CITY COUNCIL AGENDA
PORTERVILLE, CALIFORNIA
NOVEMBER 16, 2010, 5:30 P.M.

Call to Order
Roll Call

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

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Members

ORAL COMMUNICATIONS
This is the opportunity to address the City Council and/or Redevelopment Agency on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

During Closed Session, the Joint Redevelopment/City Council Meeting will adjourn to a City Council Meeting.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Ward
Invocation

PROCLAMATIONS
Army Corp. Brett Land
REPORTS
This is the time for all reports from the City Council, including but not limited to, reports pursuant to AB1234, reports from subcommittees, committees, commissions and boards on which the Council Members serve, and other miscellaneous informational reports.

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. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

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. Reject All Bids – South Jaye Street & Poplar Ditch Box Culvert Crossing
Re: Considering rejection of bids received for the project consisting of the construction of a reinforced concrete box culvert within the Poplar Ditch including retaining wall, head walls and hand rails, and a concrete lined channel.

3. Acceptance of Project – Mathew Street & Morton Avenue Water Trunk Line Project
Re: Accepting project as complete from Halopoff & Sons, and authorizing the filing of the Notice of Completion for the project consisting of the installation of 12” water main and related appurtenances along Morton Avenue between Westwood Street and Newcomb Street and along Mathew Street between Olive Avenue and Morton Avenue.

4. Acceptance of Project – Olive Avenue Water Project
Re: Accepting project as complete from Halopoff & Sons, and authorizing the filing of the Notice of Completion from the project consisting of the installation of 12” water main and related appurtenances along Olive Avenue between Second Street and Plano Street.

5. Acceptance of Project – Airport Electrical Upgrades
Re: Accepting project as complete from Royal Electric, and authorizing the filing of the Notice of Completion for the project consisting of the installation of approximately 1,850 feet of electrical conduit, 21,000 feet of conductor wire, repair to the segmented circle and miscellaneous pavement construction at the Municipal Airport.

6. Intent to Vacate a Public Utility Easement Previously Reserved and Excepted from a Vacated Alley Related to the Villa Sienna Apartment Complex (Porterville Housing Partners, LP)
Re: Considering approval of a Resolution of Intent to Vacate the public utility easement generally located within the easterly portion of the Villa Sienna development project.
7. **Program Supplement to the Local Agency-State Master Agreement – Jaye Street Bridge Over the Tule River**  
Re: Considering approval of a resolution authorizing the Mayor to sign Program Supplement Agreement Number M026 Rev. 2 for design services for the widening of the Jaye Street Bridge over the Tule River.

8. **Procedures for Selling City Owned Real Property**  
Re: Considering the approval of the sale of properties APN 263-161-006 and APN 263-120-043.

9. **Reclamation Extraction Well**  
Re: Considering an adjustment of $50,000 to the 2010/2011 Capital Improvement Project budget for the refurbishing and conversion of an existing well into an effluent extraction well.

10. **Juvenile Diversion Program**  
Re: Consideration of a request to fund a Juvenile Diversion Program for the purpose of preventing juvenile delinquency by diverting threshold offenders from the juvenile justice system, and discontinuing funding of the “Thunderbolt” program.

11. **Community Conveners Workshop**  
Re: Consideration of a request to authorize staff attendance at a two-day workshop regarding public libraries serving as community centers.

12. **Approval for Community Civic Event – Porterville Chamber of Commerce and Rotary Club of Porterville Annual Children’s Christmas Parade – December 2, 2010**  
Re: Approving annual event to take place at 7:00 p.m. on December 2, 2010, along Main Street in Downtown Porterville.

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

**PUBLIC HEARINGS**

13. **Adoption of California Building and Fire Codes**  

14. **Request for Conditional Use Permit to Allow an On-Sale Type 41 (Beer and Wine) License to be Sold in Conjunction with Serving Meals Located at 887 W. Olive Avenue**  
Re: Considering approval of a draft resolution approving Conditional Use Permit 5-2010 to allow for the sale of beer and wine at the Rinconcito Cosala Taqueria and Buffet Restaurant.

15. **Sierra Valley – Tentative Subdivision Map 1-2010 (Bob Purkiss)**  
Re: Considering approval of draft resolutions approving the Mitigated Negative Declaration for Sierra Valley Tentative Subdivision Map 1-2010 and the Sierra Valley Tentative Subdivision Map 1-2010.
16. Consideration of Parking Fees at the Sports Complex  
Re: Considering proposed changes relative to Sports Complex parking fees.

