville</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porterville Developmental Center</td>
<td>1,631</td>
</tr>
<tr>
<td>Wal-Mart (distribution and retail)</td>
<td>1,293</td>
</tr>
<tr>
<td>Porterville Public Schools</td>
<td>1,281</td>
</tr>
<tr>
<td>Sierra View District Hospital</td>
<td>961</td>
</tr>
<tr>
<td>Family Health Care</td>
<td>664</td>
</tr>
<tr>
<td>Eagle Mountain Casino</td>
<td>532</td>
</tr>
<tr>
<td>City of Porterville</td>
<td>465</td>
</tr>
<tr>
<td>Burton School District</td>
<td>385</td>
</tr>
<tr>
<td>Foster Farms</td>
<td>376</td>
</tr>
<tr>
<td>Porterville College</td>
<td>337</td>
</tr>
<tr>
<td>Sierra Bancorp</td>
<td>305</td>
</tr>
<tr>
<td>Royalty Carpet Mills</td>
<td>268</td>
</tr>
<tr>
<td>Beckman Coulter, Inc.</td>
<td>280</td>
</tr>
<tr>
<td>U.S. Forest Service</td>
<td>235</td>
</tr>
<tr>
<td>Save Mart Grocery Stores</td>
<td>203</td>
</tr>
<tr>
<td>Bank of Sierra</td>
<td>203</td>
</tr>
<tr>
<td>Porterville Sheltered Workshop</td>
<td>189</td>
</tr>
<tr>
<td>McDonalds</td>
<td>152</td>
</tr>
<tr>
<td>Good Shepherd Workshop</td>
<td>130</td>
</tr>
<tr>
<td>E.M. Tharp</td>
<td>127</td>
</tr>
<tr>
<td>Sierra Forest Products</td>
<td>125</td>
</tr>
<tr>
<td>Porterville Citrus</td>
<td>70</td>
</tr>
<tr>
<td>Baird Neece Packing Corp</td>
<td>57</td>
</tr>
</tbody>
</table>

Source: City of Porterville, 2008
Projected Employment Trends

Understanding areas of potential job growth is an additional aid to forecasting community needs. Table 2-8 presents job growth by occupation in Tulare County through 2014. Current mean annual wages for these positions are also listed. While the fastest growing jobs in Tulare County are the higher income jobs (such as computer, business operations, and legal), farming and office/administrative support jobs are expected to continue to constitute large portions of the employment base. These jobs are at the lower pay scales. Providing affordable housing to these groups presents a challenge to local jurisdictions, including Porterville.

Table 2-8
Mean Annual Wage and Projected Employment Growth by Occupation for Tulare County

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Management</td>
<td>$81,873</td>
<td>9.8%</td>
<td>7.8%</td>
</tr>
<tr>
<td>Business and Financial Operations</td>
<td>$53,351</td>
<td>23.4%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Computer and Mathematical</td>
<td>$60,021</td>
<td>35.4%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Architecture and Engineering</td>
<td>$56,678</td>
<td>17.5%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Life, Physical, and Social Science</td>
<td>$52,166</td>
<td>17.5%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Community and Social Services</td>
<td>$39,737</td>
<td>16.2%</td>
<td>2.0%</td>
</tr>
<tr>
<td>Legal</td>
<td>$67,179</td>
<td>26.0%</td>
<td>0.4%</td>
</tr>
<tr>
<td>Education, Training, and Library</td>
<td>$52,238</td>
<td>21.8%</td>
<td>7.9%</td>
</tr>
<tr>
<td>Arts, Design, Entertainment</td>
<td>$36,240</td>
<td>10.4%</td>
<td>0.8%</td>
</tr>
<tr>
<td>Healthcare Practitioners and Technical</td>
<td>$63,590</td>
<td>9.7%</td>
<td>3.8%</td>
</tr>
<tr>
<td>Healthcare Support</td>
<td>$25,043</td>
<td>12.0%</td>
<td>2.5%</td>
</tr>
<tr>
<td>Protective Service</td>
<td>$42,637</td>
<td>20.9%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Food Preparation and Serving</td>
<td>$19,346</td>
<td>12.9%</td>
<td>5.6%</td>
</tr>
<tr>
<td>Building and Grounds Cleaning</td>
<td>$25,156</td>
<td>14.9%</td>
<td>2.8%</td>
</tr>
<tr>
<td>Personal Care and Service</td>
<td>$23,957</td>
<td>15.1%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Sales and Related</td>
<td>$31,155</td>
<td>14.5%</td>
<td>7.9%</td>
</tr>
<tr>
<td>Office and Administrative Support</td>
<td>$29,275</td>
<td>5.8%</td>
<td>12.0%</td>
</tr>
<tr>
<td>Farming, Fishing, Forestry</td>
<td>$19,260</td>
<td>16.8%</td>
<td>16.7%</td>
</tr>
<tr>
<td>Construction and Extraction</td>
<td>$37,167</td>
<td>22.7%</td>
<td>4.6%</td>
</tr>
<tr>
<td>Installation, Maintenance, and Repair</td>
<td>$36,878</td>
<td>18.0%</td>
<td>3.5%</td>
</tr>
<tr>
<td>Production</td>
<td>$29,101</td>
<td>13.8%</td>
<td>6.3%</td>
</tr>
<tr>
<td>Transportation and Material Moving</td>
<td>$27,622</td>
<td>13.5%</td>
<td>8.0%</td>
</tr>
<tr>
<td>Total Occupations</td>
<td>$34,502</td>
<td>14.4%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Unemployment

Tulare County has had some of the highest unemployment rates in the nation. According to the California Employment Development Department (EDD), October 2008, the metropolitan statistical area of Visalia-Tulare-Porterville had an unemployment rate of 11.8 percent.

Most of the metropolitan areas suffering high unemployment are agricultural areas with large populations of immigrants – other areas with very high unemployment rates are Merced, Fresno, Salinas, Yuba City, and Bakersfield. The Bureau of Labor Statistics since 2000 indicates that Porterville has consistently had unemployment rates between 8.2 and 12.3 percent. Prior to 2000 unemployment rates for Porterville reached as high as 19.4 percent.

On a monthly basis, area unemployment rates have tended to dip during the months of May, August, and September – which are traditionally harvest periods. Although Porterville has established itself as a regional shopping, health care and service center, the average unemployment rate within the City during 2007 was 8.5 percent, and for the month of December 2008, unemployment rate in Porterville increased to 13.1 percent, according to the EDD. This unemployment rate is not an indication of the estimate of the farmworker population in the City, which tends to exhibit high unemployment rates during non-harvest months.

B. Household Characteristics

1. Household Type

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

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

What is a household?
The Census defines a household as any group of people occupying a housing unit, which may include single persons living alone, families related through marriage or blood, or unrelated persons who share living quarters. Persons living in retirement or convalescent homes, dormitories, or other group quarters situations are not considered households.
With a relatively high number of families with children, Porterville’s average household size is relatively large, even though nearly one-fifth of its households consisted of one person. Within Porterville, the average household size rose from 2.9 in 1990 to 3.2 in 2000. In unincorporated East Porterville and Poplar-Cotton Center, the average household size in 2000 was just over four persons per household.

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

### Table 2-9
**Household Characteristics, 1990 - 2000**

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

Source: U.S. Census, 1990 and 2000
2. **HOUSEHOLD INCOME**

Household income is one of the most important factors affecting housing opportunity. A household's income determines its ability to balance housing costs with other basic necessities of life. Income levels can and often do vary considerably among households and affect housing choices such as tenure (ownership or rental), type, and location. According to HUD’s most recent metropolitan area surveys, the Visalia-Porterville 2008 median income is $46,900.

According to the 2000 census, the median household income for Porterville ($32,046) was similar to that of Tulare County as a whole. Figure 2-2 compares the median household incomes for Porterville with nearby cities and Tulare County. Of all cities in Tulare County, only the City of Visalia had a median household income ($41,349) above the County median household income ($33,983).

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

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**Figure 2-2**
*Median household income in Tulare County cities, 1999*

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4 The 2000 Census recorded earned income in 1999.
Poverty status

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

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

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

3. Special Needs Groups

Certain groups have greater difficulty in finding and holding on to decent, affordable housing due to special circumstances relating to employment and income, household characteristics, and disabilities, among others. These “special needs” groups in Porterville include seniors, persons with disabilities, large households, single-parent households (especially female-headed households with children), homeless persons, and agricultural workers (Table 2-10). Following are more in-depth discussions of each special needs group.
Table 2-10
Special Needs Groups, 2000

<table>
<thead>
<tr>
<th>Special Needs Groups</th>
<th>Persons</th>
<th>Households</th>
<th>% of Population/Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seniors</td>
<td>3,738</td>
<td></td>
<td>9.4%</td>
</tr>
<tr>
<td>Disabled (5 years and older)</td>
<td>7,458</td>
<td></td>
<td>18.8%</td>
</tr>
<tr>
<td>Persons 5-20 years</td>
<td>802</td>
<td></td>
<td>2.0%</td>
</tr>
<tr>
<td>Persons 21-64 years</td>
<td>5,055</td>
<td></td>
<td>12.8%</td>
</tr>
<tr>
<td>Persons 65 years and over</td>
<td>1,601</td>
<td></td>
<td>4.0%</td>
</tr>
<tr>
<td>Agricultural Workers</td>
<td>1,588</td>
<td></td>
<td>4.0%</td>
</tr>
<tr>
<td>Households Headed by Seniors</td>
<td></td>
<td>2,183</td>
<td>18.4%</td>
</tr>
<tr>
<td>Owners</td>
<td></td>
<td>1,543</td>
<td>13.0%</td>
</tr>
<tr>
<td>Renters</td>
<td></td>
<td>640</td>
<td>5.4%</td>
</tr>
<tr>
<td>Female Headed Households with Children</td>
<td></td>
<td>1,495</td>
<td>12.6%</td>
</tr>
<tr>
<td>Large Households</td>
<td></td>
<td>2,589</td>
<td>21.8%</td>
</tr>
<tr>
<td>Owners</td>
<td></td>
<td>1,408</td>
<td>11.8%</td>
</tr>
<tr>
<td>Renters</td>
<td></td>
<td>1,181</td>
<td>9.9%</td>
</tr>
</tbody>
</table>

Source: 2000 U.S. Census

Seniors

Seniors (those aged 65 years or older) often have special housing needs due to three reasons; income, health care costs, and physical disabilities. According to the 2000 Census, about 3,738 seniors were living in Porterville, comprising 9.4 percent of the City population. Households led by a senior comprised 18.4 percent of all City households. Some of the special needs of seniors are:

- **Limited Income**: Many seniors have limited income available for health and other expenses. Among households where the householder was age 65 or older, about 59 percent had household incomes of less than $30,000. Census data further indicate that 6.4 percent of all seniors were living at or below the poverty line.

- **Disabilities**: Among the seniors in Porterville, 43 percent had a disability. Approximately 350 seniors had “self-care” disabilities, requiring assistance in routine daily functions.
- **Cost Burden:** About 43 percent of all senior households that rented in 2000, paid more than 30 percent of their income on housing, relative to 22 percent of senior households who owned their homes.

In 2000, 71 percent of the senior-headed households were homeowners. Senior homeowners, particularly, elderly women living alone, may require assistance in performing regular home maintenance or repair activities due to physical limitations or disabilities, in addition to constraints posed by limited incomes.

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

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

Within the City are two housing developments that are either reserved expressly for seniors or available to lower income seniors. Santa Fe Plaza is restricted to very low income seniors. As of March 2003, the annual income limit for one person at Santa Fe Plaza is $18,850. Santa Fe Plaza has an on-site community center and is administered by the Housing Authority of Tulare County (HATC). HATC also administers the La Serena Apartments, which is open to all very low income individuals and families. The annual income limit as of February 2009 is $18,850 for one person. Both facilities are popular and have long waiting lists: 20 applicants are awaiting openings at Santa Fe; 824 applicants are on La Serena’s wait list.

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

**Persons with Disabilities**

Physical, mental, and/or developmental disabilities may prevent a person from working, may restrict one’s mobility, or may make it difficult to care for oneself. Persons with disabilities have special housing needs often related to the limited ability to earn a sufficient income, and to a lack of accessible and affordable housing. Some residents have disabilities that require living in a supportive or institutional setting.
Based on the 2000 Census, 7,458 persons in Porterville had some form of disability, representing almost 19 percent of the City population. Of those between ages 21 and 64 with disabilities, just 16 percent were employed. Given this low rate of employment, many of these disabilities may be significant in nature.

The Porterville Developmental Center (PDC) is a state facility that provides intensive training and supervision to individuals with the most severe limitations and disabilities, whose needs cannot readily be met by available private community-based services. Programs at PDC include: physical development; sensory development; habilitation and social development; behavior adjustment; and adult physical and social development. The PDC has also expanded a forensic unit. As of January 2009, the PDC inpatient population was 612 with a capacity of 1,210; the facility also offers day care for less severe cases.

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

**Large Households**

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

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

**What is a “large” household?**
Large households are defined as households with five or more members.

**What is overcrowding?**
A housing unit is typically considered as overcrowded when it is occupied by more than one person per room (including bedroom and living and dining rooms, but not bathrooms and kitchens). For example, a two-bedroom unit with a living room and a dining room can accommodate four persons without being considered as overcrowded.
Generally, such large households require dwelling units with three or more bedrooms for adequate housing. Dwelling units of this size tend to be ownership units; few rental units with three or more bedrooms are available. Low-income housing tax credit projects are typically built with three (3) or four (4) units. Within the City, nearly 74 percent of all ownership housing units have three or more bedrooms, while only 26 percent of the rental units have three or more bedrooms. As a result, approximately 26 percent of all renter-households lived in overcrowded conditions, defined as more than one person per room, compared to just 13 percent of all ownership households.

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

**Single-Parent Households**

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

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

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

An accurate assessment of the homeless population is difficult because of the transient nature of the population, and because many individuals are not visibly homeless but move around in temporary living conditions. In 2008, the Kings/Tulare County Continuum of Care conducted a homeless survey to assess the nature and extent of homelessness in the region. A total of 597 homeless persons in the two counties responded to the survey. The following are some of the characteristics of the homeless in the Porterville area:

- 64 percent have been homeless for one year or less; only 13 percent are considered chronic homeless
- 44 percent are of Hispanic origin
- 45 percent are female
- Adults between 40 and 49 years old are the largest group (26 percent) followed by adults between 30 and 39 years old (23 percent)
- 37 percent are families with children
- 16 percent are victims of domestic violence
- 52 percent are considered disabled
- 14 percent are employed
- 72 percent are housed (45 percent with relatives and friends, 10 percent in transitional housing, 10 percent in emergency shelters, 7 percent in hotels/motels)
- Most needed services are dental care (61 percent), housing assistance (90 percent), and health care (58 percent)

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

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

**Transitional Housing:** A residence that provides housing for up to two years. Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation. Services may include substance abuse treatment, mental and physical health care interventions, job training and employment services, individual and group counseling and life skills training.

**Permanent Housing:** Affordable permanent housing or service-enriched permanent housing is linked with supportive services (on-site or off-site) and designed to allow formerly homeless clients to live at the facility on an indefinite basis.

Following are brief descriptions of homeless facilities located closest to Porterville. These facilities serve a variety of homeless persons, including battered women and children, persons with mental and/or physical disabilities, individuals, and needy families.
The Porterville Area Coordinating Council (PACC) is a private, nonprofit organization that receives over 100 requests for assistance every month, many of which are for emergency housing. While the PACC does not operate an emergency shelter, it provides funding for individuals or families in need to spend one or two nights in a motel as emergency assistance.

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

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

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

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

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

St. Vincent de Paul provides food, clothing, and financial assistance to homeless persons.

Agricultural Workers

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

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

**Limited Income** - Farmworkers typically earn very low incomes. According the the State Employment Development Department, mean annual wage for people holding farming/fishery/forestry occupations in Tulare County was $19,260 in 2008. While many farmworker households include extended family members and therefore are households with multiple wage-earners, when household income and household size are considered, many still fall in lower income group.

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

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

Porterville is surrounded by fertile agricultural land and is located in an important agricultural region, both within California and the nation as a whole. According to the California Economic Development Department, Tulare County remains ranked as one of California’s largest agricultural producing counties in the total value crops. Census data indicate that 1,588 persons (11 percent of the employed Porterville residents) worked in agricultural positions. By 2014, persons employed in farming/fishery/forestry occupations are expected to constitute 16.7 percent of all employed persons in the County. This figure includes jobs in several supportive industries, such as food packing, processing, and transport. However, the high unemployment rates in the City may indicate a larger farmworker population in the City, which tends to exhibit high off-season unemployment rates.

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

The new Porterville General Plan includes an Agriculture/Rural/Conservation land use designation that preserves agricultural and resource conservation areas. Incidental residential uses are allowed in these areas. Clustered housing, in particular, is strongly encouraged because it makes the provision of other infrastructure, such as roads and electricity, more cost-effective and limits the impact on natural resources. Furthermore, permanent housing for farmworker households, such as rental apartments sponsored by the Rural Housing Services, or single-family homes constructed by self-help groups, are permitted in the City. Rental housing is permitted by right in the R-2 and R-4 districts and single-family homes are permitted by right in the R-1 district. The Porterville Zoning Ordinance regulates the development standards but not the users of developments. As long as the proposed development meets City standards, no additional conditions are placed when the potential occupants may be farmworker households. As demonstrated in Chapter 4, Housing Resources, the City has adequate supply of vacant land that can accommodate more than 746 additional units, including housing appropriate for farmworker households.

The City assists farm worker households in obtaining affordable housing through its First-Time Low Income Home Buyer Program. A large proportion of households that have been assisted under this program are farmworker households.

Within and immediately adjacent to Porterville, no housing facility is designated for agricultural workers and their families. However, two county facilities operated by the Housing Authority of Tulare County (HATC) are located nearby. To the City’s west is the Woodville Farm Center, which offers 178 units for agricultural workers and their families. About 10 miles south of the City is the Terra Bella Farm Labor Center. This facility provides 14 units, each of which has 2 or 3 bedrooms. All of the units are available to farmworkers and families, with the restriction that the head of household must be a legal resident of the United States. According to HATC, as of December 30, 2008 fifteen (15) families were on the waiting list for Woodville and 5 families were waiting for openings at Terra Bella. HATC notes that turnover at these facilities is limited – families tend to stay for many years.
C. **HOUSING STOCK CHARACTERISTICS**

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

1. **HOUSING GROWTH**

Between 2000 and 2008, 1,964 new housing units were built in Porterville, representing a 26 percent increase over nine years. Table 2-11 compares housing growth in Porterville with other Tulare County jurisdictions.

According to the City’s General Plan 2030, 14,635 residential acres are provided within the City’s planning area. A further discussion of available land for development within this Housing Element period is provided in the “Housing Resources” chapter of the Housing Element.

<table>
<thead>
<tr>
<th></th>
<th>Housing Units</th>
<th>Absolute Change</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2000</td>
<td>2008</td>
<td></td>
</tr>
<tr>
<td>Dinuba</td>
<td>4,670</td>
<td>4,951</td>
<td>281</td>
</tr>
<tr>
<td>Exeter</td>
<td>3,168</td>
<td>3,368</td>
<td>200</td>
</tr>
<tr>
<td>Farmersville</td>
<td>2,269</td>
<td>2,471</td>
<td>202</td>
</tr>
<tr>
<td>Lindsay</td>
<td>2,865*</td>
<td>2,865</td>
<td>0</td>
</tr>
<tr>
<td>Porterville</td>
<td>12,691</td>
<td>14,655</td>
<td>1,964</td>
</tr>
<tr>
<td>Tulare</td>
<td>14,253</td>
<td>17,956</td>
<td>3,703</td>
</tr>
<tr>
<td>Visalia</td>
<td>32,654</td>
<td>41,192</td>
<td>8,538</td>
</tr>
<tr>
<td>Woodlake</td>
<td>1,874</td>
<td>2,150</td>
<td>276</td>
</tr>
</tbody>
</table>


**Mobility**

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

Single-family housing construction in Porterville is likely to continue its growth despite several significant economic hardship cycles. The City population has grown steadily in the
last two decades and is projected to continue an annual growth rate of 2.8 percent through 2017, according to the Tulare County Association of Governments. The housing stock also increased due to annexations of unincorporated islands.

2. **Housing Type and Tenure**

**Housing Type**

The housing stock in Porterville consists predominantly of single-family units (Table 2-12). Of the 2,155 new units constructed between 2000 and 2008, 1,849 (86 percent), were single-family dwellings, the overwhelming majority of which were detached units. Although the Census data indicate that the number of mobile homes decreased during the last decade, no closure of any mobile home park or wholesale removal of mobile homes from the City occurred during that period.6

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>2000</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percent</td>
</tr>
<tr>
<td>Single-family</td>
<td>9,112</td>
<td>71.6%</td>
</tr>
<tr>
<td>Multi-family</td>
<td>2,979</td>
<td>23.4%</td>
</tr>
<tr>
<td>2-4 units</td>
<td>1,526</td>
<td>12.0%</td>
</tr>
<tr>
<td>5+ units</td>
<td>1,453</td>
<td>11.4%</td>
</tr>
<tr>
<td>Mobile homes</td>
<td>640</td>
<td>5.0%</td>
</tr>
<tr>
<td>Other units</td>
<td></td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12,731</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>


---

6 City of Porterville, January 2009.
Housing Tenure

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

Table 2-13
Tenure of Occupied Housing Units, 1990 and 2000

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

Source: US Census, 2000

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

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

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

Source: U.S. Census, 2000

### Table 2-15
**Household Size by Tenure, 2000**

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

Source: 2000 U.S. Census
Vacancy

According to the Census, vacancy rates in the City fluctuated. In 1990, the overall vacancy rate was 4.8 percent, which was increased to 6.4 percent in 2000. The State Department of Finance estimated that 2008 overall vacancy rate at 6.0 percent.

Vacancy rates reflect the balance between supply and demand. When supply exceeds demand, the vacancy rate will increase. Conversely, when demand outpaces supply, the vacancy rate will decrease, resulting in increased prices/rents. Typically, a vacancy rate of two to three percent is considered optimum for ownership housing. Rental housing requires a higher vacancy rate to allow for mobility; a vacancy rate of five to six percent for rental housing is usually considered desirable. In 2000, vacancy rate for ownership units was 2.0 percent, compared to a vacancy rate of 7.2 percent for rental units. (Updated vacancy rate by tenure is not available.)

Overcrowding

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

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

Among all households in Porterville, 2,291 households (19.1 percent) were overcrowded in 2000. Among renter-households, 1,374 households (26.2 percent) were overcrowded, relative to 917 (13.6 percent) of all owner-households. Specifically, more than half of the overcrowded households were considered to be severely overcrowded (15 percent of all renter-households, 7 percent of all owners; 10 percent of all households). Overcrowding rates have risen steadily in the last two decades. The overall overcrowding rate in 1980 was 5.2 percent; it grew to 13.4 percent in 1990 and 19.1 percent in 2000.
Overcrowding and Race/Ethnicity

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

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

3. HOUSING AGE AND CONDITION

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

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

<table>
<thead>
<tr>
<th>Year Constructed</th>
<th>Owner Occupied</th>
<th>Percent</th>
<th>Renter Occupied</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990 or later</td>
<td>1,932</td>
<td>28.7%</td>
<td>934</td>
<td>17.8%</td>
</tr>
<tr>
<td>1980_1989</td>
<td>1,416</td>
<td>21.0%</td>
<td>949</td>
<td>18.1%</td>
</tr>
<tr>
<td>1970_1979</td>
<td>1,473</td>
<td>21.9%</td>
<td>1,268</td>
<td>24.2%</td>
</tr>
<tr>
<td>1960_1969</td>
<td>618</td>
<td>9.2%</td>
<td>692</td>
<td>13.2%</td>
</tr>
<tr>
<td>1940_1959</td>
<td>937</td>
<td>13.9%</td>
<td>1,066</td>
<td>20.3%</td>
</tr>
<tr>
<td>1939 or earlier</td>
<td>353</td>
<td>5.2%</td>
<td>332</td>
<td>6.3%</td>
</tr>
<tr>
<td>Totals</td>
<td>6,729</td>
<td>100%</td>
<td>5,241</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: U.S. Census, 2000
About 72 percent of ownership units and 60 percent of rental units in Porterville were built after 1970 (Table 2-16). In contrast, 28 percent of ownership units and 40 percent of rental units were built before 1970, at an age that signs of deterioration begin to show unless the units have been well-maintained. While the relative youth of the housing stock might on its own suggest generally good housing conditions, field reconnaissance indicates that certain areas exhibit deferred maintenance issues. Specifically, the older homes are being used as rentals, potentially presenting additional concerns regarding housing maintenance. Unlike apartment complexes, on-site management is not available when homes are rented out individually. Knowledge of and financial resources for repair works may also be limited for property owners of single rental units or small complexes.

**Housing Conditions Survey**

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

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

**Foundation**
- Existing foundation in good condition (0 point)
- Repairs needed (10 points)
- Needs a partial foundation (15 points)

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

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

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

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

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

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

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

Substantial: (40-55 points) A unit that requires replacement of several major systems and possibly other repairs (e.g. complete foundation work, roof structure replacement and re-roofing, as well as painting and window replacement).

Dilapidated: (56+ points) A unit suffering from excessive neglect, where the building appears structurally unsound and maintenance is none-existent, not fit for human habitation in its current condition, may be considered for demolition or at minimum, major rehabilitation will be required.