16a. Resolution of Necessity Pertaining to the Acquisition of a Portion of Property (6,024 Sq. Feet) Located at APN #268-120-004, Owner Daryl C. Nicholson, Trustee of the Daryl C. Nicholson and Victoria M. Nicholson Trust – For the Proposed Scranton Avenue and Indiana Street Widening Project  
Re: Considering approval of a Resolution of Necessity requiring the exercise of the power of eminent domain pertaining to the acquisition of property for use by the City of Porterville for the Scranton Avenue and Indiana Street Widening Project.

SECOND READINGS

17. Ordinance 1768, Renaming Library Board of Trustees and Increasing Number of Members  
Re: Second reading of Ordinance 1768, An Ordinance of the City Council of the City of Porterville Amending Chapter 14, Article II, Library Board of Trustees, of the Porterville Municipal Code, was given first reading on November 2, 2010

18. Ordinance 1769, Regarding Open Burning, Recreational Fires, and Portable, Outdoor Fireplaces  
Re: Second reading of Ordinance 1769, An Ordinance of the City Council of the City of Porterville Amending Chapter 12, Article I, Section 12-1.8 Regarding Open Burning, Recreational Fires and Portable Outdoor Fireplaces, of the Porterville Municipal Code, was given first reading on November 2, 2010

SCHEDULED MATTERS

19. Consideration of Refinancing 1997 Sewer Bond Issue  
Re: Consideration of options regarding the refinancing of the City’s current sewer bond.

20. Revision of Tulare County Association of Governments (TCAG) Joint Powers Agreement  
Re: Consideration of proposed Amendments to the TCAG JPA which would allow TCAG to “acquire, maintain, and dispose of real property”, and enter into other JPAs.

Adjourn to a meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA  
November 16, 2010

Roll Call: Public Financing Authority

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS
PUBLIC FINANCING SCHEDULED MATTER

PFA-1. Annual Meeting of the Porterville Public Financing Authority
Re: Annual meeting to report on the progress of the Redevelopment Projects being funded by Bond Issue #1 and the refinance of Tax Allocation Bond Projects pursuant to the Porterville Public Financing Authority By-laws.

Adjourn to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION
Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of December 7, 2010 at 5:30 p.m.

Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m., unless otherwise approved by a majority of the Council Members present.

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.
PORTERVILLE CITY COUNCIL MINUTES
COUNCIL CHAMBERS, CITY HALL
291 NORTH MAIN STREET, PORTERVILLE
ADJOURNED MEETING – JANUARY 30, 2008, 6:00 P.M.

Called to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton
Absent: Council Member Pedro Martinez

Pledge of Allegiance led by Mayor Cameron Hamilton
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
- Sabrina Ziegler, 735 Matthew Place, spoke on behalf of the Granite Hills High School Grizzly Gazette, and requested that the online news publication be allowed a weekly interview with a member of the Council.

City Manager Longley indicated that staff would contact Ms. Ziegler to arrange interviews with the Council.

SCHEDULED MATTERS
1. CONSIDERATION OF APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PORTERVILLE AND THE TULE RIVER INDIAN TRIBE TO ADVANCE FURTHER NEGOTIATIONS AND THE PERFORMANCE OF GOVERNMENTAL PROCESSES

Recommendation: That the City Council approve the Memorandum of Understanding as a framework for future negotiation through STIG/PAADA between the City Council and Tribal Council for the development of the Porterville Airport area.

City Manager Longley introduced the item, and presented the staff report. Mayor Pro Tem Martinez disqualified himself as he had in the past due to a conflict of interest.

Mayor Hamilton inquired about the level of commitment to develop a golf course, and the selection of the fifth member in the event there was no consensus.

City Manager Longley indicated that the agreement would set a goal for developing a golf course, and added that there were broader benefits than the golf course itself such as stimulating development and job creation. He indicated that it was included as part of the framework for negotiations, but that there was no guarantee. With regard to the fifth member, Mr. Longley stated that an alternative procedure for selection had not been defined. City Attorney Lew clarified that Council was not approving the creation of PAADA, but the framework for future negotiations.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the City Council approve the Memorandum
of Understanding as a framework for future negotiation through STIG/PAADA between the City Council and Tribal Council for the development of the Porterville Airport area.