Survey Results: Consistent with the age of the City’s housing stock, the majority of the housing units in the target areas are in sound condition. Of the parcels surveyed, approximately 85 percent are considered to be in sound condition. Approximately nine percent require minor repairs and three percent require moderate repairs. However, close to four percent of the units may require substantial repairs. [Note to staff: HCD now asks for a number of units that are dilapidated, requiring replacement.]
Table 2-17
Housing Conditions Survey

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

Housing Costs

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

Figure 2-5
Median Home Prices, 2008 (3rd Quarter)

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

Source: California Association of Realtors (CAR), August 2008

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

Three-bedroom single-family homes were the predominant size, selling at a median price of $122,900 (Table 2-18). Some older and smaller homes were also available for sale at a median price of $109,000. Overall median price of single-family homes was $324,950. Mobile homes were selling at significantly lower prices, representing an affordable housing option for many. The median price of mobile homes was $72,158.
### Table 2-18

Home Prices in Porterville, January 2009

<table>
<thead>
<tr>
<th>Size</th>
<th># for Sale</th>
<th>Range</th>
<th>Median</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>8</td>
<td>$9,950 - $99,500</td>
<td>$39,119</td>
</tr>
<tr>
<td>3 bedrooms</td>
<td>10</td>
<td>$38,000 - $225,000</td>
<td>$98,590</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>$9,950 - $225,000</td>
<td>$72,158</td>
</tr>
<tr>
<td>Single-Family Homes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>31</td>
<td>$58,000 - $239,000</td>
<td>$109,900</td>
</tr>
<tr>
<td>3 bedrooms</td>
<td>207</td>
<td>$59,900 - $650,000</td>
<td>$122,900</td>
</tr>
<tr>
<td>4 bedrooms</td>
<td>78</td>
<td>$99,900 - $543,000</td>
<td>$248,945</td>
</tr>
<tr>
<td>5+ bedrooms</td>
<td>17</td>
<td>$199,000 - $625,000</td>
<td>$324,000</td>
</tr>
<tr>
<td>Total</td>
<td>333</td>
<td>$58,000 - $650,333</td>
<td>$324,950</td>
</tr>
</tbody>
</table>

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

Approximately 44 percent of the households in Porterville are renters. Therefore, the availability of rental housing in the City affects a significant portion of the population. Based on a review of internet rental listings and classified advertising in the Porterville Recorder, typical apartments are renting at between $450 and $750 for small units (one- and two-bedrooms). The lower rental rates – less than $500 for small units – are offered by publicly assisted affordable housing projects such as Alderwood and Evergreen. Three-bedroom units are renting at significantly higher rates and are limited in supply. The Glenwood Hotel offers studio apartments at a monthly rent of $260 as of March 2009. However, as previously mentioned, many single-family homes in Porterville are used as rentals. Homes for rent typically go for higher rents. Most homes available for rent are three-bedroom homes, renting from just below $900 to $1,795.

**Section 8 Vouchers:** According to the Housing Authority of Tulare County (HATC), 565 households in Porterville (in both incorporated and unincorporated areas) receive Section 8 vouchers, accounting for 20 percent of the 2,825 vouchers in use Countywide.7

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7 Housing Authority of Tulare County, January 2009.
Housing Affordability

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

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

Extremely low income households: Households whose incomes are at or below 30 percent of AMI are considered extremely low income. A review of classified advertising sections of the Porterville Recorder from January 2009 and an internet search of rental listings indicated that a small percentage of advertised apartments for rent fell within these limits (mostly $450-$497), but all were studios or one bedroom units. Two- and three-bedroom apartments, more appropriate for families of four or more people, started at about $525 in monthly rent. Housing opportunities for this income group are extremely limited.

Very Low Income Households: Very low-income households earn between 31 and 50 percent of the AMI. A review of classified advertising indicated that most of the two-bedroom apartments during January 2009 were renting between $525 and $650 per month. However, large households needing three-bedroom units may have difficulty finding affordable housing.

With regard to ownership housing, housing units affordable to very low income households range between $50,000 and $76,000. Aside from some small mobile/manufactured homes and small and older single-family homes, few units listed for sale were affordable to very low income households.
Low-Income Households: Low-income households earn between 51 and 80 percent of AMI. Apartments and homes advertised for rent were mostly affordable to this income group. In general, most two- and three-bedroom homes listed for sale were affordable to low income households.

Table 2-20
Housing Affordability Matrix (2003)

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

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

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

The 2000 Census data indicate that almost half (approximately 2,400 households or 47 percent) of all rental households in Porterville spent 30 percent or more of household income on rent in 1999. This percentage exceeded the rates for Tulare County (41 percent) and California as a whole (42 percent). Among households in rentals with very low incomes (less than half of the area median income), 77 percent had a housing cost burden. Nearly all renter-households that had a cost burden were very low income.

In contrast, housing cost burden was much less prevalent among homeowners – approximately 1,800 households or 27 percent of owner-households spent 30 percent or more of household income on housing costs in 1999, according to the Census. This figure was lower than the rates for Tulare County (29 percent) and California as a whole (31 percent).

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

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

<table>
<thead>
<tr>
<th>Year Constructed</th>
<th>Renters</th>
<th>Owners</th>
<th>Total Households</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Elderly</td>
<td>Large Families</td>
<td>Total Renters</td>
</tr>
<tr>
<td>Ext. Low Income (0-30% MFI)</td>
<td>143</td>
<td>360</td>
<td>1,302</td>
</tr>
<tr>
<td>% with any housing problem</td>
<td>45%</td>
<td>95%</td>
<td>84%</td>
</tr>
<tr>
<td>% with cost burden &gt;50% only</td>
<td>11%</td>
<td>12%</td>
<td>32%</td>
</tr>
<tr>
<td>% with cost burden &gt;30% to 50%</td>
<td>24%</td>
<td>2%</td>
<td>9%</td>
</tr>
<tr>
<td>Very Low Income (31-50% MFI)</td>
<td>271</td>
<td>257</td>
<td>1,301</td>
</tr>
<tr>
<td>% with any housing problems</td>
<td>51%</td>
<td>96%</td>
<td>82%</td>
</tr>
<tr>
<td>% with cost burden &gt;50% only</td>
<td>18%</td>
<td>9%</td>
<td>15%</td>
</tr>
<tr>
<td>% with cost burden &gt;30% to 50%</td>
<td>33%</td>
<td>7%</td>
<td>36%</td>
</tr>
<tr>
<td>Low (51-80% MFI)</td>
<td>153</td>
<td>258</td>
<td>1,139</td>
</tr>
<tr>
<td>% with any housing problem</td>
<td>52%</td>
<td>80%</td>
<td>54%</td>
</tr>
<tr>
<td>% with cost burden &gt;50% only</td>
<td>9%</td>
<td>0%</td>
<td>2%</td>
</tr>
<tr>
<td>% with cost burden &gt;30% to 50%</td>
<td>36%</td>
<td>3%</td>
<td>25%</td>
</tr>
<tr>
<td>Total Households</td>
<td>657</td>
<td>1,125</td>
<td>5,177</td>
</tr>
</tbody>
</table>

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

5. **Inventory of Affordable Housing**

Many government programs assist with the creation and maintenance of affordable housing. Publicly assisted housing in Porterville includes housing subsidized with federal, state, and local funding resources (Table 2-22). The affordability of these housing units is typically governed by the loan terms and deed restrictions. Upon expiration of the loan terms and deed restrictions, or termination of subsidies, some of these assisted housing units may be at risk of converting to market rate housing. This section of the Housing Element provides an inventory of publicly assisted rental housing in the City, and the potential for these units to convert to market rate housing. For this Housing Element, the at-risk analysis covers the ten-year planning period of September 1, 2009 through August 31, 2019.

**At-Risk Housing**

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

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

In addition to the potential for expiring rent subsidies, these projects are also eligible to prepay the remaining mortgage and opt out of affordability controls. However, the nature of the program makes it difficult for these projects to prepay and convert to market-rate rents. To qualify for prepayment and conversion, the owner must prove that the affordable housing provided by the project is not needed. Discussions with FmHA representatives indicate that few farm housing projects have never been able to document that affordable, farm housing is no longer needed. Therefore, the affordable housing restrictions are expected to continue for the entire duration of the loan. Additional incentives, such as rent subsidies, are often offered to encourage the continued affordability of the units.
<table>
<thead>
<tr>
<th>Project</th>
<th>Funding Program</th>
<th>Units Assisted</th>
<th>Affordability Controls</th>
<th>Conversion Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>HATC Scattered Sites</td>
<td>Public Housing</td>
<td>285</td>
<td>Permanent</td>
<td>Not at risk</td>
</tr>
<tr>
<td>Santa Fe Plaza</td>
<td>Section 202/Section 8</td>
<td>105</td>
<td>7/31/2009</td>
<td>Section 8 at risk of expiration - low risk due to nonprofit ownership</td>
</tr>
<tr>
<td>La Serena</td>
<td>Section 221(d)(3)/Section 8</td>
<td>65</td>
<td>10/31/2009</td>
<td>Section 8 at risk of expiration - low risk due to nonprofit ownership</td>
</tr>
<tr>
<td>Alderwood</td>
<td>FmHA</td>
<td>64</td>
<td>Subsidy contract renewed in 1999</td>
<td>Subsidy contract at risk of expiration - low risk due to Section 515 conversion requirements</td>
</tr>
<tr>
<td>Evergreen</td>
<td>FmHA</td>
<td>40</td>
<td>Subsidy contract renewed in 1999</td>
<td>Subsidy contract at risk of expiration - low risk due to Section 515 conversion requirements</td>
</tr>
<tr>
<td>Porterville Gardens</td>
<td>FmHA</td>
<td>62</td>
<td>50-year mortgage</td>
<td>Not eligible for prepayment - not at risk</td>
</tr>
<tr>
<td>Glenwood Hotel</td>
<td>LIHTC/CDBG/HC D</td>
<td>36</td>
<td>2019</td>
<td>At Risk</td>
</tr>
<tr>
<td>Sequoia Village at Rivers Edge</td>
<td>Home</td>
<td>64</td>
<td>2061</td>
<td>Not at risk</td>
</tr>
<tr>
<td>Mountain View</td>
<td>LIHTC</td>
<td>60</td>
<td>2019</td>
<td>At Risk</td>
</tr>
<tr>
<td>Villa Robles</td>
<td>LIHTC</td>
<td>100</td>
<td>2028</td>
<td>Not at risk</td>
</tr>
<tr>
<td>St. James Place</td>
<td>HOME/RDA</td>
<td>14</td>
<td>2032</td>
<td>Not at risk</td>
</tr>
<tr>
<td>Porterville Family Apt.</td>
<td>LIHTC</td>
<td>79</td>
<td>55 years</td>
<td>Not at risk</td>
</tr>
<tr>
<td>(Under construction)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parkview Village (Under construction)</td>
<td>LIHTC</td>
<td>81</td>
<td>55 years</td>
<td>Not at risk</td>
</tr>
</tbody>
</table>
Preservation of At-Risk Housing

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

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

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

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

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

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

[Replacement costs — you may want to just base the replacement cost on a recent project.]

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

The Porterville Hotel once provided 70 affordable studio and one bedroom units but due to health and safety issues, the building was considered unsafe. As leases terminated they were not renewed. Currently building sits vacant, but in 2008 the City began talks with the owner and lenders involved in effort to come up with a demo and rebuilding plan. As part of the City’s efforts to replace the units lost with closing of the Porterville Hotel, the City assisted in the application process for funding the Prop 1C Infill Grant and provided $500,000 in Porterville Redevelopment Agency funds for the Villa Sienna mixed use project in the downtown area. The project will provide 69 affordable units to income qualified families. The project is estimated to cost $7,000,000.
CHAPTER 3
HOUSING CONSTRAINTS

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

A. MARKET CONSTRAINTS

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

1. CONSTRUCTION COSTS

Construction costs are the largest component of total costs for a single-family detached unit, accounting for 30 to 40 percent of the finished sale price. According to RS Means Residential Square Foot Costs (2008)\textsuperscript{1}, construction costs for an average two-story single-family home (2,000 square feet of living area) built of stucco on wood frame total $92.01 per square foot in the Porterville area. For multi-family attached units, construction costs are slightly lower as developers can usually benefit from economies of scale with discounts for materials and diffusion of equipment mobilization costs. Density bonuses for senior and affordable housing can enhance this per-unit cost reduction for multi-family developments. A reduction in amenities and quality of building materials could result in lower costs and sale prices; however, high quality design and sufficient tenant amenities are necessary to maintain minimum health and safety standards.

Construction costs are usually consistent throughout the region and fluctuate in response to costs of construction materials and labor market trends. The City has little ability in influencing such cost factors. However, to the extent feasible, the City provides gap financing for affordable

\textsuperscript{1} RSMeans is an online resource for construction books and other related products.
housing projects either as on-/off-site improvements, construction subsidies, or site acquisition using local, state and federal funds.

2. LAND COSTS

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

The City faces increasing development pressure with a limited supply of vacant, unconstrained land. In December 2008, 98 undeveloped residential land parcels were listed for sale, ranging in price from $45,000 (for $\frac{1}{2}$ acre) to $4.9$ million (for 93 acres). In recent years, a majority of the growth and development in Porterville has occurred in the northwest portions of the City. Porterville’s new 2030 General Plan hopes to redirect future growth into the Downtown area by promoting growth in the eastern sections of the City.

Land costs in the City have increased in recent years, but remain relatively low compared to most other urban areas in California. According to land appraisals conducted by Simpson Housing Solutions in 2007, vacant parcels in the City zoned for mixed use cost an average of $12.52 per square foot, up from $11.91 per square foot in November 2005.

The cost differences among properties with similar zonings are due primarily to two factors: location and availability of infrastructure. Areas toward the edge of the City where infrastructure is not yet available command lower land costs than in the central City areas, but require more infrastructure improvements to make the land “developable”, ultimately increasing the cost of development. Similar to construction costs, the City has little ability to influence the costs of land. However, to the extent feasible, the City assists with site acquisition and infrastructure improvements using local, State and federal funds.

3. AVAILABILITY OF FINANCING

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

The primary concern in a review of lending activity is to determine whether home financing is available to a City’s residents. The data presented in this section include the disposition of loan

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applications submitted to financial institutions for home purchase and home improvement loans in Porterville. Included is information on the percentage of loan applications that were approved or denied by lenders or withdrawn by applicants.

**Home Purchase Loans**

In 2007, a total of 1,156 Porterville\(^3\) households applied for conventional loans to purchase homes (Table 1). The overall loan approval rate was 59 percent and 28 percent of the applications were denied. Typically the reasons for denial are related to credit history, employment history, and debt-to-income ratio. Only 74 applications were submitted for the purchase of homes in Porterville through government-backed loans (e.g. FHA, VA) in 2007. To be eligible for such loans, residents must be lower and moderate income and purchase a home not exceeding an established cap. Few homes available for sale in 2007 met the cap limit and therefore government-backed financing was not widely utilized. Among applications for government-backed home purchase loans in 2007, 54 were approved (73 percent) and eight were denied (11 percent). Overall, mortgage financing is available to Porterville residents.

**Table 1: Disposition of Home Purchase Loan Applications (2007)**

<table>
<thead>
<tr>
<th></th>
<th>Total Applicants</th>
<th>Approved</th>
<th>Denied</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government-Backed Loans</td>
<td>74</td>
<td>54 (73%)</td>
<td>8 (11%)</td>
<td>12 (16%)</td>
</tr>
<tr>
<td>Conventional</td>
<td>1,156</td>
<td>687 (59%)</td>
<td>319 (28%)</td>
<td>150 (13%)</td>
</tr>
<tr>
<td>Home Improvement</td>
<td>646</td>
<td>282 (44%)</td>
<td>258 (40%)</td>
<td>106 (16%)</td>
</tr>
<tr>
<td>Refinance</td>
<td>3,922</td>
<td>1,642 (42%)</td>
<td>1,392 (35%)</td>
<td>888 (23%)</td>
</tr>
</tbody>
</table>

Note: “Other” includes applications approved but not accepted, files closed for incompleteness, and applications withdrawn.

**Home Improvement Loans**

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

Porterville applicants were more likely to be denied for home improvement loans than for any other type of loan. In 2007, 646 households applied for a home improvement loan. About 40 percent of applicants were denied and 44 percent were approved by lending institutions.

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\(^3\) HMDA data do not provide information by city. To compile applications for the City of Porterville, the census tracts that generally comprise the City are used.
To address potential private market lending constraints and expand homeownership and home improvement opportunities, the City of Porterville offers a First Time Low Income Home Buyers Loan Program and a Housing Rehabilitation Loan Program (see Programs 9 and 2, respectively, in Section V of this document). Such programs assist lower and moderate income residents by increasing access to favorable loan terms to purchase or improve their homes.

Refinance Loans

Relatively low interest rates and a high prevalence of interest-only, adjustable-rate, and balloon-payment mortgages led Porterville residents to file 3,922 applications for home refinance loans in 2007. Less than one-half (42 percent) of these applications were approved, while 36 percent were denied. With the recent credit crisis, refinancing activities are expected to fall further.

Foreclosures

With low interest rates, “creative” financing (e.g., zero down, interest only, adjustable loans), and predatory lending practices (e.g. aggressive marketing, hidden fees, negative amortization), many households nationwide purchased homes that were beyond their financial means. Under the false assumptions that refinancing to lower interest rates would always be an option and home prices would continue to rise at double digit rates, many households were (and still are) unprepared for the hikes in interest rates, expiration of short-term fixed rates, and decline in sales prices that set off in 2006. Suddenly faced with significantly inflated mortgage payments, and mortgage loans that are larger than the worth of the homes, foreclosure was the only option available to many households.

In December 2008, 469 homes in Porterville were listed as foreclosures. These homes were listed at various stages of foreclosure (from pre-foreclosures to auctions) and at prices up to $2,000,000. The high prices of the homes facing foreclosure indicate that the impact of foreclosure extends not only to lower and moderate income households, but also to households with higher incomes. DataQuick reports that of the homeowners who default, approximately 20 percent are able to avoid foreclosure by bringing their payments current, refinancing, or selling the home and paying off what they owe. The implosion of the mortgage lending market, however, may mean that many households, even above moderate income households, will have difficulty obtaining new mortgage loans or refinancing.

B. GOVERNMENTAL CONSTRAINTS

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

1. LAND USE CONTROLS

Overview of General Plan Land Use Policy

In July 2005, the City of Porterville initiated a comprehensive update of its General Plan. The Land Use Element of the General Plan (adopted in March 2008) establishes density/intensity standards for each land use classification. To expand housing opportunities in the City, the updated Land Use element provides the following residential land use classifications:

- Rural Residential – 0.2 du/acre
- Resort Residential – 5.0 du/acre
- Very Low Density Residential – 2.5 du/acre
- Low Density Residential – 6.0 du/acre
- Low-Medium Density Residential – 9.0 du/acre
- Medium Density Residential – 12.0 du/acre
- High Density Residential – 24.0 du/acre
- Downtown Mixed Use – 30.0 du/acre
- Commercial Mixed Use – 18.0 du/acre

The City’s Zoning Ordinance is in the process of being amended to include use regulations, development standards, and minimum performance requirements for zoning districts as needed to implement the new residential land use categories (Resort Residential, Very Low Density Residential, Low-Medium Density Residential, Downtown Mixed Use, and Commercial Mixed Use) established in the updated General Plan. The existing Porterville Zoning Ordinance identifies eight zoning districts where residential development is allowed:

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

Table 2 below shows the rough correlation between the land use categories identified in the General Plan and the City’s Zoning Ordinance.
Table 2: Relationship Between General Plan and Zoning

<table>
<thead>
<tr>
<th>General Plan Designation</th>
<th>Density</th>
<th>Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Residential</td>
<td>0.2 du/acre</td>
<td>R-A, R-E</td>
</tr>
<tr>
<td>Resort Residential</td>
<td>5.0 du/acre</td>
<td>To be created</td>
</tr>
<tr>
<td>Very Low Density Residential</td>
<td>2.5 du/acre</td>
<td>To be created</td>
</tr>
<tr>
<td>Low Density Residential</td>
<td>6.0 du/acre</td>
<td>R-1-8, R-1</td>
</tr>
<tr>
<td>Low-Medium Density Residential</td>
<td>9.0 du/acre</td>
<td>To be created</td>
</tr>
<tr>
<td>Medium Density Residential</td>
<td>12.0 du/acre</td>
<td>R-2, R-3</td>
</tr>
<tr>
<td>High Density Residential</td>
<td>24.0 du/acre</td>
<td>R-3, R-4, P-O</td>
</tr>
<tr>
<td>Downtown Mixed Use</td>
<td>30.0 du/acre</td>
<td>To be created</td>
</tr>
<tr>
<td>Commercial Mixed Use</td>
<td>18.0 du/acre</td>
<td>To be created</td>
</tr>
</tbody>
</table>

Planned Development Zone

The Porterville Zoning Ordinance includes a Planned Development (PD) zone to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety, creative design, and a better environment. This zone is also intended to facilitate diverse uses and different intensities than would otherwise be permitted within a particular zoning district. Planned Development districts can be established through an amendment to the official zoning map. Permitted deviations in the PD zone include:

- Reductions or increases in the minimum areas required
- Reductions in setbacks
- Higher densities

All of these deviations are intended to lower housing costs. The Garden Court Villas is a project approved in 2008 under the PD designation. The project was granted modifications to several regulations in the underlying R-2 zone, including minimum yard setbacks, maximum lot coverage, minimum lot area, and minimum lot width. Additionally, the project provides higher density housing with several amenities such as a meditation area, pool, and recreation area. Each of the 49 units include a two car garage with indoor laundry facilities. The shared amenities allow affords young families and individuals the opportunity to purchase a new home with great amenities at market rates.

Urban Development Boundary

Clearly defined urban edges reflect a commitment to focus future growth within the City in order to prevent urban sprawl and protect environmentally sensitive areas. The Urban Development Boundary (UDB) is one of the best strategies to achieve this within Porterville. The UDB protects the health, safety, welfare, and quality of life for residents by concentrating future residential, commercial, and industrial growth in areas already served by urban services or areas where such services are to be provided consistent with the General Plan. Since the early 1970s, all incorporated cities in Tulare County have enacted urban development boundaries, beyond which urban services and development are not permitted. While such boundaries can have beneficial land use impacts by focusing development within or adjacent to already urbanized...
areas, they can also act as a housing constraint, particularly in areas with scarce land resources.

The City’s UDB was most recently amended in 2006. It currently encompasses 12,757 acres, including 1,580 acres of vacant land. Tulare County Local Agency Formation Commission (LAFCO) allows the UDB to be reviewed and amended every five years to ensure an adequate land supply is provided to accommodate 10 years of residential land demand and 20 years of non-residential land demand. With the adoption of the Porterville 2030 General Plan, the City has begun reviewing and updating the UDB.

**Infill Development**

The UDB complements the City's policy of emphasizing infill development. There are more than 700 acres of underutilized land with redevelopment potential in the 2006 UDB boundary. The Economic Development and Land Use Elements of the General Plan provide strategies for fostering a strong Downtown that is the center of the community and a source of positive identity for the City of Porterville. These strategies include:

- The addition of the Downtown Mixed-Use and Downtown Retail land use categories
- The creation of the Downtown Overlay Zone

### 2. Residential Development Standards

The City regulates the type, location, density, and scale of residential development primarily through the Zoning Ordinance. Development standards specific to each zone district are designed to protect and promote the health, safety, and general welfare of residents as well as implement the policies of the General Plan. These standards also serve to preserve the character and integrity of existing neighborhoods. Generally, development standards can limit the number of units that may be constructed on a particular piece of property. These include density, minimum lot and unit sizes, height, and open space requirements. By limiting the number of units that could be constructed, the per-unit land costs would be higher and result in higher development costs that could impact housing affordability. Specific residential development standards are summarized in Table 3.

The Porterville 2030 General Plan created several land use designations: Resort Residential, Very Low Density Residential, Low-Medium Density Residential, Downtown Mixed Use, and Commercial Mixed Use. The Zoning Ordinance will be updated to establish appropriate development standards to implement these new land use designations. The City will ensure that such standards serve to facilitate and encourage the development of housing types, densities, and characters envisioned in these areas.
Table 3: Residential Development Standards

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Max. Height</th>
<th>Setbacks</th>
<th>Max. Lot Cover</th>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Front</td>
<td>Side</td>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>R-A</td>
<td>35 ft.</td>
<td>20 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
<td>20%</td>
</tr>
<tr>
<td>R-E</td>
<td></td>
<td>30%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R-1-8</td>
<td>25 ft.</td>
<td>20 ft.</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>40%</td>
</tr>
<tr>
<td>R-1</td>
<td></td>
<td></td>
<td>5 ft.</td>
<td></td>
<td>45%</td>
</tr>
<tr>
<td>R-2</td>
<td></td>
<td></td>
<td>5 ft.</td>
<td></td>
<td>40%</td>
</tr>
<tr>
<td>R-3</td>
<td>50 ft.</td>
<td>15 ft.</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>50%</td>
</tr>
<tr>
<td>R-4</td>
<td></td>
<td>15 ft.</td>
<td>5 ft.</td>
<td></td>
<td>60%</td>
</tr>
<tr>
<td>P-O</td>
<td>50 ft.</td>
<td>10 ft.</td>
<td>5 ft.</td>
<td>10 ft.</td>
<td></td>
</tr>
</tbody>
</table>

1. If a lot is less than 100 feet in width, each side yard shall be a minimum of ten percent of the lot, or five feet, whichever is greater.
2. If a lot is less than 50 feet in width, each side yard shall be a minimum of ten percent of the width of the lot, or three feet, whichever is greater.
3. For a one-story structure. If a structure has more than one story, the minimum rear setback is 10 ft.
4. Or 25 percent of the depth of the lot, whichever is less.
5. If a lot is less than 50 feet in width, each side yard shall be a minimum of ten percent of the width of the lot, or three feet, whichever is greater. If the main building is over 35 feet in height, each side yard shall be increased one foot in width for each additional ten feet, above thirty five feet.
6. For a one-story structure. If a structure has more than one story, the minimum rear setback is 10 ft. If the building is over 35 feet in height, the rear yard shall be increased one foot in depth for each additional ten feet, above thirty five feet (35%).
7. Must be fully landscaped.
8. If the building is over 25 feet in height and adjacent to any R-1 or R-2, the side yard shall increase one foot in width for each additional ten feet, above 25 feet.
9. If the building is over 35 feet in height the rear yard shall increase one foot in depth for each additional ten feet, above 35 feet.

Single-Family Residential Development Standards

The R-1 district is the largest in the City and contains by far the greatest number of single-family residential units of all the districts. Single-family residences can go up to a height of 35 feet, which can accommodate two story structures.

Minimum lot sizes in these four districts range from 6,000 to 20,000 square feet, with most lots in the City between 6,000 and 8,000 square feet. Smaller lot sizes (as small as 3,200 square feet) have been allowed within Planned Development zones and overlay areas. City staff has observed that Porterville's housing market tends to favor the 6,000- to 8,000-square-foot lot sizes. Allowable lot coverage is 40 percent in the R-1-8 district and 45 percent in the R-1 district. This limit, however, may vary within a Planned Development.

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

Multi-family dwellings can be constructed in the R-2, R-3, and R-4 zones. Multi-family development is also permitted in the Professional-Office Zone (P-O) under the same intensities and regulations as in the R-4 zone. Multi-family housing development is required to have a minimum lot area of 6,000 square feet, with a minimum lot area per family unit of 3,000 square feet in the R-2 zone, 1,500 square feet in the R-3 zone, and 1,000 square feet in the R-4 zone. In some cases, a conditional use permit may allow the number of proposed units to exceed the permitted thresholds.

Parking Standards

Porterville’s residential parking requirements are relatively simple and similar to parking regulations in other Central Valley jurisdictions. These requirements are summarized in Table 4. All single-family dwellings, mobile homes, and condominiums must have two covered parking spaces. Garages are preferred, but open carports are allowed. Porterville’s relatively large lot size accommodates such parking requirements without constraining housing development. Multiple-family developments must provide one covered space (garage or carport) and one-half open space per unit, regardless of number of bedrooms. This is a relatively low requirement, as many jurisdictions typically require two or more spaces per unit with three or more bedrooms. This requirement is lower than the parking standards established in the State density bonus law.

<table>
<thead>
<tr>
<th>Type of Residential Development</th>
<th>Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-Family</td>
<td></td>
</tr>
<tr>
<td>Condominiums</td>
<td>2 covered spaces per unit</td>
</tr>
<tr>
<td>Mobile Homes</td>
<td></td>
</tr>
<tr>
<td>Duplex</td>
<td>1 covered space plus 0.5 open spaces per unit</td>
</tr>
<tr>
<td>Apartments</td>
<td></td>
</tr>
</tbody>
</table>


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

Zoning Overlays

In addition to the development standards established for the residential and mixed use zone districts, overlay districts of the Zoning Ordinance provide additional regulations for residential development. The following zoning overlays apply to residential development in portions of the City:

Hillside Development Zone - All development within the Hillside Development Zone is subject to hillside development and design standards. Review criteria and limitations on maximum density are based on slope.
**Downtown Planning Area** - This overlay is intended to emphasize the Downtown area where the City wants to promote mixed-use development. Pedestrian-oriented design standards will apply.

**Transition Landscape Buffers** - This designation is intended to provide a variable-width landscaped buffer between industrial and industrial park uses, or heavily traveled highways and residential land uses. The recommended buffer widths are between 150 to 200 feet. Frontage roads, orchards, and recreational uses are allowed in these areas.

**Density Bonus**

Density bonuses and financial incentives or regulatory concessions are granted when a developer proposes to construct affordable housing. Under the City’s current Zoning Ordinance, developers of affordable and senior housing can apply for a density bonus from the project review committee. The amount of density bonus that can be granted is not specified in the Zoning Ordinance. Density bonuses also require a conditional use permit.

Current state law requires jurisdictions to provide density bonuses and development incentives on a sliding scale, where the amount of density bonus and number of incentives vary according to the amount of affordable housing units provided. The City’s Zoning Ordinance allows for this and meets this requirement.

**3. PROVISIONS FOR A VARIETY OF HOUSING TYPES**

Housing element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of types of housing for all income levels, including multi-family rental housing, factory-built housing, mobile homes, emergency shelters, transitional housing, supportive housing, and farmworker housing. Table 5 summarizes the City’s zoning provisions for various types of housing.

Besides single-family homes, the City provides for various other housing types to meet the special needs of the community, including persons earning lower income, seniors, persons with disabilities, the homeless, and agricultural workers, among others.

**Table 5: Housing Types Permitted by Zoning District**

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>Zoning Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>R-A</td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Single Family Dwelling</td>
<td>P</td>
</tr>
<tr>
<td>Condominiums</td>
<td>C</td>
</tr>
<tr>
<td>Two-Family Dwelling</td>
<td>P</td>
</tr>
<tr>
<td>Multi-Family Dwelling</td>
<td>P*</td>
</tr>
<tr>
<td>Second Units</td>
<td>P</td>
</tr>
<tr>
<td>Mobile/Manufactured Homes</td>
<td>P</td>
</tr>
<tr>
<td>Mobilehome Park</td>
<td>C</td>
</tr>
<tr>
<td><strong>Special Needs Housing</strong></td>
<td></td>
</tr>
</tbody>
</table>

CITY OF PORTERVILLE 3-10 2009-14 HOUSING ELEMENT
Residential Care Facilities

<table>
<thead>
<tr>
<th></th>
<th>P</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Shelters</td>
<td></td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Supportive Housing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Room Occupancy (SRO)</td>
<td></td>
<td></td>
<td>C</td>
</tr>
</tbody>
</table>

P = Permitted by right
C = Conditionally permitted
* = Maximum of 4 units per lot unless a CUP is approved and a maximum of one family per 3,000 SF lot area.
The Zoning Ordinance allows for "transitional residential uses" where a lower density zone abuts a higher density zone.

**Single-Family Dwellings**

A “single-family dwelling” is defined in the Zoning Ordinance as “any detached building used exclusively for occupancy by one family.” This definition does not include bungalows in a bungalow court, residential condominium units, and mobile homes. Single-family uses are permitted in all districts, but new single-family units are primarily concentrated in the R-A, R-E, R-1-8, and R-1 districts, with additional single-family uses in the R-2 district.

**Multiple-Family Units**

Twenty percent of Porterville’s housing stock in 2008 consisted of multiple-family units. Multiple-family units are permitted in the R-2, R-3, R-4, P-O Districts, and in areas designated Mixed-use or Downtown Zones. The Porterville Zoning Ordinance requires conditional use permit for condominium developments in any residential zone. The CUP process is concurrent with the subdivision map process required for condominium developments and therefore does not result in delays.

**Second Units**

A “second unit” is defined as a second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit or carriage house provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling. Second units may be an alternative source of affordable housing to lower income households and seniors.

Second units can be constructed with a ministerial permit within the R-A, R-E, R-1-8, and R-1 zones, subject to the following standards:

- The total area of floor space of a detached second unit shall not exceed 1,200 square feet
- If an increase in FAR is involved, said increase shall not exceed 30 percent of the existing living area or the minimum area of an efficiency unit
- Second units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located
• In addition to parking required for the existing residence, an additional one covered space for efficiency units and one bedroom units, two covered parking spaces for two, three, and four bedroom units, and one parking space per bedroom thereafter

• Owner must occupy either primary or second unit

Since 2007, the City has issued building permits for 3 second dwelling units.

Mobile/Manufactured Homes

According to the California Department of Finance, four percent of Porterville’s housing stock in 2008 was comprised of mobile homes, including trailer-style homes and manufactured homes set on foundations. Manufactured housing and mobile homes can be an affordable housing option for low and moderate income households.

A mobile home built after June 15, 1976, certified under the National Manufactured Home Construction and Safety Act of 1974, and built on a permanent foundation may be located in any residential zone where a conventional single-family detached dwelling is permitted subject to the same restrictions on density and to the same property development regulations, provided that the mobile home has received approval of all necessary plan check, site inspections, and receives a Certificate of Compatibility. Criteria for issuing a Certificate of Compatibility are established in the Zoning Ordinance to protect neighborhood integrity, provide for harmonious relationship between mobile homes and surrounding uses, and minimize problems that could occur as a result of locating mobile homes on residential lots.

Mobile and manufactured homes are permitted in all of the City’s residential zoning districts, except the P-O zone. Mobile home parks are permitted in the R-1, R-2, R-3, and R-4 zones on a minimum lot size of 10 acres. Currently, ten mobile home parks are located in Porterville.

Residential Care Facilities

Residential care facilities licensed or supervised by a Federal, State, or local health/welfare agency provide 24-hour non-medical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Pursuant to State law, licensed residential care facilities serving six or fewer persons are considered a regular residential use.

According to the State Department of Social Services, Community Care Licensing Division, three licensed group homes and 45 licensed adult residential facilities are located in Porterville. The Porterville Zoning Ordinance permits residential care facilities in the R-3, R-4, and P-O zoning districts. The Zoning Ordinance will be amended to expressly permit residential care facilities serving six or fewer persons in all residential zones.
Emergency Shelters

Section 50801(e) of the California Health and Safety Code defines emergency shelters as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or fewer by a homeless person. The Porterville Zoning Ordinance does not address the provision of emergency shelters. Senate Bill 2, enacted in October 2007, requires local governments to identify one or more zoning categories that allow emergency shelters without discretionary review. The statute permits the City to apply limited conditions to the approval of ministerial permits for emergency shelters. The identified zone must have sufficient capacity to accommodate at least one year-round shelter and accommodate the City’s share of the regional unsheltered homeless population. According to a 2008 study conducted by Kings United Way, Porterville has an estimated homeless population of 256 individuals.

There is currently one emergency shelter, with thirty-six beds available for the homeless, in the City of Porterville. The shelter is operated by the El Granito Foundation. The City will amend its Zoning Ordinance within one year of adoption of the Housing Element to permit homeless shelters with a ministerial permit within the C-2 and C-3 Zones, consistent with State law. Properties in this zone are located along public transportation routes and therefore have access to services located in Porterville and in surrounding communities (such as Visalia). This zone contains properties that are developed with existing low-scale commercial/industrial development that can be redeveloped or retrofitted for emergency shelter use. A total of 18 parcels (47.39 acres) are zoned Downtown Mixed Use and Commercial Mixed Use and therefore adequate capacity exists to accommodate the City’s unsheltered homeless.

In updating the Zoning Ordinance, the City will establish objective performance standards in the following areas to regulate emergency shelters:

- The maximum number of beds/persons permitted to be served nightly;
- Off-street parking based on demonstrated need, but not to exceed parking requirements for other residential or commercial uses in the same zone;
- The size/location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting; and
- Security during hours that the emergency shelter is in operation.

Transitional Housing

Transitional housing is a type of housing used to facilitate the movement of homeless individuals and families to permanent housing. Residents of transitional housing are usually connected to supportive services designed to assist the homeless in achieving greater economic independence and a permanent, stable living situation. Transitional housing can take several forms, including group quarters with beds, single-family homes, and multi-family apartments and typically offers case management and support services to help return people to independent living.
California Health and Safety Code (Section 50675.2) defines "transitional housing" and "transitional housing development" as buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional housing facilities typically allow residents to stay for a period of six months to two years. Two transitional housing facilities are currently located within the City: the Daybell-Brooks Shelter (with a seven-bed capacity) and the Mission Project (with a 36-person capacity).

Currently, the Porterville Zoning Ordinance does not explicitly address transitional housing facilities. The Zoning Ordinance will be amended to permit transitional housing facilities serving six or fewer clients by right in all residential zones. The City will also amend the Zoning Ordinance to differentiate transitional housing in the form of group quarters versus as multi-family rental housing developments. For transitional housing facilities that operate as multi-family rental housing developments, such uses will be permitted by right where multi-family housing is permitted. For transitional housing facilities that operate as group quarters, such facilities will be permitted as community care residential facilities.

**Supportive Housing**

Supportive housing links the provision of housing and social services for the homeless, people with disabilities, and a variety of other special needs populations. California Health and Safety Code (Section 50675.2) defines “supportive housing” as housing with no limit on length of stay, that is occupied by the low income adults with disabilities, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Currently, the Porterville Zoning Ordinance does not address supportive housing. To facilitate the provision of supportive housing, the City will amend its Zoning Ordinance to define and identify zones that permit or conditionally permit supportive housing, consistent with SB 2 enacted in 2007. The Zoning Ordinance will be amended to permit supportive housing facilities serving six or fewer clients by right in all residential zones. The City will also amend the Zoning Ordinance to differentiate supportive housing in the form of group quarters versus as multi-family rental housing developments. For supportive housing facilities that operate as multi-family rental housing developments, such uses will be permitted by right where multi-family housing is permitted. For supportive housing facilities that operate as group quarters, such facilities will be permitted as community care residential facilities.

**Single Room Occupancy (SRO)**

SRO units are one-room units intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other. The Porterville Zoning Ordinance does not contain specific provisions for SRO units. The Zoning Ordinance will be amended to specifically address the provision of SRO
units in the Downtown General Mixed Use zone(s) via a Conditional Use Permit. The City will also establish objective and appropriate development standards in the Zoning Ordinance for SRO units.

**Farmworker Housing**

In 2005, 1,184 Porterville residents were employed in the agriculture sector, constituting six percent of all jobs in the City. Little land within the City limits is designated for agricultural uses, but the areas surrounding Porterville are some of the most productive agricultural land in the country.

The new Porterville General Plan includes an Agriculture/Rural/Conservation land use designation that preserves agricultural and resource conservation areas. Incidental residential uses are allowed in these areas. Clustered housing, in particular, is strongly encouraged because it makes the provision of other infrastructure, such as roads and electricity, more cost-effective and limits the impact on natural resources.

No zoning district is established in the Zoning Ordinance to implement large-scale commercial agricultural uses. The R-A (Suburban Residential) zoning district allows small scale agricultural pursuits and includes some properties with “hobby farms,” mostly on five- to ten-acre parcels. A few larger parcels (ranging from 10 to 33 acres in size) are also zoned R-A. Two of the larger agricultural operations within the City limits, a sheep ranch and a citrus orchard, which are relatively small compared to agricultural operations elsewhere in Tulare County, were annexed to the City under R-1 zoning. These uses have been “grandfathered” as non-conforming uses and are thus unlikely to expand.

California law requires that farmworker housing for 12 units or 36 beds be considered equivalent to an agricultural use or, in other words, permitted by right in agricultural zones. As the City has created a new Agricultural/Rural/Conservation land use, the Zoning Ordinance will be amended to permit farmworker housing in the implementing zoning district(s).

Furthermore, the Zoning Ordinance allows for a single-family unit in the R-A district for agricultural employees as an additional use on an otherwise occupied site of at least 10 acres in area, provided that the unit is located on a minimum 6,000-square-foot site area. This provision of the code presents confusion with regard to the intent of the district as a suburban residential district.

**Housing for Persons with Disabilities**

The City conducted an analysis of the zoning ordinance, permitting procedures, development standards, and building codes to identify potential constraints for housing for persons with

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6 Health and Safety Code, §17021.6
disabilities. The City’s policies and regulations regarding housing for persons with disabilities are described below.

Zoning and Land Use: Under State Lanterman Developmental Disabilities Services Act (aka Lanterman Act), small licensed residential care facilities for six or fewer persons must be treated as regular residential uses and permitted by right in all residential districts. The City of Porterville will need to amend its Zoning Ordinance to be in compliance with the Lanterman Act. Currently, state licensed residential care facilities are only permitted in the R-3, R-4, and P-O residential zones. The City has not adopted a spacing requirement for residential care facilities.

Definition of Family: Local governments may restrict access to housing for households failing to qualify as a “family” by the definition specified in the Zoning Ordinance. Specifically, a restrictive definition of “family” that limits the number of and differentiates between related and unrelated individuals living together may illegally limit the development and siting of group homes for persons with disabilities, but not for housing families that are similarly sized or situated. The Porterville Zoning Ordinance does not include a definition of family.

Building Codes: The City enforces Title 24 of the California Code of Regulations that regulates the access and adaptability of buildings to accommodate persons with disabilities. Furthermore, Government Code Section 12955.1 requires that 10 percent of the total dwelling units in multifamily buildings without elevators consisting of three or more rental units or four or more condominium units are subject to the following building standards for persons with disabilities:

- The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality test.
- At least one powder room or bathroom shall be located on the primary entry level served by an accessible route.
- All rooms or spaces located on the primary entry level shall be served by an accessible route. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms, or hallways.
- Common use areas shall be accessible.
- If common tenant parking is provided, accessible parking is required.

The City has not adopted unique restrictions that would constrain the development of housing for persons with disabilities. Compliance with provisions of the Code of Regulations, California Building Standards Code, and federal Americans with Disabilities Act (ADA) is assessed and

7 California court cases (City of Santa Barbara v. Adamson, 1980 and City of Chula Vista v. Pagard, 1981, etc.) have ruled an ordinance as invalid if it defines a “family” as (a) an individual; (b) two or more persons related by blood, marriage, or adoption; or (c) a group of not more than a specific number of unrelated persons as a single housekeeping unit. These cases have explained that defining a family in a manner that distinguishes between blood-related and non-blood related individuals does not serve any legitimate or useful objective or purpose recognized under the zoning and land use planning powers of a municipality, and therefore violates rights of privacy under the California Constitution.
enforced by the Building Division of the Community Development Department as a part of the building permit submittal.

**Reasonable Accommodation**: Both the Federal Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback or lot coverage requirement to allow for accessibility improvements for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

There is currently no established process in place and reasonable accommodations are granted on a case-by-case basis. Requests for reasonable accommodations to address the special needs of persons with disabilities (such as setbacks and parking requirements) are reviewed and processed at the staff level. No public hearing is required.

The planning staff and building official assist in making determinations regarding reasonable accommodations for accessibility requirements. Depending on the types of requests, the applicant may need to file a request with either the Planning or Building Division. Requests for relaxed building code standards, as long as such flexibility would not jeopardize health and safety standards, are granted by the Building Division staff over the counter. Requests for relaxed zoning code standards are granted by the Planning Division staff over the counter. The most typical requests in Porterville relate to ramps that extend into the setback areas. As long as the ramps are uncovered, such requests are usually allowed.

As there is no established procedure in place, no specific fees are required for reasonable accommodation requests. The City will amend the Zoning Ordinance to implement a reasonable accommodation procedure to address reasonable accommodation requests.

**4. Development and Planning Fees**

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. In general, these development fees can be a constraint to the maintenance, improvement, and development of housing because the additional cost borne by developers contributes to overall increased housing unit cost. However, the fees are necessary to maintain adequate planning services and other public services and facilities in the City. The City’s permit processing fee schedule for residential development is displayed in Table 6. The City updates its planning fees periodically and surveys surrounding communities to ensure that the City’s fees are reasonable.
Development impact fees are also levied to offset fiscal impacts of new developments. Development in the City is typically required to pay a range of development fees, including, water service fee, transportation impact, and storm drainage fee. In Porterville, development impact fees average about $13,533 for a single-family home and $38,829 per unit for a multiple-family project. The costs of service and infrastructure are nearly three times as much for multiple-family projects because in most cases they require larger/increased capacity that involves higher costs associated with the project. The City does not usually waive fees for the development of affordable housing. However, redevelopment, HOME, and other funds may be used to help bridge the financial gap for affordable housing.

Table 6: Development and Planning Fees

<table>
<thead>
<tr>
<th>Fee Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Planning and Development Fees</strong></td>
<td></td>
</tr>
<tr>
<td>Conceptual Development Plan Review (PUD)</td>
<td>$1,897</td>
</tr>
<tr>
<td>Conditional Use Permit</td>
<td>$1,164</td>
</tr>
<tr>
<td>EIR</td>
<td>Consultant Cost + 10% contingency + 10% administrative cost</td>
</tr>
<tr>
<td>Final Parcel Map Review</td>
<td>$955</td>
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<tr>
<td>Flood Plain Review</td>
<td>$244</td>
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<tr>
<td>Final Subdivision Map Review</td>
<td>$1,672</td>
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<tr>
<td>Final Subdivision Map (per lot)</td>
<td>$40</td>
</tr>
<tr>
<td>General Plan Amendment</td>
<td>$1,599</td>
</tr>
<tr>
<td>Lot Line Adjustment</td>
<td>$616</td>
</tr>
<tr>
<td>Modification of Conditional Use Permit, Tentative Map, Variance or Planned Unit Development</td>
<td>$150</td>
</tr>
<tr>
<td>Negative Declaration Environmental Assessment</td>
<td>$1,105</td>
</tr>
<tr>
<td>Preliminary Project Site Review (PRC)</td>
<td>$753</td>
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<tr>
<td>Specific Development Plan Approval (PUD)</td>
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<tr>
<td>Tentative Parcel Map</td>
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<td>Parcel Map Waiver</td>
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<tr>
<td>Tentative Subdivision Map Fee</td>
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<tr>
<td>Tentative Subdivision Map (per lot fee)</td>
<td>$39</td>
</tr>
<tr>
<td>Zone Change (Including Pre-Zone)</td>
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</tr>
<tr>
<td>Zone Variance</td>
<td>$1,026</td>
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<tr>
<td>Zone/Sub-Division Ordinance Amendment</td>
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</tr>
<tr>
<td>Zoning Administrator permits</td>
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<tr>
<td><strong>Development Impact Fees</strong></td>
<td></td>
</tr>
<tr>
<td>Trunk Line Sewer Fees</td>
<td>$934-$9,275 per acre</td>
</tr>
<tr>
<td>Treatment Plant Fees</td>
<td>$2,806 per unit</td>
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<tr>
<td>Water Trunk Fees</td>
<td>$1,343-$16,371 per acre</td>
</tr>
<tr>
<td>Street Light Fees</td>
<td>$2.40 per foot (multiple-family only)</td>
</tr>
<tr>
<td>Storm Drainage Fees</td>
<td>$4,614-$9,233 per acre</td>
</tr>
<tr>
<td>Fire Hydrant Fees</td>
<td>$3.14 per foot (multiple-family only)</td>
</tr>
<tr>
<td>Transportation Impact Fee</td>
<td>$668-$987 per unit</td>
</tr>
<tr>
<td>Park Impact Fee</td>
<td>$344-$614 per unit</td>
</tr>
</tbody>
</table>

Source: City of Porterville, 2008.

5. On-and Off-Site Improvements
Site improvements such as water, sewer, storm drains, and other infrastructure are important components that serve new development. Requiring developers to construct site improvements and/or pay pro-rata shares toward the provision of infrastructure, public services, and processing will increase the costs of developing homes and the final sales price or rent of housing. However, payment of fees is necessary to maintain an adequate level of services and facilities, and more generally, to protect public health, safety, and welfare.

In general, the City requires improvements to all streets, highways, or ways in or adjacent to a subdivision. Other improvements include:

- Undergrounding of Utilities
- Grading and improvement of all streets, sidewalks, curbs, gutters, and driveways
- Construction of sanitary sewer facilities connecting with the existing city sewer system
- Installation of storm water sewers
- Provision of approved water supply capable of supplying required fire flow for fire protection
- Planting of street trees (Five gallon trees for all lots abutting interior, local and collector streets, and 15 gallon trees for parcels having frontage on arterial thoroughfares)
- Provision of street signs and ornamental street lighting

Overall, off-site improvements required by the City are similar to those required by other jurisdictions in the County and are not considered a significant constraint.

6. BUILDING CODES AND ENFORCEMENT

The City has adopted the 2007 California Building Codes (which has been in full force and effect since January 1, 2008). The California Building Codes establish standards and requires inspections at various stages of construction to ensure code compliance and minimum health and safety standards. Although these standards may increase housing production costs, these standards are mandated by the State of California and are intended to provide structurally sound, safe, and energy-efficient housing.

7. DEVELOPMENT REVIEW PROCESS

The processing time needed to obtain development permits and required approvals is commonly cited by the development community as a prime contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time which elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include: rezoning or general plan amendment requirements, public hearing required for Commission/Council review, or a required Negative Declaration or Environmental Impact Report (EIR).