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

Disposition: Approved

2. JUNE 3, 2008 CITY OF PORTERVILLE GENERAL MUNICIPAL ELECTION: CALL FOR ELECTION; REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFIED SERVICES

Recommendation: That the City Council:

1. Allow candidates’ statements, at no cost to the candidate, for 200 words or less with no additional mailings; that County services be used as designated above; that the County be used as designated in the staff report; and that the County Election Department, County Civic Center, Visalia, California, be designated as the Central Counting Place for the June 3, 2008, General Municipal Election;

2. Adopt the draft resolution calling the election for June 3, 2008, requesting and consenting to the consolidation of the election; and setting specification of the election order;

3. Adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 3, 2008 Election;

4. Authorize a budget adjustment in the amount of $30,000 from General Fund allocated reserves to cover costs associated with the June 3, 2008 Election; and

5. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services.

City Manager Longley introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the City Council allow candidates’ statements, at no cost to the candidate, for 200 words or less with no additional mailings; that County services be used as designated above; that the County be used as designated in the staff report; and that the County Election Department, County Civic Center, Visalia, California, be designated as the Central Counting Place for the June 3, 2008, General Municipal Election; adopt the draft resolution calling the election for June 3, 2008, requesting and consenting to the consolidation of the election; and setting specification of the election order; adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City,
for the June 3, 2008 Election; authorize a budget adjustment in the amount of $30,000 from General Fund allocated reserves to cover costs associated with the June 3, 2008 Election; and authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services.

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

Disposition: Approved

3. TRAINING PRESENTATION ON ETHICS AND THE CALIFORNIA RALPH M. BROWN ACT

City Manager Longley introduced the item. City Attorney Lew then introduced Michael Jenkins who would be facilitating the training session.

City Attorney Lew noted that the Parks and Leisure Services Commission and the Library Board of Trustees meetings had been opened.

Mr. Jenkins indicated that the goal for the training program was to review the State's Open Meeting Laws, and discuss issues of meeting management. During his presentation he covered the following:

- Ralph M. Brown Act – Transparency in government
  1. Meetings of legislative bodies of local government agencies must be open and public.
  2. Meetings of legislative bodies of local government agencies are governed by their posted agenda.
  3. Meetings of legislative bodies of local government agencies must provide for meaningful public participation.
- "Riggins Rules" – Do's and Don'ts for meeting management.
- Parliamentary Procedures – Rosenberg's Rules of Order
- Conflicts of Interest

The meetings of the Parks and Leisure Services Commission and Library Board of Trustees adjourned at 8:25 p.m.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- John Longley, reported on his trip to Monterey where he participated in the Southwestern Chapter of the American Association of Airport Executives Conference; shared that he had received reports from the FAA and the State Division of Aeronautics regarding the direction of grant programs and innovations in aviation; and had the opportunity to network.
Council Member Hernandez commented on the uncomfortable chairs in the audience.

Council Member Felipe Martinez, reported on Monday’s TCAG meeting; the allotment of 9.2 million dollars for the purchase of right-of-way from Highway 190 to Avenue 56 for the purpose of eventually widening Highway 65; and added that he had been appointed to TCAG’s Housing Element Committee.

The Council recessed for ten minutes at 8:30 pm and reconvened in Closed Session.

CLOSED SESSION
A. Closed Session Pursuant to:

ADJOURNMENT
The Council adjourned at 9:05 p.m. to the Council Meeting of February 12, 2008 at 6:00 p.m.

______________________________________________
Luisa Herrera, Deputy City Clerk

SEAL

______________________________________________
Cameron Hamilton, Mayor
PORTERVILLE CITY COUNCIL/LIBRARY BOARD OF TRUSTEES
JOINT MEETING MINUTES
MUNICIPAL LIBRARY
COMMUNITY ROOM, 2ND FLOOR
41 WEST THURMAN AVENUE, PORTERVILLE, CALIFORNIA
OCTOBER 12, 2010, 6:00 P.M.