When residential projects are initiated in the City, specific approvals are required that involve permits and inspections. The most common housing applications and permit processing times are indicated in Table 7. Also, depending on the level of environmental review required, the processing time for a project may be lengthened.
Table 7: Approximate Development Processing Times

<table>
<thead>
<tr>
<th>Process</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conditional Use Permit</td>
<td>30-45 days</td>
</tr>
<tr>
<td>Variance</td>
<td>30 days</td>
</tr>
<tr>
<td>Planned Unit Development</td>
<td>3-6 months</td>
</tr>
<tr>
<td>Single-Family Subdivision</td>
<td>3-6 months</td>
</tr>
<tr>
<td>General Plan Amendment</td>
<td>30-45 days</td>
</tr>
<tr>
<td>Zone Change</td>
<td>3-6 months</td>
</tr>
</tbody>
</table>


The City continues to improve its “Plan Check” permit procedure. The entire process now has a two-week turnaround to developers, in most cases, from the date of submittal. A flowchart detailing this expedited process can be found in the Appendix. When projects are submitted to the City, staff reviews each project for verification of compliance with all applicable state and local codes. Other projects require additional review by the Project Review Committee (PRC). The PRC is made up of representatives from each department including Police, Fire, Building, Planning and Engineering. PRC reviews proposed projects that require additional review, input and some cases ministerial approval from the City Council. Once a project has received all necessary approvals the two week “Plan Check” process may begin.

The City Council serves as the Planning Commission and therefore, projects requiring a public hearing process only need to go before one governing body. Construction of individual single-family homes requires building permits only and takes between two and four weeks. Multiple-family apartments require only staff-level reviews (when constructed in zones where they are permitted by right), with total processing time averaging between four and six months. The City does not have a design review procedure that may involve multiple rounds of revisions. When compared to other communities that are similarly situated, our review timeframes are reasonably short.

C. ENVIRONMENTAL/INFRASTRUCTURE CONSTRAINTS

A community’s environmental setting affects the feasibility and cost of developing housing. Environmental issues range from the availability of water to the suitability of land for development due to potential exposure to seismic, flooding, wildfire and other hazards. If not properly recognized and accommodated in residential design, these environmental features could potentially endanger lives and property. This section summarizes and analyzes the most pertinent environmental and infrastructure constraints to housing in Porterville.

1. SEISMIC AND GEOLOGIC HAZARDS

The City of Porterville contains a wide variety of soil types which have a significant bearing on land planning and development. Porterville Clay is the most prominent soil type located within the City, comprising approximately 18 percent of the total area. City Building Code Regulations require a preliminary soil report for every new subdivision.
The majority of the City is at elevations between 400 and 800 feet. However, the eastern portion of Porterville is in the Sierra Nevada foothills where elevations reach almost 1,800 feet above sea level. Slopes can be greater than 30 percent grade. Development which occurs on slopes greater than 25 percent exacerbates soil erosion, increases the risk of landslides and wildland fires, and harms the visual aesthetics of the area. On October 7, 2008 the City Council adopted Ordinance 1747, a Hillside Development Ordinance which includes development, design and landscape standards for the Hillside Development Zone. The Ordinance will limit the number of housing units allowed per acre in sloped areas in order to protect the public health, safety and welfare; protect and preserve natural and biological resources for the long-term benefit of Porterville and the broader community.

There are no known active earthquake faults in the City. The closest active faults are Owens Valley fault group and Sierra Nevada Fault Zone (50 miles to the east of the City), the San Andreas Fault Zone (70 miles to the west), and an unnamed fault group north of Bakersfield (40 miles to the south). Other potentially active faults exist near Tulare Buttes, about 30 miles north of Porterville. These faults are small and have not exhibited any activity in the last 200 years. It is possible, but unlikely, that previously unknown faults could become active in the area.

2. Flooding Hazards

Porterville is in the Tulare County Flood Control District. The climate is relatively arid; however, development continues to increase the amount of impervious surfaces, surface run-off and therefore storm drainage must be managed. The average annual precipitation in the Porterville area is approximately 10 inches. However, portions of the Tule River watershed which contribute to flooding in Porterville have a mean annual precipitation of 40 inches. Eighty-five percent of the annual precipitation occurs between November and April.

There are two natural channels for storm water discharge in the City, the Tule River and Porter Slough. Flows in the natural waterways are largely controlled by the Success Dam, but still pose some flooding hazards, particularly in the lower-lying western portions of the City. Flash flooding has occurred in low-lying drainage areas at the base of the foothills. The main channel of the Tule River can pass flows of about 10,000 cubic feet per second (cfs) before extensive damage occurs. Damage to urban property would occur at flows of approximately 16,000 cfs. Porter Slough has a designated capacity of 450 cfs and is an officially designated floodway of Tule River.

There are also seven irrigation ditch companies and storage reservoirs which divert and manage surface water within the Planning Area. In addition to delivering water for irrigation, the ditches provide extra capacity to carry peak flood flows and urban storm water runoff. Minor flooding or ponding may occur on the valley floor if irrigation canals or reservoirs overflow.

In Porterville, the storm flood hazard is considered to be low because the City does not permit development in the flood plain without adequate mitigation measures. Flood zone mapping by the Federal Emergency Management Authority (FEMA) indicates that approximately six percent of the City is located within the 100-year floodplain and another five percent is located within the
500-year floodplain. These two floodplains closely correspond to the watercourses that flow through the city.

Although subsequent infrastructure and drainage improvements have reduced the threat of flooding in many areas prone to inundation, the City requires a flood certificate and appropriately raised floor plates for any development proposed in an identified hazardous flood zone.

3. WILDLAND/URBAN FIRE HAZARDS

Fire hazard potential is largely dependent on the extent and type of vegetation, known as surface fuels, that exists within a region. Fire hazards are typically highest in heavily wooded, undeveloped areas as trees are a greater source of fuel than low-lying brush or grassland. Suburban, urban areas, or rocky barren areas have minimal surface fuels and therefore typically have the lowest fire hazard.

Due to the wooded nature of the Sierra Nevada foothills and hot summers, land located in the northeast portion of the City near Lake Success is considered to have a high to very high risk of fire. The fire season has over 100 days of temperatures in excess of 90 degrees Fahrenheit, usually between May and October. Forty-three percent of the City is considered to have a moderate fire hazard.

Even though Porterville is not considered to be a fire-prone city, structural fires pose a greater risk to life and property than wildland fires. The City of Porterville requires all new development and subdivisions to meet or exceed the Uniform Fire Code provisions, which address topography, geology, climate, and development conditions. The Public Works Department and Fire Department review all development applications during the review process.

Additionally, the City of Porterville met with LAFCO representatives to discuss proposing an expansion of the City’s Urban Area Boundary and Urban Planning Area past the foothills to the east of Porterville to Success Lake.

4. HAZARDOUS MATERIALS HAZARDS

The California Code of Regulations defines a hazardous material as “a substance that, because of physical or chemical properties, quantity, concentration, or other characteristics, may either (1) cause an increase in mortality or an increase in serious, irreversible, or incapacitating, illness or (2) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported or disposed of, or otherwise managed.” Hazardous wastes are hazardous materials that no longer have practical use, such as substances that have been discarded, discharged, spilled, contaminated, or are being stored prior to proper disposal. A hazardous materials incident involves the uncontrolled release of a hazardous substance during storage, use, or transport.

Areas where historic or on-going activities have resulted in the known or suspected release of hazardous materials into the soil and groundwater are identified by Environmental Data Resources, Inc. In Porterville, contaminated sites are largely associated with leaking underground
storage tanks and are predominately clustered around primary transportation corridors including State Route 65 (SR 65), Main Street, Henderson Avenue, and Olive Avenue. Most sites are associated with retail and commercial uses (e.g., gas stations, convenience stores, car washes, etc.), but a few are associated with local industrial and agricultural uses.

The City’s Emergency Operations Plan also mentions the possibility of illegal drug manufacturing sites as sources of hazardous materials and incidents. Residue and hazardous waste are often dumped illegally and pose a threat to public health.

5. **INFRASTRUCTURE CONSTRAINTS**

Residential development can also be constrained by a limited availability of infrastructure, including roads, water and sewer lines, and other related facilities. The City has adopted master plans for its water and sewer systems. These plans reflect anticipated population growth within the plan period as well as relevant general plan policies (such as the Eastside/Hillside Development Initiatives). The plans direct infrastructure expansion towards desired areas. All the sites identified for future residential development in Chapter 4, Housing Resources, are located within the water and sewer master plan areas. The master plans include technical strategies and financial mechanisms to bring infrastructure to the growth areas. Specifically, the City helped fund the extension of infrastructure to the Eastside/Hillside area well in advance of anticipated development so as to encourage growth in this area rather than in agricultural flatlands at or beyond the City’s western boundary. The City also adopted reduced water and sewer truck fees in the Eastside/Hillside areas where the hillside slope is seven percent or greater and where the development density does not exceed one unit per acre.

Other types of urban infrastructure, such as highways, rail lines, canals, and airports, however, pose potential constraints upon housing, in that housing near these and other similar facilities is usually undesirable due to ambient noise, pollution, safety/hazards, or related factors. Many noise impacts from such facilities can be mitigated on-site with soundwalls, insulated windows, and other noise-attenuating features. Requirements for such features pose a minor housing constraint based on costs. However, the proximity to such noise sources is typically reflected in lower land costs.
CHAPTER 4

HOUSING RESOURCES

This section analyzes the resources available for the development, rehabilitation, and preservation of housing in Porterville. This analysis includes an evaluation of the availability of land resources for future housing development, the City’s ability to satisfy its share of the region’s future housing needs, the financial resources available to support housing activities, and the administrative resources available to assist in implementing the City’s housing programs and policies. Additionally, this section presents opportunities for energy conservation.

A. REGIONAL HOUSING NEEDS ALLOCATION

1. PROJECTED HOUSING NEEDS

State Housing Element law requires that a local jurisdiction accommodate a share of the region’s projected housing needs for the planning period. This share, called the Regional Housing Needs Allocation (RHNA), is important because State law mandates that jurisdictions provide sufficient land to accommodate a variety of housing opportunities for all economic segments of the community. Compliance with this requirement is measured by the jurisdiction’s ability in providing adequate land to accommodate the RHNA. The Tulare County Association of Government (TCAG), as the regional planning agency, is responsible for allocating the RHNA to individual jurisdictions within the region.

The RHNA is distributed by income category. For the 2009-2014 Housing Element update, the City of Porterville is allocated a RHNA of 5,473 units as follows:

- Extremely Low/Very Low Income (up to 50 percent of AMI): 1,224 units (22.3 percent)
- Low Income (51 to 80 percent of AMI): 862 units (15.7 percent)
- Moderate Income (81 to 120 percent of AMI): 979 units (17.9 percent)
- Above Moderate Income (more than 120 percent of AMI): 2,409 units (44.1 percent)

PROGRESS TOWARDS RHNA

1 The City has a RHNA allocation of 1,224 very low income units (inclusive of extremely low income units). Pursuant to new State law (AB 2634), the City must project the number of extremely low income housing needs based on Census income distribution or assume 50 percent of the very low income units as extremely low. Extremely low income households constitute 50.1 percent of the very low income group. Therefore, the City’s RHNA of 1,224 very low income units can be split between 612 extremely low and 612 very low income units. However, for purposes of identifying adequate sites for the RHNA, State law does not mandate the separate accounting for the extremely low income category.
Since the RHNA uses January 1, 2007 as the baseline for growth projections for the Housing Element planning period of 2009-2014, jurisdictions may count toward the RHNA any new units built or issued certificates of occupancy since January 1, 2007. Since January 2007, 3,288 housing units have been developed, approved, or are under construction in Porterville. These units had the following income distribution: 51 very low-income units, 162 low-income units, 129 moderate-income unit, and 2,946 above moderate-income units (Table 1).

<table>
<thead>
<tr>
<th>Units Constructed</th>
<th>Very Low Income</th>
<th>Low Income</th>
<th>Moderate Income</th>
<th>Above Moderate Income</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0-50% AMI</td>
<td>51-80% AMI</td>
<td>81-120% AMI</td>
<td>&gt;120% AMI</td>
<td>Total</td>
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<tr>
<td>Sequoia Village at River’s Edge</td>
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<td>12</td>
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<tr>
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<td>242</td>
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<td>New Expressions (Ennis Development)</td>
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<table>
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<tr>
<th>Units Approved or In Development</th>
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<th>Low Income</th>
<th>Moderate Income</th>
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<td>184</td>
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<td>73</td>
</tr>
<tr>
<td>Eagle Ranch</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>147</td>
<td>147</td>
</tr>
<tr>
<td>Royal Oaks View</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>196</td>
<td>196</td>
</tr>
<tr>
<td>Tomah Apartment Complex</td>
<td>0</td>
<td>0</td>
<td>40</td>
<td>0</td>
<td>40</td>
</tr>
<tr>
<td>Iris Hills</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>119</td>
<td>119</td>
</tr>
<tr>
<td>Mission Trials</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>144</td>
<td>144</td>
</tr>
<tr>
<td>Salazar Ranch</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Nadar Homes</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>43</td>
<td>43</td>
</tr>
<tr>
<td>West View Estates</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>653</td>
<td>653</td>
</tr>
<tr>
<td>Emeritus Assisted Living Facility</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>106</td>
<td>106</td>
</tr>
<tr>
<td>Crestview Park</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>45</td>
<td>45</td>
</tr>
</tbody>
</table>

Table 1: Credits Towards RHNA
Table 1: Credits Towards RHNA

<table>
<thead>
<tr>
<th></th>
<th>Affordability Level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Very Low Income</td>
</tr>
<tr>
<td></td>
<td>0-50% AMI</td>
</tr>
<tr>
<td>Grand Villas</td>
<td>0</td>
</tr>
<tr>
<td>Villa Sienna Apartments</td>
<td>0</td>
</tr>
<tr>
<td>Sierra Meadow #2</td>
<td>0</td>
</tr>
<tr>
<td>Crestview Estates</td>
<td>0</td>
</tr>
<tr>
<td>Sierra Estates</td>
<td>0</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>0</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>51</strong></td>
</tr>
</tbody>
</table>

**Units Constructed:** According to City records, 359 units have been constructed since January 1, 2007, 64 of which are affordable to lower-income households. The affordable units are part of the Sequoia Village at River's Edge development, a multiple-family community consisting of two-, three-, and four-bedroom apartments. These 64 affordable units are under 55-year restricted covenants, pursuant to the funding sources used to finance the development of this project.

**Units in Development or Under Construction:** According to City records, 143 residential units are under construction in Porterville, none of which are affordable.

**Units Approved:** In addition, the City approved the development of another 2,786 housing units. Among the approved projects is the Villa Sienna Apartments, a 70-unit multi-family/professional office development with all the units deed-restricted as affordable for low income households. Villa Sienna received $1.2 million in redevelopment housing set-aside funds in exchange for the deed restriction.

Several apartment developments have also been approved by the City. City staff contacted developers of three of these apartment developments for projected rents for these units:

- Pearson and E Street (Garden Apartments) – Projected rents for the units are $580 for the one-bedroom units and $750 for the two-bedroom units.
- Grand Villas – Projected rents are $850 for the two-bedroom units
- Indiana Street (eight-plex apartments) – Projected rents for the 80 three-bedroom units are between $750 and $800.

Based on these rents, the Indiana Street apartments qualify for low income housing at market rents. The other apartment developments can qualify for moderate income housing at market rents.

**Remaining RHNA:** The City has already achieved a portion of its RHNA with housing units constructed, under construction, and approved. Specifically, 3,288 units have been constructed or approved since January 1, 2007, including 342 units affordable to lower and moderate income
households. With these credits, the City has a remaining RHNA of 2,723 housing units, including 1,173 very low income units, 700 low income units, and 850 moderate income units (Table 2).

<table>
<thead>
<tr>
<th>Income Category</th>
<th>RHNA</th>
<th>Units Approved, Constructed, or Under Construction Since January 1, 2007</th>
<th>Remaining RHNA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extremely Low/Very Low</td>
<td>1,224</td>
<td>51</td>
<td>1,173</td>
</tr>
<tr>
<td>Low</td>
<td>862</td>
<td>162</td>
<td>700</td>
</tr>
<tr>
<td>Moderate</td>
<td>979</td>
<td>129</td>
<td>850</td>
</tr>
<tr>
<td>Above Moderate</td>
<td>2,409</td>
<td>2,946</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>5,473</td>
<td>3,288</td>
<td>2,723</td>
</tr>
</tbody>
</table>

2. Residential Sites Inventory

The City of Porterville adopted its new General Plan in 2008. As part of this update, the City provided additional opportunities for residential development by creating two mixed use designations – Downtown Mixed Use and Commercial Mixed Use. In addition, residential development is also permitted in the Professional Office designation.

GIS was used to help identify vacant and underutilized properties that can accommodate residential development. For purposes of this analysis, the following criteria are used:

- Parcels designated for Medium Density Residential, High Density Residential, Commercial Mixed Use, Downtown Mixed Use, and Professional Office;
- For High Density Residential, Commercial Mixed Use, Downtown Mixed Use, and Professional Office, parcel size larger than 0.5 acre, or parcel size less than 0.5 acres but still capable of producing 10 or more units (the size of a small apartment building);
- For Medium Density Residential, which is used to fulfill the City’s moderate or above moderate income RHNA in this analysis, parcels that can accommodate at least five units; and
- Land to-improvement value ratio of greater than 1.0 (i.e. the land is worth more than the improvements on site).

Residentially designated land, as well as mixed use and commercial properties that allow for residential development were included in this analysis. In estimating realistic capacity, a density factor at 80 percent of the maximum permitted densities was used. This 80-percent factor is typical of most suburban development. As this residential sites inventory focuses primarily on higher density residential uses, this density factor is reasonable. A detailed vacant and underutilized sites inventory is presented in the Appendix.
VACANT LAND

State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate that jurisdiction’s share of the region’s projected growth. The State, through AB 2348, has established “default” density standards for local jurisdictions. State law assumes that a density standard of 20 units per acre for small urban jurisdictions such as Porterville, as being able to facilitate the production of housing affordable to lower income households. The inventory identifies 59 acres of residential land with an allowable density of 20 units per acre or greater (High Density Residential, Downtown Mixed Use, and Professional Office). This land has the capacity to reasonably accommodate a total of 1,405 lower-income units. An additional 15.3 acres of Commercial Mixed Use properties at 18 units per acre (just below the 20 units per acre threshold) can facilitate low income housing, with a capacity of 220 units. Table 3 summarizes Porterville’s residential development potential on vacant land by land use designation and zoning.

Table 3: Residential Development Potential on Vacant Sites in Porterville

<table>
<thead>
<tr>
<th>Land Use Designation (Zoning)</th>
<th>Maximum Density</th>
<th>Average Density</th>
<th>No. of Parcels</th>
<th>Acreage</th>
<th>Maximum Units</th>
<th>Potential Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Density Residential (R-2)</td>
<td>12.0 du/ac</td>
<td>9.6 du/ac</td>
<td>46</td>
<td>99.27</td>
<td>1,171</td>
<td>928</td>
</tr>
<tr>
<td>Commercial Mixed Use</td>
<td>18.0 du/ac</td>
<td>14.4 du/ac</td>
<td>4</td>
<td>15.37</td>
<td>275</td>
<td>220</td>
</tr>
<tr>
<td>High Density Residential (R-3)</td>
<td>24.0 du/ac</td>
<td>19.2 du/ac</td>
<td>17</td>
<td>29.04</td>
<td>689</td>
<td>550</td>
</tr>
<tr>
<td>Downtown Mixed Use</td>
<td>30.0 du/ac</td>
<td>24.0 du/ac</td>
<td>10</td>
<td>15.82</td>
<td>470</td>
<td>376</td>
</tr>
<tr>
<td>Professional Office (PO)</td>
<td>43.0 du/ac</td>
<td>34.4 du/ac</td>
<td>21</td>
<td>14.17</td>
<td>596</td>
<td>479</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>98</td>
<td>173.67</td>
<td>3,201</td>
<td>2,553</td>
</tr>
</tbody>
</table>

UNDERUTILIZED LAND

In addition to vacant sites, future housing units can also be accommodated on underutilized lots where developments are not built out to the maximum density permitted. With the creation of higher density land use designations through the General Plan update process, the City created significant future development potential on existing properties. Land values for these properties appreciated with the increase in density.

The City’s underutilized sites inventory encompasses 55.2 acres of land with residential development potential, about 19.7 acres have a residential density of 20 units per acre or greater. These underutilized high density parcels have the capacity to reasonably accommodate 506 units of very low- and low-income housing. An additional 232 low-income units can be reasonably accommodated on the 16.2 acres of Commercial Mixed Use land in the underutilized sites inventory. Table 4 presents a summary of the development capacity on Porterville’s underutilized land.
Table 4: Residential Development Potential on Underutilized Sites in Porterville

<table>
<thead>
<tr>
<th>Land Use Designation (Zoning)</th>
<th>Maximum Density</th>
<th>Average Density</th>
<th>No. of Parcels</th>
<th>Acreage</th>
<th>Maximum Units</th>
<th>Potential Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Density Residential (R-2)</td>
<td>12.0 du/ac</td>
<td>9.6 du/ac</td>
<td>13</td>
<td>19.30</td>
<td>225</td>
<td>178</td>
</tr>
<tr>
<td>Commercial Mixed Use</td>
<td>18.0 du/ac</td>
<td>14.4 du/ac</td>
<td>4</td>
<td>16.17</td>
<td>290</td>
<td>232</td>
</tr>
<tr>
<td>High Density Residential (R-3)</td>
<td>24.0 du/ac</td>
<td>19.2 du/ac</td>
<td>6</td>
<td>4.78</td>
<td>112</td>
<td>90</td>
</tr>
<tr>
<td>Downtown Mixed Use</td>
<td>30.0 du/ac</td>
<td>24.0 du/ac</td>
<td>8</td>
<td>8.59</td>
<td>253</td>
<td>202</td>
</tr>
<tr>
<td>Professional Office (PO)</td>
<td>43.0 du/ac</td>
<td>34.4 du/ac</td>
<td>7</td>
<td>6.31</td>
<td>268</td>
<td>214</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>38</strong></td>
<td><strong>55.15</strong></td>
<td><strong>1,148</strong></td>
<td><strong>916</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**COMPARISON OF SITES INVENTORY AND RHNA**

For the 2009-2014 Housing Element period, the City of Porterville identified properties with a total capacity to accommodate 3,469 additional housing units on vacant (Table 3) and underutilized (Table 4) sites. In estimating potential units by income range for the 3,469 total estimated units, it is assumed that:

- All of the units in the 24-43 units/acre range are assumed to produce units in the very low and low-income category;
- All of the units in the 18 units/acre are assumed to produce units in the low-income category; and
- All of the units in the 12 units/acre are assumed to produce units in the moderate- and above-moderate income category.

This capacity can facilitate the production of 2,363 lower-income units, 1,106 moderate-income units and above moderate-income units, providing a surplus of over 700 units. Table 5 provides a summary of the City’s available sites and RHNA status.

Table 5: Comparison of Sites Inventory and RHNA

<table>
<thead>
<tr>
<th>Income Category</th>
<th>Vacant Sites</th>
<th>Underutilized Sites</th>
<th>Total Sites</th>
<th>Remaining RHNA</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>1,625</td>
<td>738</td>
<td>2,363</td>
<td>1,173</td>
<td>+490</td>
</tr>
<tr>
<td>Low</td>
<td></td>
<td></td>
<td>2,363</td>
<td>700</td>
<td></td>
</tr>
<tr>
<td>Moderate</td>
<td>928</td>
<td>178</td>
<td>1,106</td>
<td>850</td>
<td>+256</td>
</tr>
<tr>
<td>Above Moderate</td>
<td></td>
<td></td>
<td>1,106</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,553</strong></td>
<td><strong>916</strong></td>
<td><strong>3,469</strong></td>
<td><strong>2,723</strong></td>
<td><strong>+746</strong></td>
</tr>
</tbody>
</table>

**B. FINANCIAL RESOURCES**

As a smaller city, Porterville has limited access to financial resources for affordable housing. The following list presents the realistic funding available to the City.

1. **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**

CDBG is the largest federal housing-related program for affordable housing. It is a "pass-through" program that allows local governments to use federal funds to alleviate poverty and
blight. Cities with populations of over 50,000 receive CDBG funds directly from the U.S. Department of Housing and Urban Development (HUD), while smaller cities usually use county-administered CDBG funds. HUD makes allocations based on a formula that takes population, poverty, and housing distress into account. CDBG funds are used for a variety of housing efforts including activities aimed at reducing costs for private development (helping fund site acquisition, improvement, and other soft costs); housing acquisition and rehabilitation through short and long-term loans, grants or loan guarantees; direct payment of rent or mortgage and housing counseling services; and fair housing activities. CDBG funds are best used in combination with other subsidy sources or to provide pre-development funding to initiate housing development.

In 2008, approximately $170,641 in CDBG entitlement funds and program income was available for the HRLP. In addition, approximately $65,608 in CDBG program income is available for the First-Time Home Buyer program. However, discretionary income is omitted as the City has received a Section 108 loan for the construction of a much needed neighborhood/community center, a $320,000 annual debt service payment is a significant portion of the CDBG entitlement allocation dedicated for repayment of the Section 108 loan.

2. REDEVELOPMENT HOUSING SET-ASIDE FUNDS

The Porterville Redevelopment Agency (RDA) sets aside 20 percent of the tax increment revenues to use for affordable housing. "Tax increment funds" are created through the increased property tax revenues generated as the result of initial public investment in the redevelopment area, which in turn result in new private investment in the area. Redevelopment law also authorizes the acquisition and assembly of land for redevelopment purposes, which can include the construction of new housing, the provision of low- or no-cost land subsidies for affordable housing, or other forms of assistance in the preservation and upgrading of the redevelopment project area.

The Porterville Redevelopment Agency has a current balance of $1.1 million in the set-aside funds. Much of that balance has already been committed to the proposed Villa Siena housing Project housing project. The Agency anticipates little additional redevelopment set-aside funds available for housing activities during the planning period of this Housing Element. Future tax increment revenues will primarily be used to pay debt services incurred for bonds issued to finance various redevelopment programs. Previous set-aside balance has already been expended or encumbered as follows:

A substantial portion up to $1.2 million of the set-aside and bond fund balance has been reserved for the Villa Siena mixed use project, a 70-unit multi-family/professional office development with all the units deed-restricted as affordable for low income households. The 70 affordable units are expected to be completed within the time frame of this Housing Element. Within the project, 24 of these units will also serve as replacement units for the single residential occupancy units lost at the Porterville Hotel that the HCD covenants recorded on them.
3. HOME INVESTMENT PARTNERSHIP PROGRAM (HOME)

The City of Porterville does not qualify to receive HOME funds directly from HUD. However, the City can apply to the State Department of Housing and Community Development for HOME funds administered by the State for small jurisdictions. HOME funds administered by the State are awarded on a competitive basis. Instead, the City applies to the State HCD for HOME grants on a competitive basis. In 2004, the City applied and received $1.2 million dollars in HOME funds for the FTHB and HRLP program. In 2006 $800,000 was awarded for continuation of the FTHB and HRLP programs. Most recently the City was awarded $800,000 in 2008 for FTHB and HRLP programs.

HOME funds must be spent only on housing, and are intended to provide incentives for the acquisition, construction, and rehabilitation of affordable rental and home ownership. HOME requires local governments to provide matching funds, though the matching ratio depends on the specific uses to which HOME funds are to be put. The federal-to-local matching ratio for tenant assistance is currently four-to-one, while the match for rental construction is two-to-one. With limited funding resources, the City often has difficulty meeting the match requirement for HOME funds. In the past, the match requirement for the State HOME program has been waived by HUD.

4. CALHOME

In 2008, the City applied for funds but was not awarded any FTHB funding in the very competitive funding cycle. Most recently, the City completed expenditure of the 2005 Cal Home Grant of $500,000 for the First-Time Homebuyer Program. The CalHOME program administered by the State HCD enables low and very-low income households to become or remain homeowners. Grants are provided to local public agencies and nonprofit developers to assist individual households through deferred-payment loans. Grants can be used for first-time homebuyer downpayment assistance, home rehabilitation, acquisition and rehabilitation, homebuyer counseling, self-help mortgage assistance programs, or technical assistance for self-help and shared housing homeownership.

5. SECTION 8 RENTAL ASSISTANCE

Section 8 rental assistance is provided to a household in order to bridge the gap between 30 percent of the household's gross monthly income and the fair market rent of a unit. Although this long-standing federal assistance program is not expected to increase in size or scope, it remains an important program for affordable housing by helping to balance household income and housing costs. Section 8 assistance in Porterville is administered by the Housing Authority of Tulare County. As of December 2008, 585 Porterville households were receiving Section 8 Housing Choice Vouchers, which accounted for nearly three million dollars.

6. LOW INCOME HOUSING TAX CREDITS (LIHTC)
LIHTC represents a significant resource for affordable housing development in Porterville. The City has five (5) large multi-family complexes that have received LIHTC and provided 383 units. The last one constructed was Sequoia Village at Rivers Edge, a 64 unit family complex which opened in 2007. While the City cannot apply directly for LIHTC, the City works diligently with developers proposing affordable housing projects using LIHTC to package a strong application. The City is currently working with the developer to assist in the LIHTC application for the proposed 70 unit Villa Siena Complex.

Created by the 1986 Tax Reform Act, the Low Income Housing Tax Credits (LIHTC) program has been used in combination with City and other resources to encourage the construction and rehabilitation of rental housing for lower-income households. The program allows investors an annual tax credit over a 10-year period, provided that the housing meets the following minimum low-income occupancy requirements: 20 percent of the units must be affordable to households at 50 percent of area median income (AMI), or 40 percent of the units must be affordable to those at 60 percent of AMI. The total credit over the 10-year period has a present value equal to 70 percent of the qualified construction and rehabilitation expenditures. The tax credit is typically sold to large investors at a syndication value. These credits are available for all projects meeting the above-mentioned criteria and are applied for independently of City programs.

7. Prop 1C

Prop 1C Grant funds assist in the new construction and rehabilitation of infrastructure that supports higher-density mixed-uses, and affordable housing in locations designated as infill. Assistance terms for grant amounts for Qualifying Infill Projects: $500,000/$20 million ($250,000 minimum for Rural Areas). Minimum/maximum grant amounts for Qualifying Infill Areas (and Large Multi-Phase Qualifying Infill Projects scored as Areas): $2 million/$30 million ($1 million minimum for Rural Areas). Eligible activities include new construction, rehabilitation, and acquisition of infrastructure required as a condition of or approved in connection with approval of qualifying infill projects or qualifying infill areas. For qualifying infill projects, eligible applicants include a non-profit or for profit developer either by itself or as a joint applicant with a locality, public housing authority, and redevelopment agency. For qualifying infill areas, eligible applicants include localities, public housing authorities, redevelopment agencies, and BIDs as joint applicants with any of the other allowed area applicants. Applications are invited through the issuance of Notices of Funding Availability (NOFAs).

The City assisted in the application for Prop 1C Grant funding to assist with infill development and provide infrastructure for the Villa Siena mixed use project. The project was awarded more than $2.3 million in funding for infill development and infrastructure improvements. The City will monitor the Notice of Funding Availability (NOFA) for the State housing bond to determine eligibility and identify other potential project/programs for funding.
C. ADMINISTRATIVE RESOURCES

1. CITY OF PORTERVILLE COMMUNITY DEVELOPMENT DEPARTMENT

The Community Development Department is responsible for the general planning and development review functions undertaken by the City. Specific duties include preparing zoning and subdivision ordinance amendments and design guidelines for Council approval, reviewing development applications, conducting investigations, and making reports and recommendations on planning and land use, economic development activities, Redevelopment Agency efforts, zoning, subdivisions, development plans, and environmental controls. The Department also coordinates activities with Porterville school districts related to school sites and the Porterville Municipal Airport in consultation with Tulare County, and the County's Airport Land Use Commission.

2. CITY OF PORTERVILLE REDEVELOPMENT AGENCY

The Porterville Redevelopment Agency oversees housing activities that increase, improve, or preserve the supply of affordable housing in the City's redevelopment project areas. The Agency's housing activities include:

- Funding the Casas Buena Vista project, a single-family development with the majority of the units deed-restricted as affordable for low income households;

- Making bond funds available for the construction or rehabilitation of multi-family rental housing, including the 14-unit St. James Place and the 79-unit Date Avenue Porterville Family Apartments;

- Making bond funds available for homebuyer assistance in the Redevelopment Project area; and

- Using set-aside funds as the required match for the HOME-funded program.

3. HOUSING AUTHORITY OF TULARE COUNTY

The Housing Authority of the County of Tulare provides rental assistance to very low income families, seniors, and the handicapped throughout the County. The Housing Authority offer many different programs, including the conventional public housing program, the housing choice voucher program, the farm labor program for families with farm labor income, and senior housing programs. The Housing Authority also owns or manages several individual subsidized rental complexes. There are currently 585 Porterville households receiving Section 8 Housing Choice Vouchers from the Housing Authority of Tulare County.
4. NON-PROFIT HOUSING DEVELOPERS

Due to the high cost of housing development, many communities have found that partnerships with non-profit housing developers are an effective tool for creating affordable housing units. In recent years, the City has worked with the following nonprofit housing developers to create affordable housing:

- Habitat for Humanity

In addition, the following agencies have expressed interest in assisting in the preservation of housing at risk of converting to market rate in Tulare County, including the City of Porterville:

- Christian Church Homes of Northern California
- Self-Help Enterprises

D. OPPORTUNITIES FOR ENERGY CONSERVATION

Utility-related costs can directly impact the affordability of housing in California. Title 24 of the California Administrative Code sets forth mandatory energy standards for new development and requires adoption of an "energy budget." In turn, the home-building industry must comply with these standards, while localities are responsible for enforcing the energy conservation regulations.

The following are among the alternative ways to meet these energy standards.

- **Alternative 1:** The passive solar approach which requires proper solar orientation, appropriate levels of thermal mass, south-facing windows, and moderate insulation levels.

- **Alternative 2:** Generally requires higher levels of insulation than Alternative 1, but has no thermal mass or window-orientation requirements.

- **Alternative 3:** Also is without passive solar design but requires active solar water heating in exchange for less stringent insulation and/or glazing requirements.

Additional energy conservation measures include: (1) locating the home on the northern portion of the sunniest location of the site; (2) designing the structure to admit the maximum amount of sunlight into the building and to reduce exposure to extreme weather conditions; (3) locating indoor areas of maximum usage along the south face of the building and placing corridors, closets, laundry rooms, power core, and garages along the north face; and (4) making the main entrance a small enclosed space that creates an air lock between the building and its exterior; orienting the entrance away from winds; or using a windbreak to reduce the wind velocity against the entrance.
The City assists lower income households with energy conservation improvements. The City’s Housing Rehabilitation Loan Program (HRLP) covers weatherization improvements as eligible activities. Additionally, the program offers a “Green Building Standards Checklist” that gives applications extra points for construction and use of materials.
CHAPTER 5

EVALUATION OF 2003 HOUSING ELEMENT ACCOMPLISHMENTS

In order to develop an effective housing plan for the 2009-2014 period, the City must evaluate the achievements of the existing housing programs. This assessment allows the City to revise the programs as necessary to ensure that City resources are being used in the most effective manner to meet the housing needs of residents.

A. ACCOMPLISHMENTS SINCE 2003

The 2003 Housing Element had a production goal of 3,453 units in the City. Among these units, 1,029 were designated for very low income households, 714 for low income households, 392 for moderate-income households, and 1,318 for above moderate-income households. Between 2003 and 2008, the total housing production in the City was 1,638 units, with a majority of units consisting of single-family homes. Based on listed prices/rents and deed restrictions, the income distribution of these units was:

- 131 units affordable to very low-income households (12 percent of allocation)
- 678 units affordable to low-income households (95 percent of allocation)
- 603 units affordable to moderate-income households (150 percent of allocation)
- 226 units affordable to above-moderate-income households (17 percent of allocation)

Therefore, housing production in the City exceeded the allocation for moderate-income households, but did not reach the allocation target for very low, low, and above-moderate income households.

To supplement the City’s limited CDBG and redevelopment housing set-aside funds, the City continued to apply for funding available under various funding programs. As needed, the City applied for HOME funds administered by the State HCD. Specifically, to promote affordable home ownership opportunities in the City, the City continues its First-Time Home Buyer (FTHB) program, and pursued and received funding from various local, State, and Federal programs. Funding for the FTHB program includes:

- $800,000 HOME Funds in 2002
- $1.2 million HOME funds in 2004
- $500,000 CalHOME funds in 2005
- $425,000 in RDA set aside/bond funds – used for Casas Buena Vista FTHB
- $1.5 million CalHFA HELP Program Loan funds for Casas Buena Vista
- Program income from HOME and CDBG funds
The City recognized affordable homeownership opportunities are aspirations of many in the community. Since 2003, 136 units were assisted with these funding sources. In addition to the FTHB program, the City joined a joint-power authority with other communities in California to offer lease-to-own opportunities. The City has also offered homebuyer education classes monthly to help many understand the process and financial responsibility of home ownership.

In addition, the City continued to operate its Housing Rehabilitation Loan Program (HRLP) using primarily CDBG and State HOME funds. Since 2003, 30 units have been assisted. Funding for the HRLP includes:

- Annual allocations from the CDBG program
- Program income from HOME and CDBG funds
- HOME 2002 Grant
- HOME 2006 Grant

Preserving the existing affordable housing stock is an important goal in the City. During the last ten years, two rental projects at risk of conversion to market-rate uses, Evergreen and Alderwood Apartments, extended their commitment to providing affordable housing opportunities in the City. Other affordable multi-family and single-family affordable housing projects constructed over the last five (5) years include the 14 unit St. James Place mixed use project ($1 million in HOME Funds), Sequoia Village at Rivers Edge ($1 million in HOME Funds), the Date Avenue Family Apartments ($115, 000 in RDA Funds), and the single-family housing project Casas Buena Vista, receiving FTHB assistance from all of the City’s FTHB funding sources.

Table 5-1 provides a detailed assessment of the accomplishments of each program contained in the 2003 Housing Element. In addition, the continued appropriateness of the programs for the 2009-2014 period is also discussed.

**Table 5-1**

<table>
<thead>
<tr>
<th>Program Name</th>
<th>2003 Objective</th>
<th>Accomplishment/ Continued Appropriateness</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adequate Sites for Housing</td>
<td>Use Planned Development processes on large tracts of undeveloped land as a method to meet future housing needs. Encourage infill housing and the housing in the redevelopment area.</td>
<td>Since 2003, one project was approved and is under construction using the Planned Development process – Garden Court Villas, which contains 43 units. Casas Buena Vista 80-unit single family low-income housing project. Sequoia Village at Rivers Edge, a 64 unit 100% affordable multi-family apartment complex.</td>
</tr>
</tbody>
</table>
### Table 5-1
Porterville 2003 Housing Element Program Accomplishments

<table>
<thead>
<tr>
<th>Program Name</th>
<th>2003 Objective</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>The Date Avenue Apartments, a 78-unit affordable apartment complex.</td>
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<td></td>
<td>St. James Place, a 14-unit affordable multi-family/commercial mixed-use project.</td>
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<tr>
<td></td>
<td></td>
<td>The City continues to encourage infill housing, with five infill housing target areas. Villa Siena Apartments, a 70-unit mixed-use development, is an infill development in downtown that is proposed to receive significant financial assistance from the City (LIHTC, Joe Serna Farmworker Grant, USDA, Infrastructure Infill Grant, CalHOME, and Redevelopment Agency set-aside funds).</td>
</tr>
<tr>
<td>2. Density Bonus</td>
<td>Offer a density bonus of 25% and at least one other financial or regulatory incentive to developers when a developer includes affordable units as set forth in State density bonus law.</td>
<td>The City has approved two projects requesting a density bonus of 15 percent. The City does have the density bonus set forth in the zoning ordinance, the 2009 Housing Element will contain a program to continue the State density bonus provisions in the zoning ordinance.</td>
</tr>
<tr>
<td>3. Affordable Housing Requirements (Redevelopment)</td>
<td>Continue to adopt and update the formal policies and procedures implementing the affordable housing provisions of redevelopment law.</td>
<td>The City adopted a Housing Strategic Plan in 1994, which contained policies and procedures implementing the affordable housing provisions of redevelopment law. Redevelopment law now requires the preparation of a redevelopment implementation plan for each project area every five years. The plan must contain the Agency’s planned use of tax increment funds in removing blights and plan for fulfilling the inclusionary and replacement housing requirements.</td>
</tr>
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</table>
Table 5-1
Porterville 2003 Housing Element Program Accomplishments

<table>
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<th>2003 Objective</th>
<th>Accomplishment/ Continued Appropriateness</th>
</tr>
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<tbody>
<tr>
<td>4. Pursue State and federal funding</td>
<td>Pursue available and appropriate state and federal funding sources in cooperation with private developers, non-profit housing corporations, Tulare County Housing Authority, and other interested entities.</td>
<td>The City continued to pursue a variety of funding sources, including HOME, CDBG, CalHOME, and CalHFA for the production and rehabilitation of affordable housing. Millions of dollars were received from these sources since 2003. The City supports the Tulare/Kings Continuum of Care Strategy, applications for McKinney funds, and efforts by the Housing Authority of Tulare County. This program is continued in the 2009 Housing Element.</td>
</tr>
<tr>
<td>5. Use of Tax Increment Funds</td>
<td>Develop guidelines for the use of tax increment funds for development of affordable housing.</td>
<td>See discussion under Program 3. The 2009 Housing Element, 5-year Redevelopment and Implementation Plan describes the intended use of redevelopment, housing, and set-aside funds.</td>
</tr>
<tr>
<td>6. Weatherization and Energy Conservation for Existing Dwelling Units</td>
<td>Post and distribute information on currently-available weatherization and energy conservation programs in conjunction with housing rehabilitation.</td>
<td>Weatherization and energy conservation programs were allowed and encouraged under the City's housing rehabilitation program. Self-Help Housing and C-Set provide assistance and referrals to the City program and conversely the City has been referring eligible clients to Self-Help and C-Set for assistance. No separate program on weatherization is included in the 2009 Housing Element.</td>
</tr>
<tr>
<td>7. Energy Conservation for New Construction</td>
<td>Enforce State requirements, including Title 24 requirements, for energy conservation in new residential projects.</td>
<td>The City continues to enforce State requirements, including Title 24 requirements, for energy conservation in new residential projects. However, since this is an</td>
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CITY OF PORTERVILLE 5-4 2009-2014 HOUSING ELEMENT
<table>
<thead>
<tr>
<th>Program Name</th>
<th>2003 Objective</th>
<th>Accomplishment/ Continued Appropriateness</th>
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<tbody>
<tr>
<td>8. Federal and State Funding Housing Rehabilitation</td>
<td>Continue to use local, federal, and State funds for housing rehabilitation.</td>
<td>See Program 4. No separate program is included in the 2009 Housing Element.</td>
</tr>
<tr>
<td>9. Community Reinvestment Act</td>
<td>Contact financial institutions serving Porterville to solicit interest in providing financing for low and moderate income housing.</td>
<td>The City will continue its efforts in providing and presenting information to financial institutions for interest in providing low and moderate income housing.</td>
</tr>
<tr>
<td>10. Annual Housing Element Monitoring Report</td>
<td>Annually evaluate and report to City Council on the progress in meeting the Housing Element objectives.</td>
<td>The City Building Department provides an annual report to the City Council on the number of units built each year. In addition, the City prepares annual reports for HCD on housing developed in the Redevelopment Project Area. Through the Consolidated Annual Performance Evaluation Report (CAPER) process, the City reports on its housing and community development activities using CDBG, HOME, and redevelopment housing set-aside funds. Additionally, the City will continue to prepare annual reports to HCD on the Housing element and its progress towards its objectives. These reporting activities are regular requirements under various housing programs.</td>
</tr>
<tr>
<td>11. Section 8 Program</td>
<td>Continue to cooperate with the County Housing Authority in its administration of the Section 8 rental program.</td>
<td>The City continues to cooperate with the Housing Authority of Tulare County in its administration of the Section 8 program. According to the Housing Authority</td>
</tr>
<tr>
<td>Program Name</td>
<td>2003 Objective</td>
<td>Accomplishment/ Continued Appropriateness</td>
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<tr>
<td>12. Allow Alternative Housing Types</td>
<td>Continue to allow secondary dwelling units, group homes, homeless facilities, mobile homes, and community care facilities.</td>
<td>Of Tulare County (HATC), 585 households in Porterville (in both incorporated and unincorporated areas) receive Section 8 vouchers. Recent market conditions have resulted in disincentives for property owners to participate in the Section 8 program. The 2009 Housing Element includes activities to promote the use of Section 8 assistance.</td>
</tr>
<tr>
<td>13. Development of a Plan for the use of Housing Set-Aside Funds</td>
<td>Establish and periodically update a set of policies and procedures to guide the implementation of the low income housing requirements for tax increment revenues.</td>
<td>The City zoning ordinance currently allows secondary dwelling units, group homes, mobile homes, and community care facilities and transitional housing. The City is updating the zoning ordinance to continue compliance with the State requirements and clarify second unit uses. Additionally, the 2009 Housing Element references a program in the zoning ordinance to explicitly permit transitional housing and emergency shelters in certain zones.</td>
</tr>
<tr>
<td>14. Fair Housing Program</td>
<td>Continue to promote equal opportunities for all persons.</td>
<td>The City continues to promote equal opportunity for all persons. The City updated the Analysis of Impediments to Fair Housing Choice (AI) in 2003. This program will be included in the 2009 Housing Element and will be reviewed and updated for the 2010 Consolidated Plan.</td>
</tr>
<tr>
<td>15. Handicapped Accessibility</td>
<td>Continue to implement State standards for accessibility in new housing for persons with disabilities.</td>
<td>The City implements State standards for accessibility in housing. City staff works with applicants to ensure accessibility improvements, and allows</td>
</tr>
<tr>
<td>Program Name</td>
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<td>Accomplishment/ Continued Appropriateness</td>
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<tr>
<td>16. Mixed Use Development</td>
<td>Encourage mixed commercial/residential developments in the downtown area.</td>
<td>The City allows housing by right in the C-2 zone, and amended the General Plan policies to promote mixed-use development. Several private owners in the downtown area have converted upstairs areas into residential units. The St. James Hotel and Villa Sienna mixed use projects are in the downtown area. The City used CDBG funds to assist in the conversion of the Glenwood Hotel, a residential hotel in the downtown as affordable housing. The Housing Element includes a program to promote mixed-use development.</td>
</tr>
<tr>
<td>17. Unmet Special Housing Needs</td>
<td>Address current and anticipated housing needs that cannot be met through the regular interaction of the private market, including housing for low income households, homeless persons, single parents, and persons with disabilities</td>
<td>The City offers programs and collaborates with other entities to assist in meeting the needs of low income households, homeless persons, single parents, and persons with disabilities. Tax credit projects, the City's First-Time Home Buyer program, and the Central Valley Family Crisis Center are examples of programs and entities that assist these populations. The Housing Element contains several programs geared toward meeting the needs of these populations.</td>
</tr>
<tr>
<td>Program Name</td>
<td>2003 Objective</td>
<td>Accomplishment/ Continued Appropriateness</td>
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<tr>
<td>18. Monitor Status of At-Risk Housing Units</td>
<td>Monitor the owner's intent to prepay FmHA loans on the Evergreen and Alderwood Apartments for potential conversion to market-rate housing. Evaluate potential actions to maintain the units as affordable housing.</td>
<td>The Evergreen and Alderwood Apartments did not convert to market rate uses and remain as affordable housing. However, the renewed subsidy contracts for these two developments are short-term. These projects remain at risk of converting to market rate housing over the planning period of the 2009-14 Housing Element. In addition, two other projects with Section 8 assistance—Santa Fe Plaza—will be at risk of losing Section 8 subsidies. A program has been included in the 2003-08 Housing Element and will continue in the 2009-14 Housing Element to address at-risk housing projects.</td>
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CHAPTER 6
HOUSING PLAN

A. GOALS AND POLICIES

Goal A: To preserve the existing housing stock and conserve existing affordable housing opportunities.

Policy A.1: The City will encourage private reinvestment and rehabilitation of housing in older residential neighborhoods.

Policy A.2: The City will pursue local, state, and federal funding assistance that is appropriate to the City's rehabilitation needs.

Policy A.3: The City will assist interested individuals and non-profit housing corporations to acquire and/or rehabilitate housing in need of rehabilitation with the objective of preserving such units as affordable housing.

Policy A.4: The City will work with the Tulare County Housing Authority and other non-profit housing corporations to preserve Section 8 and other rent-subsidized units in the City.

Goal B: To provide adequate residential sites through appropriate land use designation and zoning to accommodate the City's share of regional housing needs.

Policy B.1: The City will maintain an adequate supply of residential land with appropriate land use designations and zoning to accommodate projected household growth and to meet its regional share of housing for all income groups.

Policy B.2: The City will plan for a full range of housing types to maximize housing choices in relation to Porterville's demographic profile, and employment, transportation, and commercial services.

Policy B.3: The City will implement flexible land use regulations through planned unit development zoning to allow for a range of housing types and densities within a single development.
Goal C: To expand the City’s low- and moderate-income housing opportunities.

Policy C.1: While promoting the provision of housing for all economic segments of the community, the City will seek to ensure design quality in all new residential development.

Policy C.2: The City will pursue local, state, and federal funding assistance that is appropriate to Porterville’s needs to expand affordable housing opportunities for low- and moderate-income households.

Policy C.3: The City will encourage government-assisted, below-market-rate housing units to be interspersed within the development and be outwardly indistinguishable from market-rate units.

Policy C.4: The City will provide for the development of secondary residential units, as required by State law, while protecting the single-family character of neighborhoods.

Policy C.5: The City will continue to provide assistance that enables low- and moderate income households to become first-time homebuyers.

Goal D: To address the housing needs of special populations.

Policy D.1: The City will continue to implement state law regarding the establishment of group homes and residential care facilities in residential zones, but will seek to avoid overconcentration of such residences in any particular neighborhood.

Policy D.2: The City will maintain an adequate supply of appropriately designated land for special needs housing, including seniors, disabled persons, large households, farmworkers, the homeless, and transitional persons.

Policy D.3: The City will encourage the development and rehabilitation of housing that is accessible to persons with disabilities.

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

Policy D.5: The City will work with surrounding jurisdictions to address the needs of transient homeless persons on a regional basis.
Goal E: To assure that all present and future residents have equal access to housing, commensurate with the financial capacity, without discrimination.

Policy E.1: The City will provide public information on the state and federal fair housing laws.

Policy E.2: The City will refer discrimination complaints and requests for services to appropriate fair housing agencies.

Policy E.3: The City will cooperate with community-based organizations that provide services or information to victims of housing discrimination.

Goal F: To reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households. In 2008 the City of Porterville updated the project review and plan check process for a more efficient and expedited turnaround period. The revised plan check process included input from the local developers, consultants and contractors. Submitted projects are now returned to project proponents within two weeks with comments or permits where the previous process took at least three (3) weeks.