Called to Order at 6:07 p.m.
Roll Call: City Council – Council Member McCracken, Council Member Shelton, Council Member Ward, Vice Mayor Hamilton, Mayor Irish
Library Board – Board Member Carter, Board Member May, Board Member Moreno, Board Member Alvarado, Board Chair Nichols

Pledge of Allegiance led by Council Member McCracken
Invocation – one individual participated.

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. DEVELOPMENT OF GOALS AND OBJECTIVES IN SUPPORT OF LITERACY

   In the absence of City Manager Lollis, Parks and Leisure Services Director Milt Stowe stated that the purpose of the special meeting was to provide the Council and the Library Board the opportunity to discuss, and collaboratively develop goals and objectives in support of literacy.

   Library Board Chair Ellen Nichols briefly updated the Council on the Library’s Monthly Highlights. Chair Nichols then informed the Council that the Board had been discussing the possibility of a name change and an increase in the number of members to seven. She stated that the proposed name was the Porterville Library and Literacy Commission.

   City Librarian Vikki Cervantes elaborated on programs such as Brain Fuse and Family Place Library for the benefit of the Council. Member Alvarado then spoke about her experience in a similar program offered at Monte Vista Elementary. Vice Mayor Hamilton inquired about the benefits of offering resources that were already being offered by the schools. City Librarian Cervantes noted that the library would target early literacy and young parents, and could grow to include off-site locations to target different areas of the community.

   The Mayor requested that staff and the Board clarify what expenditures were being paid for with Measure H monies.

   Parks and Leisure Services Director Stowe notified the Council that while reviewing the budget, staff had discovered that three part-time employees were paid with Measure H funds, potentially in error.
City Librarian Cervantes updated the Council on those programs and activities implemented post Measure H.

The Council thanked Mr. Stowe for bringing the error to light, and requested that staff work on an action plan to rectify the situation. Mr. Stowe stated that there were current full-time vacancies which could remain vacant as a cost saving measure, and indicated that he and the City Librarian would determine the exact costs and identify a remedy. A discussion then ensued regarding personnel costs associated with the restoration of library hours, which could be considered “protected”, and additional monies which could be considered discretionary.

Mayor Irish apologized to the Library Board and staff for the lack of clarity with regard to measurements of success towards fighting crime. The Council spoke about the importance of identifying targets and means for measuring success, and acknowledged the difficulties with quantifying. Council Member Ward suggested that surveys be used as a way of obtaining soft data.

Council Member Ward spoke of discussions with the School Board regarding the concept of media centers, which could provide services to various areas of the community.

Council Member McCracken inquired about Measure H and General Fund expenditures in categories such as Publications, Office Supplies, and Training. The Council expressed concern with the increase in expenditures being funded through Measure H, and the apparent decrease in expenditures funded by the General Fund, which could be perceived as supplanting.

Member May used her experience as a school librarian to address concerns regarding costs for publications. Member Moreno spoke about the enhancement of literacy programs, which Vice Mayor Hamilton noted was measurable and should be provided.

The Council and Board recessed for five minutes. Library Board Member Alvarado did not return after the break.

The Council requested that staff identify a baseline (pre-Measure H), which would then allow staff to measure and track enhancements post Measure H; identify supplanting and develop an action plan for restoration of Measure H funds; and suggested that a Five-Year Plan be updated on a regular basis.

Chair Nichols inquired about the possible adoption of the City’s budget the following evening, and the Mayor indicated that the Council would likely wait to adopt the Library’s budget until the information they had requested could be provided.

Vice Mayor Hamilton lauded the Library Board for their efforts.

**ORAL COMMUNICATIONS**

- Khris Saleh, thanked the Council and Library Board for having the meeting; suggested that Measure H Oversight Committee be included in future meetings; and stated that there was no practical definition of literacy.
- Monte Reyes, spoke about the need to consider technological changes and advances.

**OTHER MATTERS**
None

**ADJOURNMENT**
The Council adjourned at 7:52 p.m. to the Adjourned Council Meeting of October 13, 2010 at 5:30 p.m.

The Library Board adjourned at 7:52 p.m. to the Library Board Meeting of November 9, 2010 at 4:30 p.m.

______________________________________________________________
Luisa Herrera, Deputy City Clerk

______________________________________________________________
Ronald L. Irish, Mayor

______________________________________________________________
Ellen Nichols, Library Board Chair
CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
NOVEMBER 2, 2010, 5:30 P.M.