Policy F.1: The City will establish and maintain development standards that support housing production while protecting quality of life goals.

Policy F.2: The City will continue to provide for timely and coordinated processing of residential development projects to encourage housing production within Porterville.

Policy F.3: The City will review its fee structure, including development fees, impact fees, and other municipal costs, periodically to ensure that they do not unduly constrain the production of housing, especially affordable housing.

Goal G: To Ensure Adequate Services to Infrastructure and Housing.

Policy G.1: New residential projects shall be designed to facilitate alternative modes of travel.

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

Policy G.3: The City will support policies and programs that will help achieve compliance with Federal and State regulations relating to stormwater pollution prevention.
Policy G.4: When water and sewer capacities are limited, the City will work with water and sewer service providers to ensure new affordable housing projects receive priority for allocation, pursuant to State law.

B. PROGRAMS AND ACTIONS

The goals and policies contained in the Housing Element address Porterville's identified housing needs and are implemented through a series of housing programs. These programs define the specific actions the City will undertake to achieve the stated goals and policies. Funding sources for implementing the eight-year objectives are also listed. These housing programs include programs currently in operation in the City and new programs that have been added to address the City's unmet housing needs. A housing program often implements more than one policy and sometimes, more than one goal. The programs are categorized by the primary goal for which the programs are intended.

Goal A: To preserve the existing housing stock and conserve existing affordable housing opportunities.

A.1 Home Rehabilitation Loan Program

This program assists low income single-family homeowners with needed repairs by providing direct, 30-year, deferred loans of up to $40,000. The funds may be used to correct code violations, safety repairs, accessibility improvements, lead-based paint, and energy conservation measures. Currently, there is a long waiting list of applicants for home rehabilitation assistance. The City is processing loans for applicants on the waiting list and once the list is exhausted the City will reopen the program for new applications.

Five-Year Activities:
- Continue to offer rehabilitation assistance to income-qualified households
- Continue to market this program at public counters and through other media (e.g. newspaper)
- Depending on the rate of expenditure, re-apply to HCD for additional HOME and possibly Cal Home or other state program funds in future years.

Quantified Objectives: Assist approximately 10 households with current funding through April 2011, with an objective of assisting 10 households annually if additional funding becomes available.

Funding Sources: CDBG entitlement funds and program income; HOME funds and program income

Responsible Agencies: Community Development Department

CITY OF PORTERVILLE 6-4 2009-2014 HOUSING ELEMENT
A.2 Preservation of Affordable Rental Housing

Several publicly assisted housing projects may be at risk of converting to market-rate housing due to expiration of subsidy contracts. To the extent feasible, the City will work to preserve the affordability of these units in partnership with the property owners, public agencies, and other interested parties.

Five-Year Activities:
- Monitor the at-risk status of projects annually and contact project owners to discuss preservation options and incentives.
- Work with the HATC to provide technical assistance to tenants regarding the availability of Section 8 vouchers in case units are converted to market-rate housing.
- Work with property owners and nonprofit housing providers to pursue the preservation of the at-risk units.

Quantified Objectives: Work to preserve the affordability of 274 units. [This number has changed.]

Funding Sources: Rural Development subsidy renewals; HUD Section 8 vouchers; State Farmworker Housing funds; HOME; and others

Responsible Agencies: Community Development Department

Goal B: To provide adequate residential sites through appropriate land use designation and zoning to accommodate the City's share of regional housing needs.

B.1. Vacant and Underutilized Sites Inventory

As part of this Housing Element update, the City has reviewed its residential land inventory for vacant and underutilized sites available for housing development within the time frame of this Element. Since January 1, 2007, the City has permitted and approved 3,288 housing units, including 1,224 very low, 862 low, 979 moderate, and 2,409 above moderate income units. The RHNA remaining for the 2009-2014 Housing Element is 2,723 units (1,173 very low, 700 low, 850 moderate, and 0 above moderate units).

The City will ensure an adequate supply of residually designated land to accommodate the Regional Housing Needs Allocation (RHNA). In 2008 the City of Porterville adopted a new General Plan that updated and reclassified land use designations for incorporated and unincorporated land in the Porterville area. The update increased the residential land use designations of the area.

Five-Year Activities:
• Annually, or upon major General Plan amendments or annexation, update the sites inventory and provide information on available sites to interested developers.

• Identify sites with infill and mixed-use opportunities (see Programs B.2 and B.3).

**Quantified Objectives:**
Provide adequate sites for the remaining RHNA of 2,723 units (1,173 very low, 700 low, 850 moderate, and 0 above moderate units)

**Funding Sources:**
General fund

**Responsible Agencies:**
Community Development Department

### B.2 Mixed-Use Development

The City's Zoning Ordinance permits residential uses above retail uses in the downtown. To facilitate mixed-use developments, the City offers a variety of incentives:

• The City has established a parking district to address parking demands in downtown. Developments that do not involve an increase in square footage are not required to provide for additional parking.

• The City has established a new Downtown Mixed Use Zone with development standards, policies, and procedures for the downtown area.

• For adaptive reuse projects, development application review and approval is performed at the staff level as long as the project meets fire, building, and health and safety codes, and addresses ingress/egress issues.

• A development envelope of 2.0 Floor-Area-Ratio (FAR) is provided.

• Potential funding assistance includes redevelopment and HOME funds, as well as other available resources.

**Five-Year Activities:**

• Identify potential sites for redevelopment into mixed-use projects by the end of 2009 and provide the list of available sites to developers to encourage residential development.

• Offer incentives, as appropriate and feasible, to promote mixed-use projects.

• Pursue additional HOME funds for other mixed-use projects.

**Funding Sources:**
General fund; HOME funds; redevelopment funds

**Responsible Agencies:**
Community Development Department
B.3 Infill Development

The City is in the process of researching the feasibility of various incentives to encourage infill development. These may include:

- Financial assistance to make infrastructure and other public improvements.
- Reduce or modify open space, parking requirements, and/or other development standards, as appropriate.
- Apply for or encourage applications from developers for new State In-fill and Infrastructure grant programs.

Five-Year Activities:
- If feasible, develop infill incentives by the end of 2009.

Funding Sources: Grants and general fund

Responsible Agencies: Community Development Department

Goal C: To expand the City’s low- and moderate-income housing opportunities.

C.1 Home Buyer Assistance

The City recognizes homeownership is a desire of many Porterville residents. Through the First-Time Home Buyer (FTHB) program and development of affordable ownership housing, the City extends affordable homeownership opportunities for many lower income households.

First-Time Low Income Home Buyer Program: Under this program, the applicant must be a first-time home buyer that earns 80 percent or less of the area median income. The applicant must also be able to qualify with a participating lender for a first mortgage and provide a percentage of the down payment from their own personal assets. The City provides a secured second trust deed loan to fill the gap, providing down payment and closing cost assistance up to $40,000. Existing homes to be financed under this program include homes constructed before 1978, as long as the dwelling unit passes a visual assessment that reveals no sign of deteriorated paint surfaces that could contain lead paint. Since the initiation of this program in 1993, this program has assisted approximately 300 families to purchase homes in the City of Porterville.

Affordable Ownership Housing Development: To expand affordable homeownership opportunities in Porterville, the City has assisted with the development of ownership housing. Specifically, the City utilized a CalHFA HELP loan to the Redevelopment Agency for the development of Casas Buena Vista. A total of 82 affordable ownership housing units were made available to low income households and successfully purchased...
using FTHB funds. The City will continue to pursue similar opportunities as funding permits.

**Five-Year Activities:**
- Continue to assist income-qualified homebuyers in Porterville through the First-Time Home Buyer and other programs.
- Apply for additional funding under the CalHOME and HOME programs as needed.

**Quantified Objectives:** Assist 10 households to purchase first home with current available funding through April 2011, with an objective of assisting 10 households annually if additional funding becomes available.

**Funding Sources:** CalHOME funds; CDBG program income; HOME funds; redevelopment set-aside funds and set-aside match for HOME funds; HOME program income

**Responsible Agencies:** Community Development Department; Community Development Financial Assistance Review Committee

C.2 **Home Buyer Education Classes**

The City currently provides home buyer education classes in English and Spanish to low income persons and families once a month during the evenings. The class provides information on the advantages and disadvantages of home ownership, how to work with a realtor, what to look for in selecting a home, understanding the loan and escrow process, and learning how to maintain a home. Upon completion of the class, the participant receives a Certificate of Completion making them eligible to participate in the City’s First Time Home Buyer Program.

**Five-Year Activities:**
- Continue to offer Home Buyer Education Class once a month.

**Funding Sources:** CDBG entitlement funds

**Responsible Agencies:** Community Development Department

C.3 **Mortgage Credit Certificate Program**

The City participates in the County Mortgage Credit Certificates (MCC) program. The MCC program is administered by the Housing Authority of Tulare County (HATC) and allows lower and moderate income first-time homebuyers to take 20 percent of their annual mortgage interest as a dollar-for-dollar tax credit against their federal income tax.

**Five-Year Activities:**
- Continue to adopt resolution of approval to participate in this program.
Funding Sources: MCC federal income tax credits to provide assistance via the County program; no funding required from the City

Responsible Agencies: City Council

C.4 Section 8 Rental Assistance

The HATC administers the Section 8 Rental Assistance program for Porterville. The Section 8 program extends rental subsides to very low income households who cannot afford the cost of rental housing. The Section 8 program offers a voucher that pays the difference between the current fair market rent established by HUD and what a tenant can afford to pay (typically at 30 percent of household income). As of September 2008, 585 households in Porterville (in both incorporated and unincorporated areas) receive Section 8 vouchers through HATC.

Five-Year Activities:
- Promote the use of Section 8 via City website, newsletter, and brochures at public counters.
- Encourage property owners to rent units through this program by providing information at public counters and referring property owners to the HATC.
• Work with affordable housing developers to obtain Section 8 assistance for new construction projects by providing letter of support for funding application.

**Funding Sources:** HUD Section 8 allocation

**Responsible Agencies:** HATC; Community Development Department

### C.5 Local, State, and Federal Funding

Development of affordable housing in Porterville, particularly for extremely low and very low income housing, typically requires substantial leveraging with public funds. Often, multiple layers of funding are required to address the deep subsidies required. Recent affordable rentals for families (Sequoia Village at Rivers Edge) were developed with Low Income Housing Tax Credits and affordable single-family homes for families (Casas Buena Vista) were developed with Redevelopment Housing Set-Aside funds and Cal HFA HELP Funds.

The City will continue to pursue available local, state, and federal funding sources in cooperation with private developers, non-profit housing corporations, the HATC, and other interested entities to provide affordable housing. Funding will be targeted to facilitate the development of housing for families (including large families and farmworker families), seniors, and persons with disabilities. The City has been successful in obtaining HOME, Cal Home and CalFHA funds to expand affordable housing opportunities through new construction or downpayment assistance. The City will continue to monitor the funding availability under these and other available programs and pursue funding as appropriate.

**Five-Year Activities:**

• Continue to work closely with developers to pursue Low Income Housing Tax Credits by expediting project review.

• Annually identify programs to pursue based on the likelihood of funding, including HOME, Cal Home, CalFHA funds and other State and Federal funds.

**Funding Sources:** General fund

**Responsible Agencies:** Community Development Department

### Goal D: To address the housing needs of special populations.

### D.1 Emergency Shelters, Transitional Housing, Supportive Housing

State law requires that a jurisdiction specify the zoning district(s) where emergency shelters and transitional housing facilities for the homeless are permitted. In 2008 an updated General Plan was adopted and with the adoption of the new General Plan the Zoning Ordinance update was initiated. The Porterville Zoning Ordinance currently does not specify the zoning district(s) in which emergency shelters housing are permitted.
The Zoning Ordinance permits institutional uses (including residential care facilities) in R-2 and R-3 zones through the conditional use permit process. The Zoning Ordinance will be amended to expressly permit residential care serving six or fewer persons in all residential zones.

Emergency shelters and transitional housing are not expressly identified as uses included under the category of institutional uses. Transitional housing is allowed in the R-1, R-2, and R-3 residential zones.

The Zoning Ordinance update will to specify emergency shelters and transitional housing as institutional uses. Emergency shelters shall be permitted in the C-2 and C-3 zones and in the R-3 Zone with a conditional use permit. Conditions for approval will relate primarily to the performance and operation of the proposed facilities (such as parking requirements) and will not unduly constrain the development of such facilities. Specifically, conditions required will be similar to those for similar uses in the same zones, regulating only the use but not the users. The Porterville City Council serves also as the Planning Commission. Discretionary permit approval requires only one public hearing.

The Zoning Ordinance will be amended to permit supportive housing facilities serving six or fewer clients by right in all residential zones. The City will also amend the Zoning Ordinance to differentiate supportive housing in the form of group quarters versus as multi-family rental housing developments. For supportive housing facilities that operate as multi-family rental housing developments, such uses will be permitted by right where multi-family housing is permitted. For supportive housing facilities that operate as group quarters, such facilities will be permitted as community care residential facilities. Need to add Supportive Housing – See discussion in Constraints section.

**Five-Year Activities:**
- Amend Zoning Ordinance to incorporate provisions for emergency shelters, transitional housing, supportive housing, and residential care facilities for six or fewer persons by the end of 2009 (see Program F.1).

**Funding Sources:** General fund

**Responsible Agencies:** Community Development Department

D.X Single-Room Occupancy (SRO) Units

The Porterville Zoning Ordinance does not contain specific provisions for SRO units. The Zoning Ordinance will be amended to specifically address the provision of SRO units in the Downtown General Commercial Zone(s) via a Conditional Use Permit process. The City will also establish objective and appropriate development standards in the Zoning Ordinance for SRO units.

**Five-Year Activities:**
• Amend Zoning Ordinance to incorporate provisions for Single-Room Occupancy units by the end of 2009 (see Program F.1).

**Funding Sources:** General fund

**Responsible Agencies:** Community Development Department

### D.2 Housing for Persons with Disabilities

As required by SB 520, the City reviewed its zoning provisions, land use controls, permit and processing procedures, fees and exactions, and building codes to determine if any governmental constraint may impede the development and improvement of housing for persons with disabilities. Based on this review, the City did not identify any specific constraint that may impede housing opportunities for persons with disabilities. Requests for reasonable accommodation are reviewed and approved at the staff level. The Zoning Ordinance also contains provisions for licensed community care facilities that are consistent with State laws. Through plan checks and building inspections, the City ensures that developers comply with ADA requirements.

The City will conduct more detailed research for promoting the development of housing for persons with disabilities. Specifically, as part of the City’s research on incentives to promote infill and affordable housing, the City will explore techniques and incentives to encourage the development of housing for persons with disabilities.

**Five-Year Activities:**

- Conduct research and develop infill housing incentives, including techniques to encourage housing for persons with disabilities by the end of 2009.
- Adopt a reasonable accommodation ordinance by the end of 2009 to provide a formal and objective process for reviewing and granting reasonable accommodation requests.
- Continue to monitor City development standards and policies to ensure such standards and policies do not impede housing opportunities for persons with disabilities.

**Funding Sources:** General fund

**Responsible Agencies:** Community Development Department

### D.X Farmworker Housing

The new Porterville General Plan includes an Agriculture/Rural/Conservation land use designation that preserves agricultural and resource conservation areas. California law requires that farmworker housing for 12 units or 36 beds be considered equivalent to an agricultural use
or, in other words, permitted by right in agricultural zones. ¹ As the City has created a new Agricultural/Rural/Conservation land use, the Zoning Ordinance will be amended to permit farmworker housing in the implementing zoning district(s).

**Five-Year Activities:**
- Amend Zoning Ordinance to incorporate provisions for farmworker housing by end of 2009 (see Program F.1).

**Funding Sources:** General fund

**Responsible Agencies:** Community Development Department

**Goal E:** To assure that all present and future residents have equal access to housing, commensurate with the financial capacity, without discrimination.

### E.1 Fair Housing

Porterville cooperates with federal, state, and regional agencies to promote open housing choice and equal housing opportunity. Depending on the nature of the complaints, Porterville currently refers complaints regarding housing discrimination to the Legal Aid of Central California, California Rural Legal Aid, and Self Help Enterprises, Fresno County Housing Authority (Fair Housing Unit), and State Department of Fair Employment and Housing.

**Five-Year Activities:**
- Continue to provide fair housing referrals.
- Continue to post fair housing posters and referral information at City Hall, public counters, and community facilities.
- In conjunction with the Five-year Consolidated Plan process, review and update, if necessary the Analysis of Impediments to Fair Housing Choice.
- Continue to update housing resources on City website, including fair housing and legal assistance agencies, the State Department of Fair Employment and Housing, California Association of Realtors, and U.S. Department of Housing and Urban Development (local office of Civil Rights Monitoring)

**Funding Sources:** General fund; CDBG entitlement funds

**Responsible Agencies:** Community Development Department

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¹ Health and Safety Code, §17021.6
Goal F: To reduce governmental constraints to the development, improvement, and preservation of housing, particularly to housing affordable to lower and moderate income households.

F.1 Zoning Ordinance Revisions

The City of Porterville is currently in the process of completing an update to the Zoning Ordinance for accuracy and consistency with the General Plan that was adopted in 2008. To facilitate and encourage the development, rehabilitation, and preservation of housing in Porterville, the City will address several zoning revisions.

Five-Year Activities:
• By the end of 2009, the City will amend the Zoning Ordinance to:

Funding Sources: General Fund

Responsible Agencies: Community Development Department

a. Second Unit Law

In accordance with Assembly Bill 1866, the City Zoning Ordinance currently contains standards and allows second unit concepts. The City’s Zoning Ordinance allows second units, ensuring that development standards and permit procedures do not constrain the development and improvement of second unit housing concepts.

b. Global warming Solutions

In accordance with Assembly Bill 32, mandate for global warming solutions, the City is currently in the process of updating it Zoning Ordinance to include efforts to minimize greenhouse gases. The City currently notifies developers of the Indirect Source Rule regulations and compliance with all San Joaquin Valley Air Control Board requirements. All development projects that are submitted are reviewed and informed if the rule applies. The Act caps California’s greenhouse gas emissions at 1990 levels by 2020. This legislation represents the first enforceable state-wide program in the U.S. to cap all GHG emissions from major industries that includes penalties for non-compliance. It requires the State Air Resources Board to establish a program for statewide greenhouse gas emissions reporting and to monitor and enforce compliance with this program. The Act authorizes the state board to adopt market-based compliance mechanisms including cap-and-trade, and allows a one-year extension of the targets under extraordinary circumstances.

Additionally, the Zoning Ordinance update will include green building material incentives or alternatives to construction materials.

Goal G: To Ensure Adequate Services to Infrastructure and Housing.
G.1 Infrastructure Improvements

Infrastructure improvements represent a significant cost factor for housing development in Porterville. To facilitate the development of affordable housing, the City has provided financial assistance for necessary infrastructure improvements using redevelopment set-aside funds, CDBG funds, and other State and federal funds. The City will continue to evaluate appropriate projects for receiving financial assistance.

Five-Year Activities:
- Continue to leverage redevelopment funds, CDBG, and other funding sources for necessary infrastructure improvements to encourage the production of affordable housing units.
- Continue to pursue additional funding sources to expand affordable housing opportunities.

Funding Sources: CDBG funds; redevelopment tax increment, Prop 1C infrastructure in-fill program.

Responsible Agencies: Community Development Department; Public Works Department

Summary of Program Activities

<table>
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<th></th>
<th>Extremely Low</th>
<th>Very Low</th>
<th>Low</th>
<th>Moderate</th>
<th>Above Moderate</th>
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<td>612</td>
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The City has a RHNA allocation of 1,224 very low income units (inclusive of extremely low income units). Pursuant to new State law (AB 2634), the City must project the number of extremely low income housing needs based on Census income distribution or assume 50 percent of the very low income units as extremely low. Extremely low income households constitute 50.1 percent of the very low income group. Therefore, the City’s RHNA of 1,224 very low income units can be split between 612 extremely low and 612 very low income units. However, for purposes of identifying adequate sites for the RHNA, State law does not mandate the separate accounting for the extremely low income category.
CONTINUOUS PUBLIC HEARING

SUBJECT: REQUEST TO ALLOW FOR A CONDITIONAL USE PERMIT 4-2008 TO UPGRADE AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 E. PUTNAM AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The Porterville City Council, at their regularly scheduled meeting of March 1, 2005 denied Conditional Use Permit 1-2005 to allow for the same upgrade request of an existing Type 20 beer and wine off-sale license to a Type 21 beer, wine and distilled spirits off-sale license.

At the January 20, 2009 City Council meeting, the City Council voted to consider the applicant’s request for a submittal of Conditional Use Permit 4-2008 to allow for the upgrade of an existing Type 20 beer and wine off-sale alcohol license to a type 21 beer, wine and distilled spirits off-sale license for an existing convenience market located at 809 East Putnam Avenue.

On February 17, 2009 the City of Porterville City Council held a public hearing to consider Conditional Use Permit 4-2008, a request to consider an upgrade in alcohol license from an off-sale Type 20 beer and wine license to an off-sale Type 21 beer, wine, and distilled spirits. The City Council continued the public hearing to the regularly scheduled meeting of March 3, 2009 so that information in this report could be updated. A revised interior layout has been included and photos of the newly remodeled cashier area have been provided to document the proposed location of distilled spirits if the new Conditional Use Permit is approved.

The subject site is located in Census Tract 39.01 which allows a maximum of seven (7) off-sale alcohol licenses. Currently, there are twelve (12) existing licenses there, including the one at this site.

The request for upgrade in alcohol license is consistent with the general plan policies that promote neighborhood commercial, walkable communities, accessibility to services and goods within a sensible and convenient distance.

Pursuant to “General Rule” Exemption 14 Ca. Admin. Code 15061 b3 of the CEQA Guidelines, the proposed project qualifies for a categorical exemption.
STAFF RECOMMENDATION:

1. That the Council consider Conditional Use Permit 4-2008 for an alcohol license upgrade from an off-sale Type 20 beer and wine to an off-sale Type 21 beer, wine, and distilled spirits subject to conditions of approval, by adopting the attached resolution.

2. Authorize the Mayor to sign the letter of public convenience or necessity.

ATTACHMENTS: Complete Staff Report
CITY COUNCIL STAFF REPORT
City of Porterville
MARCH 3, 2009

CONDITIONAL USE PERMIT 4-2008
FOR CITY COUNCIL MEETING MARCH 3, 2009

APPLICANT: Mounib Dakhil – Sunnyside Market
809 E. Putnam Ave
Porterville, CA 93257

PROJECT DESCRIPTION: The applicant is requesting consideration of Conditional Use Permit 4-2008 to allow for the upgrade of an existing Type 20 beer and wine off-sale alcohol license to a type 21 beer, wine and distilled spirits off-sale license for an existing convenience market located at 809 East Putnam Avenue.

SIZE OF PROPERTY: 25,972 square feet

GENERAL PLAN CLASSIFICATION: Neighborhood Commercial

ZONING CLASSIFICATION: C-1 (Neighborhood Commercial)

SURROUNDING ZONING AND LAND USES:

North: Low Density Residential – R-1 (Single Family Residential)
West: Parks and Recreation – OA (Open Area) – Porterville Municipal Golf Course
South: Low Density Residential – R-1 (Single Family Residential)
East: Low Density Residential – R-1 (Single Family Residential)/commercial building (small retail building with multiple tenants space)

<table>
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<th>Date Environmental Document Distributed</th>
<th>Date Notice Published in Porterville Recorder</th>
<th>Date Notice Mailed to Property Owners within 300 feet of property</th>
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<td>Categorically exempt from CEQA</td>
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ENVIRONMENTAL REVIEW:

Pursuant to “General Rule” Exemption 14 Ca. Admin. Code 15061 b3 of the CEQA Guidelines, the proposed project qualifies for a categorical exemption.
PROJECT/DESCRIPTION ANALYSIS:

The Porterville City Council at their regularly scheduled meeting on March 1, 2005 denied Conditional Use Permit 1-2005 to allow for the upgrade of an existing Type 20 beer and wine off-sale license to a Type 21 beer, wine and distilled spirits off-sale license. The denial was based on City Council’s belief that the area would not benefit from the upgrade in alcohol and the area did not warrant an intensification of use in an area over-concentrated with licenses. It was believed at the time that the result of approving the upgrade would result in an undesirable effect on the community by establishing a city wide precedent of allowing other convenience markets to seek similar intensifications.

At the January 20, 2009 City Council meeting, the City Council voted to consider the applicant’s request for a submittal of Conditional Use Permit 4-2008 to allow for the upgrade of an existing Type 20 beer and wine off-sale alcohol license to a type 21 beer, wine and distilled spirits off-sale license for an existing convenience market located at 809 East Putnam Avenue.

On February 17, 2009 the City of Porterville City Council held a public hearing to consider Conditional Use Permit 4-2008, a request to consider an upgrade in alcohol license from an off-sale Type 20 beer and wine license to an off-sale Type 21 beer, wine, and distilled spirits. The City Council continued the public hearing to the regularly scheduled meeting of March 3, 2009 so that information in this report could be updated. A revised interior layout has been included and photos of the newly remodeled cashier area have been provided to document the proposed location of distilled spirits if the new Conditional Use Permit is approved. Additionally, the original resolution of approval has been included for reference to the original CUP 8-82.

The following is a record of events since the project was submitted in March of 2008:

- March of 2008, the project was submitted for the most recent request for alcohol upgrade. At that time the applicant informed the PRC that upon approval of a conditional use permit to allow for the sale of distilled spirits, the distilled spirits would be located behind the clerk’s counter in an area not accessible to the general public. The distilled spirits area was identified on the site plan of the application at that time. The applicant failed to inform staff that a modification to the interior layout would be made.

- On April 24, 2008 the applicant informed staff that he would be out of the country and that the application should be placed on hold until he returned. The applicant stated that upon his return a formal letter would be submitted to reactivate the application.

- October 6, 2008, the applicant submitted a letter requesting his application be reactivated. At that time the applicant did not inform staff that there was a plan to do any modifications to the market floor plan. Interior improvements were started without contacting the Building Department or Planning staff.

- November of 2008 the cooking and hood system was relocated to a corner area of the market by AAA Quality Services but no permit was secured. Staff has no knowledge if the Tulare County Health Department was involved with the relocation of the...
cooking system. In 2005 a permit was issued and is on file for the original hood system located in the center of the market.

- January of 2009, the Chief Building Official incidentally stopped at the convenience market. At this time the hood had been relocated but what the Chief noticed was plumbing was being relocated. At that time the store manager asked if he needed permits for the work that was being performed and the Chief Building Official informed him that he did not. Again, the applicant failed to ask about the hood and duct, and fire suppression system that was previously relocated. Not knowing the hood had been relocated, the Building Official did not inform the applicant that the hood system would require a permit, and now the applicant is required to install an entirely new system to bring the system into current code compliance. Staff spoke with Tulare County Health Department Officials and have verified that to date no request for permits have been submitted or secured for any modification to the interior of the convenience market. Prior to constructing, enlarging, altering, remodeling or converting any building for use as a food facility plans must be submitted to and approved by the Tulare County Environmental Health Division.

- January 20, 2009 City Council meeting, the City Council voted to consider the applicant’s request for a submittal of Conditional Use Permit 4-2008 to allow for the upgrade of an existing Type 20 beer and wine off-sale alcohol license to a type 21 beer, wine and distilled spirits off-sale license for an existing convenience market located at 809 East Putnam Avenue.

- February 17, 2009 City Council meeting, the City Council continued the public hearing so that information in this report could be updated. The staff report contained an interior floor plan that was not consistent with the existing floor plan and proposed distilled spirits location.

- On February 19, 2009 the Deputy Fire Marshal was directed to inspect the Market and found that the cooking and hood system had been relocated without permits. The applicant stated that the hood fire suppression system was completed and serviced by AAA Quality Services but that he was not aware that he needed a permit. The Deputy Fire Marshall found that the hood and duct system was not installed in accordance with building and fires requirements.

- On February 20, 2009 the Chief Building Official was asked to review the original building plans and re-inspect the entire building. The Chief found that neither the current floor plan and interior layout nor the interior layout prior to the recent remodel reflected the original approved plans of 1983 when the building was constructed. The Chief verified that the building was original with exception to the most recent interior modifications. Planning staff photo documented the remodeled interior.

- February 23, 2009 a revised floor plan was submitted and attached to the proposed conditional use permit.

The issue of the unsecured permit for relocation of the cooking area, hood and duct, and fire suppressions system falls under the original CUP 8-82. The original CUP 8-82 does not speak to the sale of alcohol. The existing market began selling alcoholic beverages (beer and wine) prior to the adoption of Article 21 of the Porterville Zoning Ordinance which requires a Conditional Use Permit for alcohol sales.
Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

Any duly licensed off-sale liquor establishment in operation on July 20, 2004 shall be subject to the provisions of Article 25, of the ordinance.

Consideration of Conditional use Permit CUP4-2008 to allow for an upgrade in alcohol license is a separate consideration. If the City Council wishes to consider violations for unsecured permits for CUP 8-82, the item must be noticed for Public Hearing.

The Porterville Police Department has indicated that very few service complaints in regard to alcohol related incidences have been registered at this location. Although the Police Department has no objection to the project, a standard condition in the resolution was imposed to require the installation of security lighting on the exterior of the building and/or in the parking lot sufficient to allow reasonable surveillance of the parking area to the satisfaction of the Porterville Police Department.

The Parks & Leisure Services Director recommends against the approval of the subject alcohol license upgrade. This recommendation is based upon concerns with two public facilities within close proximity to the location of the applicant. It is the Director's opinion that the incremental convenience of access for purchase of distilled spirits will result in a lessening of the public's enjoyment of Porterville Golf Course and Murry Park, and will contribute to more litter, broken glass, and other detriments to the park facilities.

Section 2100 D of the Porterville Zoning Ordinance states the following:

"Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

Any duly licensed off-sale liquor establishment in operation on July 20, 2004 shall be subject to the provisions of Article 25, of the ordinance."

The subject site is located in Census Tract 39.01 which allows a maximum of seven (7) off-sale alcohol licenses. Currently, there are twelve (12) existing licenses there, including the one at this site. This makes five times more than the number of licenses allowed in the tract according to the ratio of alcohol licenses to census tract population. Of these licenses 8 are for beer and wine and 4 are for beer, wine, and distilled spirits.

Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a public convenience or necessity in the community for the additional license or upgrade in license type.
The subject site is consistent with the Neighborhood Commercial General Plan Land Use and Zoning Designations. The Neighborhood Commercial designation is intended for small-scale commercial development that provides convenience retail for local neighborhoods.

RECOMMENDATION:

1. That the Council consider Conditional Use Permit 4-2008 for an alcohol license upgrade from an off-sale Type 20 beer and wine to an off-sale Type 21 beer, wine, and distilled spirits subject to conditions of approval, by adopting the attached resolution.
2. Authorize the Mayor to sign the letter of public convenience or necessity.

ATTACHMENTS:

1. Existing Land Use/General Plan Land Use/Zoning Map
2. Census Tract Map 39.01
3. Site Plan, interior layout, elevations and pictures of existing site
4. Applicant’s letter
5. Customer signatures
6. Original City Council Resolution No. 9746 approving CUP8-82
7. Original Planning Commission Resolution No. 1387
8. City Council Resolution 38-2005
9. Draft Resolution
10. Mayor’s letter of public convenience or necessity (conditioned upon City Council approval)

Jose B. Ortiz 3/3/09
Project Planner Date
**TYPE 20** - OFF-SALE OF BEER AND WINE
**TYPE 21** - OFF-SALE OF BEER AND WINE & DISTILLED SPIRITS
**TYPE 40** - ON-SALE OF BEER - ALLOWS FOR CONSUMPTION ON OR OFF THE PREMISES
**TYPE 41** - ON-SALE OF BEER AND WINE & DISTILLED SPIRITS - IN CONJUNCTION WITH SERVING MEALS

- **EXISTING COUNTY**
- **CENSUS TRACT BOUNDARY**

**CENSUS TRACT 39.01**

**ATTACHMENT 2**
To the city council of Porterville

From

Sunnyside Handy Market
809 E Putnam Ave
Porterville Ca 93257

Hello dear sirs and madams; please kindly accept to read this application from us for a re-consideration of an upgrade from beer and wine license type 20 to type 21 so we can start selling hard liquor in our store. As a start; I want to tell you that a few years ago we applied for a liquor license but our request was denied by the city council for reasons such as having liquor might make more people drunk and lead them to cause problems and that the neighborhood is already not safe. However this time we are applying and we’re all hope that you gentlemen and ladies are going to take the last peaceful and quiet few years in your consideration and that our neighborhood is getting bigger and there isn’t any liquor store close by us. Actually, the nearest store is few miles away and that’s the thing our customers are complaining about to the extent that most of them have signed on papers which we have at the store asking for the approval of a liquor license for our store. Finally, we sure appreciate any time and effort you gentlemen and ladies spend looking through our application and re-considering this upgrade for the benefit of the public, progress of the city and business and so may God help you to do the right thing as you always do.

And thank you very much
Sincerely
Owner
Munire Salih

General manager
Frank Alset
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
6. [Signature]
7. [Signature]
8. [Signature]
9. [Signature]
10. [Signature]
11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. [Signature]
18. [Signature]
19. [Signature]
20. [Signature]

ATTACHMENT
ITEM NO. 5
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. Nicolas Tenca
3. Martha Clem
4. [Signature]
5. [Signature]
6. [Signature]
7. Nelly Gallo
8. [Signature]
9. [Signature]
10. [Signature]
11. Santiago Arias
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. [Signature]
18. [Signature]
19. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Rosemary Summers
2. Clean B. Earl
3. M. M. Nett
4. Mary Brown
5. Marie Smith
6. Kenneth Nick
7. Robert Torres
8. Angel Guerrero
9. Francisco da Costa
10. Sr. Sisay Mosene
11. Yedira Pico
12. Lucia Sierra
13. Greg Jones
14. Todd Baldwin
15. Robert Cooper
16. G. Smith
17. 
18. Amanda Rossi
19. Mary Ann Shepherd
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
6. [Signature]
7. [Signature]
8. [Signature]
9. [Signature]
10. [Signature]
11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. [Signature]
18. [Signature]
19. [Signature]
20. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Michael O'Neal
2. Bob Mont
3. Sharly Fernandez
4. Andrea Rania
5. Jose Nigedda
6. Kathy Molina
7. Julia Long
8. Mr. Ha. 784-7055
9. John Cook
10. 
11. Donna Abramchuck
12. Veronica Garcia
13. Alme Mellor
14. Bob Ma
15. Victoria Cenales
16. Matthew Arisco
17. Maria Sensman
18. Nate Tampood
19. Sandra Villareal
20. Chilo Alvarez
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Jamie Sanchez
2. [Signature]
3. Carl Henry
4. Tracy Curoy
5. [Signature]
6. James Brown
7. [Signature]
8. Jose Valdez
9. Carlo Marta
10. Yvonne Gonzales
11. [Signature]
12. [Signature]
13. Kimberly Hulsey
14. Conie Ruchard
15. [Signature]
16. Scott Jenkins
17. [Signature]
18. Tony Fox
19. [Signature]
20. Janie Castro
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Johnson Phanthavong
2. Hikana Rodriguez
3. Rahid H. Hasna Abood
4. [Signature]
5. Beatrice [Signature]
6. Allen Beaver
7. Alfredo Levy
8. [Signature]
9. Francisco Hernandez
10. [Signature]
11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. [Signature]
18. [Signature]
19. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Sandra Bias
2. Alice Blauer
3. Kathleen Dennis
4. Colleen Dunham
5. Kenth Fowler
6. Sam Glabman
7. Fred Green
8. James Whittier
9. Joel A. Men
10. Alex
11. Benjamin
12. Jose Thomas
13. Michael Steiner
14. Paul Lee
15.
16. Raymond Aquilia
17. David Bologn
18. Sandy DuBis
19. Madeline Martinez
20. Carl Cates
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
6. Rudy Gonzalez
7. Kelly Garcia
8. Annie Silva
9. [Signature]
10. [Signature]
11. [Signature]
12. [Signature]
13. Isidro Alvarado
14. Chilo Alvarado
15. Francisco Rodriguez
16. Devon Fowler
17. [Signature]
18. [Signature]
19. Jacqueline Mosley
20. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Stephen Chassan
2. [Signature]
3. Delile LeVasseur
4. Patricia LeVasseur
5. Jody Cook
6. [Signature]
7. Salty Lek
8. Jose Garcia
9. [Signature]
10. [Signature]
11. Carlos Murgia
12. [Handwritten Date: June 98]
13. Warren Myblas
14. Mary Ondoze
15. Michael Mynt
16. [Signature]
17. Juli Ready
18. Barbara Barda
19. [Signature]
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Dave Shilling
2. 
3. Lynnette Wuebbler
4. Gerardo Pena
5. 
6. Rosario Hidalgo
7. Stephanie Mitchell
8. 
9. 
11. Chi Watson
12. Paul Wall
13. Rogelio Macias
14. Tina Torta
15. Araseli Camarena
16. Salvador Leon
17. 
18. 
19. 
20. 


To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Jesse D Shields Jr.
2. Jesse D Shields Sr.
3. Darrell Jones
4. 
5. Tony Martinez
6. 
7. Rhonda White
8. Jim Simmons
9. Mr. Thayer
We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. [Signature]
3. Adrian serrado
4. Tony Ruiz
5. Florentino Serrato
6. [Signature]
7. [Signature]
8. John Alba 4-10-1982
9. Mary Esch
10. Jim Jones
11. [Signature]
12. [Signature]
13. Janie Hampton
14. Abel Calderón
15. Miguel Espinoza
16. Mary Lee
17. Chastity Mannion
18. [Signature]
19. Heather Magee
20. Eric Reeder
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Sandra Beyerbach
2. Joe Jones
3. Jack Brown
4. Merle Green
5. 
6. David Johnson
7. Sr. Sanchez
8. Bradley Morgan
9. Timothy O'Neill
10. Pete
11. 
12. George Collins
13. George Hagen
14. Ken Hughes
15. Elvie Burns
16. Leticia Rodriguez
17. Jorge A. Cruz
18. Mary D.
19. Rodney A. Carson
20. John Three
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Linda Guillea
2. Sue Sajo
3. Marcel Mote
4. Jana
5. Michael Hopper
6. ENDI PHENOMATH
7. Shely
8. Rene Martinez
9. Regrett King
10. Regrett King
11. Ena Martinez
12. JESSICA Rodriguez
13. Robert Wagner
15. E. Callie
16. Kathy Miller
17. Natasha R
18. Annie Silver
19. Robert M. Smith
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Jose Luis Aguilar
2. Ana Vasquez
3. Mark Alvarado
4. Greg Casada
5. Glory Connor
6. Roxane Hillman
7. Allen Joyce
8. Daniel Brotter
9. 
10. Jim Wright
11. Creekmore Sandeen
12. John Day
13. Rube Ott
14. Mike Lee
15. Betty William
16. Donald
17. Evi Rodriguez
18. Juie Espinosa
19. Sonia Garcia
20. Camila Lee
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Connie Leff
2. Maria Aguirre
3. Ivelco Gutierrez
4. 
5. Alfredo Alas
6. 
7. Anthony Tumanio
8. Gilbert Martinez
9. 
10. Maria Leff
11. Deana Michaels
12. 
13. Eunja Lee
14. Srisay Mosana
15. Eddie Morethanda
16. 
17. Antonio Rios
18. 
19. Kris Dennis
we the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. [Signature]
3. [Signature]
4. John Lopez
5. Jessica Lee
6. Thomas A. Bannor
7. [Signature]
8. [Signature]
9. Marie Bamba
10. [Signature]
11. Mario Bellack
12. Joe Jones
13. David Palmer
14. Ruben F. Z.
15. Joseph Espinoza
16. [Signature]
17. [Signature]
18. [Signature]
19. Raymond Aguirre
20. Sylvia Arias
To whom it may concern.

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Laurel Ven
2. Floyd Carrailed
3. 
4. Joseph Blum
5. 
6. Helen Warhentin
7. Patricia Mendez
8. Kelli-Ann
9. 
10. Tony Smith
11. 
12. Nicole D. Willis
13. Robert Mendez
14. David Thomas
15. Mandie Russell
16. Matthew King
17. Curt Coon
18. Jack L. Wieland Jack L. Wi
19. Joe Aker
20.
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. Stephanie Savage
2. John Hughes
3. Rose Underwood
4. Christina Hayes
5. Trisha Lee
6. 
7. 
8. 
9. 
10. Kemp Cundy
11. Tom Jones
12. Jennifer Christensen
13. Stephanie Park
14. 
15. Freddie Sando
16. Jose Ortiz
17. Rene Cifuentes
18. 
19. 
20. Anthony Rodriguez
To whom it may Concern:

We the undersigned Customers of Sunny Side Handy Market, located at 809 East Putnam Street, respectfully request the approval of a Liquor License for the above stated Business.

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
6. [Signature]
7. [Signature]
8. [Signature]
9. [Signature]
10. [Signature]
11. [Signature]
12. [Signature]
13. [Signature]
14. [Signature]
15. [Signature]
16. [Signature]
17. [Signature]
18. [Signature]
19. [Signature]
20. [Signature]
RESOLUTION NO. 9746

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING CONDITIONAL USE PERMIT NO. 8-82/GENERAL AND SPECIFIC DEVELOPMENT PLANS

BE IT HEREBY RESOLVED by the City Council of the City of Porterville that Conditional Use Permit No. 8-82/General Development Plans is approved as recommended in Planning Commission Resolution No. 1387, subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes.

2. That all future on-site development shall conform to the City's Zoning Ordinance.

3. That all future on-site uses shall conform to the City's Fire Department Standards.

4. That the requirements of the City Engineer shall be complied with, to-wit:

   1. Sewer service Phases 2, 3, and 4 shall be in accordance with the City Sewer Master Plan.

   2. That all improvements required shall be constructed in accordance with the City of Porterville standard plans and specifications, that all applicable codes and ordinances along with the recommendations of the City Engineer are to be adhered to, and that all applicable fees required for same shall be paid in accordance with the Municipal Code of the City of Porterville.

5. That the development shall be substantially as shown on the General Development Plans (Exhibit A). Where the zoning ordinance and conditions of a proval differ from the General Development Plans, the ordinance and conditions shall prevail.

6. That the residential development be limited to the General Plan density of 7 units per acre plus the ten percent density bonus allowed by Section 1708.B.1. of the zoning ordinance.

7. That the environmental impacts identified by the Environmental Review Committee be mitigated as follows:

   A. The City has insufficient sewer capacity presently available to serve the area covered by this plan.

   This impact may be mitigated as follows:

   1. All uses allowed in Phase I of the Project shall be low volume generators of sewer flow.

   2. No development beyond Phase I shall be permitted until sewer capacity to serve the project area is assured.

ATTACHMENT
ITEM NO. 6
3. The developer is negotiating to use a portion of the excess capacity controlled by the Porter Vista Public Utility District to serve this site.

4. The City is pursuing means of constructing a relief line to serve this area, either through its pending redevelopment project or by some other financing method.

B. There is a potential for an impact on the residential area to the north from the glare produced by the lighting of the convenience market in Phase I.

   This impact may be mitigated as follows:

   1. On-site lighting for the commercial portions of the project shall be so controlled to prevent direct or reflected glare as per Section 2618, F, of the Zoning Ordinance.

C. There is a potential flooding hazard due to water coming onto the site from adjacent areas.

   This impact may be mitigated as follows:

   1. Further studies and designs to mitigate any potential flooding hazard shall be required with any subsequent specific development plans.

D. The impact on various public services shall be further addressed at the time of future Specific Development Plan reviews. This shall include further review of circulation, traffic, fire and police protection and impacts on schools and other governmental services.

8. Prior to any development occurring, an agreement in writing must be made between the City and any other affected entity which will insure that the sewer problem identified is alleviated.

9. If Specific Development Plans are submitted for approval by phases, the developer may be required to construct reasonable improvements not located within the phase or area of development being proposed.

BE IT FURTHER RESOLVED by the City Council of the City of Porterville, that Conditional Use Permit No. 8-82/Specific Development Plans Phase I is hereby approved as recommended in Planning Commission Resolution No. 1388, subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes.

2. That all future on-site development shall conform to the City's Zoning Ordinance.

3. That all future on-site uses shall conform to the City's Fire Department Standards.
4. That the requirements of the City Engineer shall be complied with, to-wit:

1. That all improvements required shall be constructed in accordance with the City of Porter-ville standard plans and specifications, that all applicable codes and ordinances along with the recommendations of the City Engineer are to be adhered to, and that all applicable fees required for same shall be paid in accordance with the Municipal Code of the City of Porter-ville.

2. That the subdivider shall pay all fees involved to have any existing utility poles set back behind the future sidewalk.

3. Additional improvements to be added to the specific plans are as follows:
   a. Cross gutter across Leggett to join with newly installed cross gutter.
   b. Street paveout along Leggett and Putnam after gutter is constructed.
   c. Handicap ramp at corner of Leggett and future street.

5. That the development shall be substantially as shown on the Specific Development Plans (Exhibit B). Where the zon-ing ordinance and conditions of approval differ from the Specific Development Plans, the ordinance and conditions shall prevail.

6. That the environmental impact pertaining to Phase I identified by the Environmental Review Committee be mitigated as follows:

A. The City has sufficient sewer capacity presently available to serve the area covered by this plan.

   1) All uses allowed in Phase I of the Project shall be low volume generators of sewer flow.

B. There is a potential for an impact on the residential area to the north from the glare produced by the lighting of the convenience market in Phase I.

   1) On-site lighting for the commercial portions of the project shall be so controlled to prevent direct or reflected glare as per Section 2618. F, of the Zoning Ordinance.

7. That landscaping shall be of the low profile type and shall not be a visual obstruction to vehicular and pedes-trian traffic and shall be of the type which shall not cause damage to curbs, gutters and sidewalks.

8. That Specific Plans shall be accompanied by a proposed schedule indicating commencement and completion of construction.

9. Prior to issuance of building permits a proposed schedule of construction shall be submitted to and approved by the City Planner for referral to the City Engineer.
10. If Specific Development Plans are submitted for approval by phases, the developer may be required to construct reasonable improvements not located within the phase or area of development being proposed.

11. That Development of Phase I cannot be started until specific plans for street, gutter and sidewalk improvements in Phase III are submitted and approved by the Planning Commission.

Mary Dougherty, Mayor

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
COUNTY OF TULARE   )

I, C. G. HUFFAKER, the duly appointed City Clerk of the City of Porterville, do hereby certify and declare that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted at a regular meeting of the Porterville City Council regularly called and held on the 7th day of September, 1982.

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

AYES: COUNCILMEN: Durbin, Tree, Dougherty,
NOES: COUNCILMEN: Ferrell, Moran,
ABSENT: COUNCILMEN: None

C. G. HUFFAKER, City Clerk

Georgia Hawley, Deputy
RESOLUTION NO. 1387

CONDITIONAL USE PERMIT 8-82/GENERAL DEVELOPMENT PLANS

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 8-82/GENERAL DEVELOPMENT PLANS FOR RESIDENTIAL AND COMMERCIAL DEVELOPMENT LOCATED ALONG THE EAST SIDE OF LEGGETT STREET BETWEEN PUTNAM AND OLIVE AVENUES.

WHEREAS: The City of Porterville Planning Commission at its regularly scheduled meeting of August 23, 1982, conducted a public hearing to consider Conditional Use Permit 8-82, General Development Plans for residential and commercial development for that site located along the east side of Leggett Street between Putnam Avenue and Olive Avenue, and

WHEREAS: The site is zoned Planned Unit Development (Residential) and said zoning requires General and Specific Development Plans, and

WHEREAS: The General Development Plans show the general locations of residential, commercial, and open space uses, and proposed phasing of the development, and

WHEREAS: The Planning Commission made the following findings:

1. That the proposed project is consistent with the adopted General Plan for Land Use;

2. That the site is physically suitable for the type of development;

3. That the site is physically suitable for the proposed density of development of the project;

4. That the design of the project or the proposed improvements are not likely to cause substantial environmental damage;

5. That a Mitigated Negative Declaration was prepared for the project;

6. That the proposed location of the Planned Unit Development is in accordance with the objectives of the zone plan, and the purpose of the district in which the site is located.
7. That the proposed location of the Planned Unit Development and the proposed conditions under this will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

8. That the standards of population density, site area dimensions, site coverage, yard spaces, heights of structures, distance between structures, off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance;

9. That the standards of population density, site area and dimensions, site coverage, yard spaces, height of structures, distances between structures and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities.

NOW, THEREFORE, BE IT RESOLVED: That the Porterville Planning Commission does hereby approve Conditional Use Permit 8-82, General Development Plans, subject to the following conditions:

1. That all future on-site development shall conform to applicable City of Porterville codes;

2. That all future on-site development shall conform to the City's Zoning Ordinance;

3. That all future on-site uses shall conform to the City's Fire Department Standards;

4. That the requirements of the City Engineer shall be complied with (conditions attached);

5. That the development shall be substantially as shown on the General Development Plans (Exhibit A). Where the zoning ordinance and conditions of approval differ from the General Development Plans, the ordinance and conditions shall prevail;

6. That the residential development be limited to the General Plan density of 7 units per acre plus the ten percent density bonus allowed by Section 1708.B.I. of the zoning ordinance;

7. That the environmental impacts identified by the Environmental Review Committee be mitigated as follows:

A. The City has insufficient sewer capacity presently available to serve the area covered by this plan.
This impact may be mitigated as follows:

1. All uses allowed in Phase I of the project shall be low volume generators of sewer flow.

2. No development beyond Phase I shall be permitted until sewer capacity to serve the project area is assured.

3. The developer is negotiating to use a portion of the excess capacity controlled by the Porter Vista Public Utility District to serve this site.

4. The City is pursuing means of constructing a relief line to serve this area either through its pending redevelopment project or by some other financing method.

B. There is a potential for an impact on the residential area to the north from the glare produced by the lighting of the convenience market in Phase I.

This impact may be mitigated as follows:

1. On-site lighting for the commercial portions of the project shall be so controlled to prevent direct or reflected glare as per Section 2618, F, of the Zoning Ordinance.

C. There is a potential flooding hazard due to water coming onto the site from adjacent areas.

This impact may be mitigated as follows:

1. Further studies and designs to mitigate any potential flooding hazard shall be required with any subsequent specific development plans.

D. The impact on various public services shall be further addressed at the time of future Specific Development Plan reviews. This shall include further review of circulation, traffic, fire and police protection and impacts on schools and other governmental services.