Call to Order at 5:30 p.m.
Roll Call: Council Member McCracken, Vice Mayor Hamilton, Council Member Shelton, Council Member Ward, Mayor Irish

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member McCracken, Vice Chairman Hamilton, Agency Member Shelton, Agency Member Ward, Chairman Irish

ORAL COMMUNICATIONS
• None

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   2. Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.

During Closed Session, the Joint Redevelopment/City Council Meeting adjourned to a City Council Meeting.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   3. Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.
   4. Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no reportable action took place.
Pledge of Allegiance Led by Council Member Shelton
Invocation – a moment of silence was observed in honor of Corporal Brett Land and his family.

PRESENTATIONS
Employee of the Month – Larry Benton
Fire Prevention Grant

REPORTS
- Council Member McCracken advised that the report from the Consolidated Waste Management Authority had been received and was on the Agenda as Item No. 23.
- Council Member Ward reported on the recent City/School meeting he attended, and updated the Council on discussions related to gang prevention and intervention. He indicated that another meeting to discuss the topic further was to take place prior to Thanksgiving.
- Council Member Shelton elaborated further on the recent City/School meeting, indicating that the planned gang prevention efforts would likely exceed those of the Step Up program.

ORAL COMMUNICATIONS
- Donnette Silva Carter, Porterville Chamber of Commerce, spoke of the Council’s interest in the Chamber promoting a community effort to decorate the downtown area for the holidays, and introduced Board Members Augie Gonzalez, Monte Reyes, Tom Hughes, and Steve Feleay. Mr. Gonzalez advised Council of the donations received and spoke of the Chamber’s plans, with the Parks & Leisure Services Department’s assistance, to install the lights along Main Street, as well as the Olive and Henderson corridors, and presented cases of holiday lights to the Council.
- Felipe A. Martinez, 670 W. McComb, volunteered his assistance with the planned gang prevention efforts.
- Barry Caplan, a Porterville resident, 1) requested that Item 2 be pulled until staff provides serial numbers on the proposed purchases; and 2) voiced concern with approving Item 24, suggesting that the City parks should not be turned into amusement parks.
- Myra Gomez, Funtastic Attractions, advised she was available to answer any questions the Council might have regarding her proposal set forth in Item 24.

CONSENT CALENDAR
Items 2, 6, 8, 12 and 14 were removed for further discussion.


Recommendation: That the City Council approve the City Council Minutes of August 17, 2010, September 30, 2010 and October 5, 2010

Documentation: M.O. 01-110210
Disposition: Approved.
3. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) APPLICATION FOR PERMANENT SUPPORTIVE HOUSING FOR CHRONICALLY HOMELESS THROUGH THE KINGS/TULARE CONTINUUM OF CARE ON HOMELESSNESS

Recommendation: That the City Council:
1. Authorize a commitment letter for the appropriation of CDBG funds in the amount of $15,000 annually for five (5) years for the Tulare Housing First Program II application for HUD Continuum of Care Homeless Assistance Program funds; and
2. Authorize the Mayor to sign all necessary documents, including the funding commitment letter, for the City’s partnership in this grant application.

Documentation: M.O. 02-110210
Disposition: Approved.

4. AWARD OF HUD-SCI GRANT FUNDS FOR SMART VALLEY PLACES

Recommendation: Informational report only.

Disposition: Informational report only.

5. FY2010 HOMELAND SECURITY GRANT

Recommendation: That the City Council:
1. Authorize staff to purchase the equipment under the negotiated bid process;
2. Authorize the disbursement of funds from the Fire Department’s Firefighting and Rescue Equipment Replacement Fund No. EL-2997 for the initial costs; and
3. Authorize the grant reimbursement fund to be deposited in account No. EL-2997.

Documentation: M.O. 03-110210
Disposition: Approved.

7. DIRECT INSTALL – LIGHTING EXCHANGE

Recommendation: That the City Council:
1. Approve the content of the proposed letter;
2. Authorize the Mayor to sign the letter; and
3. Direct the City Clerk to mail the executed letters to all businesses with a City of Porterville address.
9. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented.

Documentation: M.O. 05-110210
Disposition: Approved.

10. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 06-110210
Disposition: Approved.

11. STREET PERFORMANCE MEASURE – 1ST QUARTER REPORT

Recommendation: Informational only.

Disposition: Informational only.

13. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES – 1ST QUARTER UPDATE

Recommendation: Informational report only.

Disposition: Informational report only.

15. STATUS REPORT ON PAYMENTUS ON-LINE BILL PAYMENT

Recommendation: For information only.

Disposition: For information only.

16. ASSIGN AIRPORT LEASE – LOT 44C

Recommendation: That the City Council approve the assigning of the lease agreement for Airport hangar Lot 44C between the City of Porterville and Mr. Steven Huth to Gillespie Ag Service; and further, that the City Council approve the extension of the Lease Agreement to December 31, 2015.

Documentation: M.O. 07-110210
Disposition: Approved.
17. COS STUDENT TRANSIT FEE

Recommendation: That the City Council:
1. Authorize the City of Porterville to join the other transit agencies within Tulare County to provide County-wide transit service, under the pilot program being conducted with College of the Sequoias (COS); and
2. Authorize the City Manager to execute the Memorandum of Understanding being provided by Tulare County Association of Governments (TCAG).

Documentation: M.O. 08-110210
Disposition: Approved.

18. AMENDMENT TO PAY & BENEFIT PLAN - PORTERVILLE CITY EMPLOYEES' ASSOCIATION

Recommendation: That the City Council approve the proposed draft resolution amending the Employee Pay and Benefit Plan.

Documentation: Resolution 117-2010
Disposition: Approved.

19. AMENDMENT TO PAY & BENEFIT PLAN - PUBLIC SAFETY SUPPORT UNIT

Recommendation: That the City Council approve the proposed draft resolution amending the Employee pay and Benefit Plan.

Documentation: Resolution 118-2010
Disposition: Approved.

20. SET A PUBLIC HEARING FOR THE ADOPTION OF CALIFORNIA BUILDING AND FIRE CODES

Recommendation: That the City Council:
1. Set the public hearing for November 16, 2010 to receive input regarding the adoption of the 2010 Editions of the California Building, Plumbing, Mechanical, Electrical, Fire, Green Building Standards, Residential, Administrative, Reference Standards, and Energy Codes; and
2. Review and decide whether to adopt Appendices A4 and A5 in whole or in part of the 2010 Green Building Standards Code at the November 16, 2010 public hearing.

Documentation: M.O. 09-110210
Disposition: Approved.
21. CANCELLATION OF JANUARY 4, 2011 COUNCIL MEETING

Recommendation: That the City Council cancel the January 4, 2011 Council Meeting.

Documentation: M.O. 10-110210
Disposition: Approved.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve Item Nos. 1, 3 through 5, 7, 9 through 11, 13 and 15 through 21. The motion carried unanimously.

2. APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT

Recommendation: That the City Council:
1. Authorize the purchase of the identified special equipment;
2. Authorize staff to enter negotiations for the purchase of the specialized equipment; and
3. Authorize payment upon satisfactory delivery of the equipment.

City Manager Lollis introduced the item, and the staff report was waived by Council. In response to questions posed by the Council, staff advised that the proposed purchases would be replacing older equipment.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Shelton that the Council authorize the purchase of the identified special equipment; authorize staff to enter negotiations for the purchase of the specialized equipment; and authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Disposition: Approved.

6. REVISED GUIDELINES FOR IMPLEMENTATION OF THE PORTERVILLE DEVELOPMENT CODE

Recommendation: That the City Council:
1. Rescind Resolution No. 59-2010; and
2. Adopt the proposed resolution formalizing the transitional implementation of the adopted Porterville Development Code.

City Manager Lollis introduced the item. The staff report was waived by Council.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the Council rescind Resolution No. 59-2010 and adopt the proposed resolution formalizing the transitional implementation of the adopted Porterville Development Code. The motion carried unanimously.
8. CONSIDERATION OF ESTABLISHING A PROGRAM FOR VOLUNTARY CONTRIBUTIONS TO NON-PROFIT ORGANIZATIONS BY CITY EMPLOYEES AND RESIDENTS

Recommendation: That the City Council:
1. Allow City employees to make voluntary contributions to local non-profit organizations through payroll deductions; and
2. Establish a voluntary contribution program whereby City residents may 'round up' their utility bill payments through our utility billing system and that amount donated to the Boys and Girls Club of Porterville and Love INC.