8. Prior to any development occurring, an agreement in writing must be made between the City and any other affected entity which will insure that the sewer problem identified is alleviated.

9. If Specific Development Plans are submitted for approval by phases, the developer may be required to construct reasonable improvements not located within the phase or area of development being proposed.
MOVED BY COMMISSIONER Bonds SECONDEO BY COMMISSIONER Cotta AND carried BY THE FOLLOWING VOTE:

AYES: Bonds, Cotta, Attebury, Leavitt, Nicholson, McCracken

NOES: Gillett

ABSENT: None

ABSTAIN: None

DATE

ATTEST August 23, 1982
Pete V. McCracken, Chairman
Porterville Planning Commission
REQUIREMENTS OF THE CITY ENGINEER CONDITIONAL
USE PERMIT 8-82/GENERAL DEVELOPMENT PLAN

1. Sewer service for Phases 2, 3, and 4 shall be in accordance with the City Sewer Master Plan.

2. That all improvements required shall be constructed in accordance with the City of Porterville standard plans and specifications, that all applicable codes and ordinances along with the recommendations of the City Engineer are to be adhered to, and that all applicable fees required for same shall be paid in accordance with the Municipal Code of the City of Porterville.
RESOLUTION NO. 38-2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS FOR DENIAL OF CONDITIONAL USE PERMIT 1-2005 TO ALLOW THE UPGRADE OF AN EXISTING TYPE 20, BEER AND WINE OFF-SALE LICENSE TO A TYPE 21, BEER, WINE AND DISTILLED SPIRITS OFF-SALE LICENSE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR AN EXISTING MINI-MART LOCATED AT 809 EAST PUTNAM AVENUE

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting of February 15, 2005, conducted a public hearing to consider Conditional Use Permit 1-2005, being a request to allow the upgrade of an existing Type 20, beer and wine license to a Type 21, beer, wine and distilled spirits off-sale license and a Letter of Public Convenience or Necessity for an existing mini-mart located at 809 East Putnam Avenue; and

WHEREAS: The City Council received testimony from all interested parties relative to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. This project is Categorically Exempt pursuant to “General Rule” Exception - 14 Ca. Admin. Code 15061 (b) (3) - Permit regulating operation of an existing mini-mart. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

2. Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

Any duly licensed off-sale liquor establishment in operation on July 20, 2004 shall be subject to the provisions of Article 25, of the ordinance.

3. State Law requires that if a license location is changed or the type of license is upgraded or downgraded (to increase or decrease privileges), a Letter of Public Convenience or Necessity is required.
4. The subject site is located in Census Tract 30.01 which allows a maximum of eight (8) off-sale alcohol licenses. Currently there are 10 (to include the existing off-sale of beer and wine license at 809 E. Putnam Avenue). The majority of the licenses are located in the commercial areas along Plano Street and Date Avenue. Two (2) of those businesses are licensed to sell distilled spirits, as is the Big "D" Liquor Store on the east side of Plano Street located in Census Tract 41.01.

5. Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a public convenience or necessity in the community for the (subject) alcoholic beverage licensed establishment.

6. That due to the nature of the request to upgrade the existing Type 20 off-sale (beer and wine) license to a Type 21 off-sale (beer, wine and distilled spirits) license, the City Council finds that granting the proposed intensification of use would result in an undesirable effect on the community by establishing a Citywide precedent allowing other convenience stores to seek similar intensifications thereby impacting the health, safety and general welfare of citizens residing in the community.

7. That due to the existing overconcentration of off-sale licenses in Census Tract No. 30.01, approval of the Conditional Use Permit would further facilitate a precedence of allowing future Conditional Use Permits for alcoholic beverages in this Census Tract.

8. That due to the aforementioned, the proposed Conditional Use Permit would encourage potential of an environment of unstable, and undesirable conditions not suitable for the character of a site in the vicinity of the closeness of the existing residential subdivision to the south and Murry Park to the west.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby deny Conditional Use Permit 1-2005.

Pedro R. Martinez, Mayor

ATTEST:

John Longley, City Clerk

By Georgia Hawley, Chief Deputy City Clerk
STATE OF CALIFORNIA  )
CITY OF PORTERVILLE  )  SS
COUNTY OF TULARE   )

I, JOHN LONGLEY, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy a resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 15th day of March, 2005.

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

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<th>WEST</th>
<th>IRISH</th>
<th>HAMILTON</th>
<th>STADTHERR</th>
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JOHN LONGLEY, City Clerk

by Patrice Hildreth, Deputy City Clerk
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL OF
CONDITIONAL USE PERMIT 4-2008 TO ALLOW THE UPGRADE OF AN EXISTING
TYPE 20, BEER AND WINE OFF-SA.E LICENSE TO A TYPE 21, BEER, WINE AND
DISTILLED SPIRITS OFF-SA.E LICENSE AND LETTER OF PUBLIC CONVENIENCE OR
NECESSITY FOR AN EXISTING MINI-MART LOCATED AT
809 EAST PUTNAM AVENUE

WHEREAS: On March 1, 2005, the Porterville City Council at their regularly scheduled
meeting by Resolution 38-2005 denied Conditional Use Permit 1-2005 to allow for the upgrade of an
existing Type 20 beer and wine off-sale license to a Type 21 beer, wine and distilled spirits off-sale
license.

WHEREAS: On January 20, 2009 the City Council of the City of Porterville authorized the
applicant to submit application stating there was sufficient evidence of significant change in
circumstances; and

WHEREAS: On February 17, 2009 the City Council continued the public hearing so that
information in the report could be updated; and

WHEREAS: The City Council of the City of Porterville, at its regularly scheduled meeting
of March 3, 2009, conducted a public hearing to consider Conditional Use Permit 4-2008, being a
request to allow the upgrade of an existing off-sale Type 20, beer and wine alcohol license to an off-
sale Type 21, beer, wine, and distilled spirits alcohol license and a Letter of Public Convenience or
Necessity for an existing convenience market located at 809 E. Putnam Avenue; and

WHEREAS: The City Council received testimony from all interested parties relative to said
Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project is consistent with the General Plan, zoning and land use for
the site.

   Conditional Use Permit 8-82 allowed for approval of a PD(R)-(Planned Development
   Residential Subdivision) for Hacienda Heights which also included a small
   commercial parcel. Approval of Phase One of Conditional Use Permit 8-82 allowed
   for the construction of the existing mini-mart and fuel dispensing island. On or about
   July 1983, the mini-mart was built. The existing market has been selling alcoholic
   beverages (beer and wine) prior to the adoption of Article 21 of the Porterville
   Zoning Ordinance.

2. That the proposed location of the project and the conditions under which it will be
operated or maintained will not be detrimental to the public health, safety, welfare, or
materially injurious to properties or improvements in the vicinity. Conditions of approval are included to ensure adequate development standards are met.

3. Section 2100 D of the Porterville Zoning Ordinance states the following:

Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

Any duly licensed off-sale liquor establishment in operation on July 20, 2004 shall be subject to the provisions of Article 25, of the ordinance. (Ord. 1198, 5-6-1980; Ord. 1393? 1, 11-17-1987; Ord. 1450? 1, 1-2-1991; Ord. 1657? 1, 8-3-2004)

4. State Law requires that if a license location is changed or the type of license is upgraded or downgraded (to increase or decrease privileges), a Letter of Public Convenience or Necessity is required.

5. The subject site is located in Census Tract 39.01 which allows a maximum of seven (7) off-sale alcohol licenses. Currently, there are twelve (12) (to include the existing off-sale of beer and wine license at 809 E. Putnam Avenue).

6. Under the regulations of the Business and Professions Code, whenever the ratio of off-sale licenses to population in a census tract exceeds the average ratio for the county, an “undue concentration” of licenses is determined to exist. In such circumstances, no additional licenses may be granted by the ABC unless the City Council determines that there is a public convenience or necessity in the community for the (subject) alcoholic beverage licensed establishment.

7. This project is Categorically Exempt pursuant to “General Rule” Exception - 14 Ca. Admin. Code 15061 (b) (3) - Permit regulating operation of an existing mini-mart.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 4-2008 subject to the following conditions:

1. The developer/applicant shall install security lighting on the exterior of the building and/or in the parking lot sufficient to allow reasonable surveillance of the parking area to the satisfaction of the Porterville Police Department.

2. No alcohol advertising shall be displayed on the outside of the proposed building.

3. Any future change in operation which substantially alters the conditions or nature of the subject business will require approval by the City Council if such modification involves the sale of alcoholic beverages.

4. That the consumption of alcoholic beverages shall be prohibited on-site.
5. Upon approval of the Conditional Use Permit, any future violations of regulations of the
codes relating to the sales or consumption of alcohol, and/or excessive service calls by the
Police Department resulting form the sales of alcohol will result in revocation of the
Conditional Use Permit.

6. A Letter of Public Convenience or Necessity will require approval by the Porterville City
Council.

7. At all times, the facility shall be operated and maintained to comply with State Laws, the
City of Porterville Zoning Ordinance, adopted Building Codes and all other applicable laws
and ordinances.

8. The applicant shall provide a loading space(s) in accordance with Section 2400 and 2401 of
the Zoning Ordinance.

9. That all distilled spirits shall be kept and maintained in a secure area accessible only to
employees and retrieved at the request of the customer. The location of the distilled
spirits are identified on the attached Exhibit A.

10. The hours of operation shall be between the hours 5am to 11pm seven days a week. At all
times the convenience market shall be maintained in accordance with all applicable
Municipal Code and Zoning Ordinance regulations.

11. Unless an extension of time is granted by the City Council, the Conditional Use Permit shall
expire one (1) year after the date of approval if the up-grade of the off-sale Type 21, beer,
wine and distilled spirits license has not been granted by the Department of Alcoholic
Beverage Control Board.

__________________________________________
Cameron Hamilton, Mayor

ATTEST:

John Lollis, City Clerk

By

Patrice Hildreth, Chief Deputy City Clerk
March 3, 2009

California Alcoholic Beverage
Control Board
Fresno District Office
3640 East Ashlan
Fresno, CA 93726

Attention Joyce Knodel:

RE: “Sunnyside Handy Market” – 809 East Putnam Avenue

Dear Ms. Knodel:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of a Type 21 off-sale beer, wine and distilled spirits license in conjunction with the existing mini-market located at 809 East Putnam Avenue.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the “Business and Professions Code”, the subject site is located within Census Tract 39.01 which allows seven (7) off-sale licenses. At present there are 12 to include the existing off-sale of beer and wine license at 809 E. Putnam Avenue.

2. Section 2100 D of the Porterville Zoning Ordinance states the following:

   Any use involving the sale of alcoholic beverages under an off-sale license within 600 linear feet of the nearest property line of any sensitive use as defined in this article shall be subject to obtaining approval of a Conditional Use Permit.

On March 3, 2009, the City Council conditionally approved Conditional Use Permit 4-2008 (see attached resolution) to allow for the up-grade of an existing Type 20 off-sale of beer and wine to a Type 21 off-sale of beer, wine and distilled spirits license. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of the Type 21 off-sale beer, wine and distilled license in conjunction with the exiting mini-market.

Further, issuance of the Type 21 off-sale license allowing beer, wine and distilled spirits sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The majority of the alcohol sales from the Sunnyside Handy Market are to be in small quantities in conjunction with the purchase of other merchandise, to include an added service to the customers.

For these reasons, the City Council of the City of Porterville supports issuance of the Type 21 off-sale beer, wine and distilled spirits license from the Sunnyside Handy Market located at 809 East Putnam Avenue.

Sincerely,

Cameron Hamilton, Mayor
SUBJECT: APPROVAL OF ECONOMIC DEVELOPMENT PROGRAM – SHOP LOCAL CAMPAIGN

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: As the nation’s economy continues to weaken, the slowing of the economy is reflected in employee layoffs, business closures, and loss of local sales tax revenue. Recent conversations with local merchants reverberated concern regarding the mindset of local residents to shop out of town for a variety of items that can be purchased in Porterville. One argument that must be overcome is the lack of shopping options in Porterville. While Porterville may not have the national retailers or the variety of options that Visalia, Tulare, Bakersfield and Fresno offer, many of the items being purchased outside of our community are available locally.

By shopping Porterville before traveling outside the area for shopping, many items may be found locally at prices comparable to the larger markets. Adding to the cost of an item purchased outside of Porterville is the cost for gas, wear and tear on a vehicle, and the shopper’s time. All of these factors will be part of some or all of the advertisements in the campaign. It is acknowledged that while not all merchandise desired by shoppers can be acquired locally, many of the items being purchased out of town can be purchased in Porterville. Although the loss of sales was at the forefront of the conversation, the loss of sales tax revenue is another concern. With the information from these conversations, and economic conditions, staff is recommending facilitating a “Shop Porterville First” campaign.

Staff has drafted the following campaign for Council’s consideration.

**Shop Porterville First**

Goal: Promote and raise awareness of benefits of shopping local.

Time Frame: 1 year program

Objective: Create a campaign to shop Porterville with enough ideas to keep program fresh to remind shoppers to “Shop Porterville First”.

**Budget**

The Economic Development Division 2008/09 budget contains $8,500 for promotional materials, of which $7,500 is earmarked for the City newsletter. (This budget was reduced from $15,250.) The remaining $1,000 is for marketing and promotional items. During the 2008/09 fiscal year, the Economic Development budget realized salary savings of $26,000 through reimbursement by the Economic Development Administration grant for the Entrepreneurial...
project. As such, a total of $27,000 is available for a “Shop Porterville First” campaign.

Proposed expenditures for the campaign include advertisement on City buses, advertisement in the local media – including radio, television, and print; and promotional items, such as reusable shopping bags and license plate frames. In addition, the City’s Economic Development web page will be utilized to carry the “Shop Porterville First” message. Due to the limited funding available for the campaign, staff is requesting permission to waive the Transit portion of the rental revenue (60%) from the cost to advertise on the City buses.

Promotions & Partners

One promotion that hits home is “Local merchants support our children’s activities”. A listing of organizations supported, and the dollars contributed, could be developed to demonstrate to residents what local support means as a direct benefit to children’s sports, music, etc. It is important to connect the effects of our shopping choices with the benefits we receive by supporting local merchants.

The Porterville Chamber of Commerce has offered their support and will be participating in the program. The Porterville Chamber of Commerce has historically advocated shopping locally in advertisements, media promotions, and other activities. The Chamber’s website states that **creating a strong local economy and promoting the community** are two of the Chamber’s objectives. The “Shop Porterville First” campaign would promote their memberships’ interests and has a direct tie to activities currently conducted by the Chamber. Initial conversations with the Chamber’s CEO indicates that the Chamber would be a partner and supporter of the campaign, and in fact, an advertisement in the February Chamber Connect reminded readers to “Shop Local”.

It should be noted that the Tulare Kings Hispanic Chamber is another potential partner in the program; however, contact has not been made as they represent a larger geographical area and the campaign remains in the development stage. Other partners include service clubs and merchants. Once a program is approved, these organizations will be contacted for support and participation.

RECOMMENDATION: That the City Council:

1) Approve the “Shop Porterville First” campaign; and
2) Authorize the use of salary savings realized through reimbursement by the Economic Development Administration grant for the project; and
3) Authorize waiver of the Transit portion of bus advertisement rental revenue for advertisements related to the Shop Porterville First campaign.
COUNCIL AGENDA: MARCH 3, 2009

SUBJECT: REQUEST AUTHORIZATION TO CONNECT TO CITY WATER AT 943 W. WESTFIELD

SOURCE: Public Works Department - Engineering Division

COMMENT: Staff received a request from Mr. Al Saleh asking that he be allowed to connect his new market at 943 W. Westfield to City water. The market, formerly known as Trucker's Market, is in the County but contiguous to City limits. Mr. Saleh is a City businessman who also owns the Shop & Save Market located at 1206 W. Westfield.

The well serving 943 W. Westfield is high in nitrates, arsenic and toluene and cannot be used to serve his new market. The County Health & Human Services directed Mr. Saleh to connect to City water. City staff informed Mr. Saleh that City water is not available to commercial properties located in the County and must be annexed to the City to receive water service.

Mr. Saleh respectfully asks that the City Council authorize his connection to City water while the annexation process follows its normal course. To show good faith, Mr. Saleh is ready and willing to pay all annexation and water connection fees while LAFCO considers his annexation request. Staff recommends that the applicant submit application and pay all fees related to processing the annexation application prior to connection.

RECOMMENDATION: That the City Council:

1) Direct staff to prepare all annexation and water connection fees on behalf of Mr. Saleh; and

2) Accept payment of annexation and water connection fees from Mr. Saleh prior to connection of water service; and

3) Direct staff to move expeditiously to annex Mr. Saleh's property located at 943 W. Westfield; and

4) Direct the Public Works Director to install a commercial water service to 943 W. Westfield and record that the water service shall remain in place whether the annexation is approved or disapproved; and

Item No. 20
5) Direct applicant to sign a “consent to annex” form prior to processing the application in the event the annexation is not successful.

ATTACHMENT: County Health & Human Services Letter
   Al Saleh Water Service Request Letter
   Locator Map
February 23, 2009

Mr. Ali Saleh
943 W. Westfield Ave
Porterville, CA 93257

RE: Af's Mini Mart (formerly USA Truckers Mini Mart)

Dear Mr. Saleh,

Based on current information, your application for a public water system permit is denied. After consultation with Ms. Tricia Wathen, Profession Engineer, Department of Public Health State of California, it has been decided that you may not use this well as a source of potable water for your facility. This well was inactivated July 20, 2006.

MCL violations for Nitrates (49mg/L, MCL of 45mg/L) Arsenic (10ppb, MCL of 10ppb) Toluene (3.96ppb,MCL of .5ppb) are present at this well.

Also due to the proximity of the water system presently serving the City of Porterville (300 meters approximately) and a letter from this office dated May 20, 2008 informing you of your responsibility to obtain permits for water, are the basis for this determination.

Please contact the City of Porterville, to provide potable water to your facility.

This office has no objection, after final inspection of your gasoline storage tanks and store facility to open for business to sell gasoline, and prepackaged food. You may not prepare any food, coffee, or dispense any soft drink. Water used at this facility may only be used for cleaning, toilets, and non-potable uses. Violation of these requirements will void your Food Facility Health Department Permit to Operate.

If you have any questions regarding this decision, you may contact me at 559-733-6441 ext 2810 or by email at chemans@tularehhsa.org.

Sincerely,

Charles Hemans REHS III
Water Program Specialist
County of Tulare Environmental Health Services

CH:cbh

CC Mr. Larry Dwoskin, Director, Environmental Health Services
Ms. Tricia Wathen, P.E. Department of Public Health, Fresno Office

5957 South Mooney Boulevard - Visalia, California 93277-9394 • (559) 737-4660
# Devices Certified for the reduction of: Nitrates

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February 25, 2009

Honorable Mayor Hamilton
Respected Council

My name is Al Saleh and I recently purchased the business formerly known as the Truckers Market located at 943 W. Westfield. I have spent a considerable amount of money upgrading and modernizing the store with the hope of opening for business in the very near future. I also own the Shop & Save Market in the City located at 1206 Westfield

The County Health Department informed me that my well water is high in nitrates, contains toluene and arsenic. Obviously, this well cannot be used to serve my store. The Health Department tells me that I must connect to City water. The property in question is a county island and is contiguous to City limits.

I met with the Porterville City Manager and the Public Works Director and informed them that I am ready and willing to annex to the City so that I can connect to City water. To show good faith, I am prepared to pay all annexation and water connection fees immediately while LAFCO considers my request for annexation

Sincerely,

Al Saleh
Owner
SUBJECT: SCHEDULING OF CITY COUNCIL CITIZEN FORUMS

SOURCE: City Manager

COMMENT: At its meeting on February 3, 2009, the Council expressed an interest in again conducting several citizen forums across the city of Porterville, similar to those held approximately two years ago. Previously, the Council conducted three public forums during the evening at locations situated across the city (east, west, and central). The format of the forums was informal and were conducted in the manner of a "town hall meeting", where the public and Council members participated together, and included as well one forum to which Spanish-speaking constituents were specifically encouraged to attend. Due to the interest in the forums remaining informal and in compliance with the Brown Act, no more than two members of Council participated in each forum.

If it is the interest of the Council to follow a similar format to the previous forums, then the Council might consider the following:

1. "East" Porterville forum scheduled at Granite Hills High School or Los Robles Elementary School;
2. "West" Porterville forum scheduled at Monache High School or Jim Maples Academy; and
3. "Central" Porterville forum scheduled at Porterville High School, Bartlett Middle School, Santa Fe Elementary School, or Putnam Community Center.

Potential dates to be considered over the month of March for the scheduling of forums include:

1. Thursday, March 19th
2. Monday, March 23rd
3. Tuesday, March 24th
4. Thursday, March 26th
5. Monday, March 30th
6. Tuesday, March 31st

RECOMMENDATION: That City Council consider the format and location of the citizen forums, and provide direction to staff in the selection of forum dates.

C.M. Item No. 21
COUNCIL AGENDA: MARCH 3, 2009

SUBJECT: COUNCIL MEMBER REQUEST – MURRY PARK MASTER PLAN POND RENOVATIONS

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Council has previously approved an updated Murry Park Master Plan. An element of the Master Plan includes renovations and enhancements to the current pond area. The scope of the Master Plan, including the pond renovations was evaluated through a CEQA and NEPA compliant environmental evaluation with a Mitigated Negative Declaration/Finding of No Significant Impact adopted by the City Council in May 2007. The description of the planned pond renovation was stated as follows:

Pond renovations: some existing elements will be cleared to make way for the renovations, including the Putnam wall, adjacent paving, and select trees and shrubs. Renovations of the pond will include increasing the basin depth, removing the existing island, renovating the outlet stream with a waterfall, renovating the inlet stream with boulders and installation of an aeration system and utilities. A new pedestrian path will circle the pond and connect to areas around the pond. New furniture will include seating areas, picnic tables, and a fish cleaning station. New lighting, irrigation, plantings and signage in the area of these improvements will also be installed.

Prior to City Council consideration of the Master Plan and the environmental document, the Parks & Leisure Services Commission considered the scope of the Master Plan over a period of several meetings. Public notice of all Commission and Council meetings was provided and mailed notices were sent to all property owners within 300 feet. Several members of the public participated during the preparation of the Master Plan, attending Commission meetings and discussing the scope with staff. The Council held a final public hearing on the matter on May 15, 2007 at which time the Master Plan, environmental document and related General Plan Amendment were all approved.

RECOMMENDATION: This item is for informational purposes at the request of a member of the City Council, and no action is requested by staff.

Director  N/A Appropriated/Funded  City Manager  ITEM NO.: 22
COUNCIL AGENDA: March 3, 2009


SOURCE: City Manager

COMMENT: At its meeting on February 17, 2009, a member of Council requested that a draft letter be considered by the Council for Congressman Joe Baca in support of his recent introduction of legislation, H. R. 750 – “Stamp Out Gang Violence Act”. With this legislation, postal patrons could contribute to funding for gang prevention programs (G.R.E.A.T. Program) through the voluntary purchase of certain specially issued postage stamps.

RECOMMENDATION: That City Council consider the draft letter of support.

ATTACHMENT: Draft Letter
H.R. 750 Legislation
March 3, 2009

The Honorable Joe Baca
2245 Rayburn House Office Building
United States House of Representatives
Washington, DC 20515


Dear Representative Baca:

On behalf of the City Council of the City of Porterville, I am writing to inform you of our enthusiastic support for your introduction of legislation in H. R. 750 “Stamp Out Gang Violence Act”. As important as enforcement efforts are in response to gang activity, equally essential are prevention programs (exemplified in the G.R.E.A.T. Program) that provide motivation and alternatives to individuals to avoid gangs. The introduced “Stamp Out Gang Violence Act” allows the public to subtly express their visible support for gang prevention programs, as well as provide enhanced funding for this valuable program.

Thank you for your commitment and leadership with this legislation.

Sincerely,

Cameron Hamilton, Mayor
City of Porterville
H. R. 750

To allow postal patrons to contribute to funding for gang prevention programs through the voluntary purchase of certain specially issued postage stamps.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mr. BACA (for himself, Mr. MILLER of North Carolina, Mr. MEEKS of New York, Mr. MICHAUD, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mrs. McCARTHY of New York, Mr. HASTINGS of Florida, Mr. CUMMINGS, and Mr. WEINER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To allow postal patrons to contribute to funding for gang prevention programs through the voluntary purchase of certain specially issued postage stamps.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “Stamp Out Gang Vio-
5 lence Act”.

SEC. 2. SPECIAL POSTAGE STAMP.

(a) IN GENERAL.—In order to afford a convenient way for members of the public to contribute to funding for gang prevention programs, the United States Postal Service shall provide for a special postage stamp in accordance with subsection (b).

(b) TERMS AND CONDITIONS.—The issuance and sale of the stamp referred to in subsection (a) shall be governed by section 416 of title 39, United States Code, and regulations under such section, subject to the following:

(1) DISPOSITION OF PROCEEDS.—All amounts becoming available from the sale of such stamp shall be transferred to the Gang Resistance Education and Training (G.R.E.A.T.) Program, administered by the Office of Justice Programs of the Department of Justice, through payments which shall be made at least twice a year.

(2) DURATION.—Such stamp shall be made available to the public for a period of at least 2 years, beginning no later than 12 months after the date of the enactment of this Act.

(3) LIMITATION.—Such stamp shall not be counted for purposes of applying any numerical limitation under subsection (e)(1)(C) of such section.