City Manager Lollis presented the item, and the staff report was waived by the Council. An inquiry was made as to the amount of staff time that would be required to facilitate the program. Staff advised it would bring back an estimate for the Council.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Ward to continue the item to December 7th, and direct staff to bring back information relative to the amount of staff time to facilitate the program.

AYES: McCracken, Shelton, Ward, Irish
NOES: Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Item continued with staff direction.

12. CODE ENFORCEMENT UPDATE

Recommendation: None

City Manager Lollis introduced the item. The staff report was waived by Council.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve receipt of the Code Enforcement Update. The motion carried unanimously.

Disposition: Approved.

14. REPORT ON CHARITABLE CAR WASHES

Recommendation: For information only.

City Manager Lollis introduced the item. The staff report was waived by Council.
COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve receipt of the Report on Charitable Car Washes. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

22. PUBLIC HEALTH GOAL REPORT

Recommendation: That the City Council conduct a public hearing to solicit comments on the Public Health Goal Report.

City Manager John Lollis presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 7:10 p.m. and closed at 7:11 p.m. when nobody came forward.

A brief discussion ensued, during which time information on the City’s “bad” well was requested.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member McCracken that the Council receive public comment on the Public Health Goal Report. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

23. CONSOLIDATED WASTE MANAGEMENT AUTHORITY

Recommendation: That the City Council:

1. Provide direction to staff on whether to remain or begin the process of withdrawing from the CWMA;

2. If Council decides to withdraw from the CWMA, direct staff to transmit to the appropriate person the “Notice of Intent to Withdraw” no later than December 15, 2010; and

3. Direct staff to begin the process of preparing all necessary documents to comprehensively plan, develop, operate, manage the transformation, diversion, recycling, processing and disposal of solid waste effective July 1, 2011.

City Manager Lollis presented the item, at which time City Attorney Julia Lew advised that she had a financial conflict of interest with regard to the item and would be recusing herself from the discussion and exiting the Council Chambers. Ms. Lew indicated that her firm represents the CWMA.
Prior to the presentation of the staff report, a request was made to continue the item to allow more time for reviewing the matter.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council continue the item to December 7th to allow additional time for review of the matter.

M.O. 16-110210

AYES: McCracken, Hamilton, Ward, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: None

Disposition: Continued to December 7, 2010.

24. PROPOSAL TO OPERATE AMUSEMENT ATTRACTIONS AT MURRY AND VETERANS PARKS

Recommendation: That the City Council consider the proposal and give direction accordingly.

City Manager John Lollis presented the staff report, and Parks & Leisure Services Director Milt Stowe presented the staff report.

A brief discussion took place during which time questions were posed regarding how other cities had handled such services; proposed restrictions to certain areas of the park, and liability issues.

Council Member McCracken moved that the Council send the Item to the Parks and Leisure Services Commission for further review. Council Member Ward seconded the motion.

Council Member Shelton moved to amend Council Member McCracken’s motion to include requiring the item back before the City Council no later than December 21st. Council Member Ward seconded the motion to amend.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council amend Council Member McCracken’s motion to include requiring the Item be brought back before the Council for consideration no later than December 21, 2010.

M.O. 17-110210

AYES: Shelton, Ward, Irish
NOES: McCracken, Hamilton
ABSTAIN: None
ABSENT: None

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council send the Item to the Parks & Leisure
M.O. 18-110210 Services Commission for further review, and require that the Item be
back before the City Council no later than by December 21, 2010.

AYES: McCracken, Shelton, Ward, Irish
NOES: Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Direction given to staff.

The Council recessed for ten minutes.

25. CONSIDERATION OF AMENDMENT TO MUNICIPAL CODE RENAMING
LIBRARY BOARD OF TRUSTEES AND INCREASING NUMBER OF SEATS
ON BOARD

Recommendation: That the City Council approve the draft ordinance amending Chapter 14,
Article II, Library Board of Trustees, of the Porterville Municipal Code;
give first reading; and order the ordinance to print.

City Manager Lollis presented the item and the staff report, as amended to include the
revisions to Section 14-9 as approved by the Library Board on October 12, 2010.

A discussion ensued during which time concern was voiced with the inclusion of
“literacy” in the Section 14-9. Noting Trustee Rebecca Grayson in the audience, the Council
solicited her comments and requested that she come forward and elaborate on the Board’s intent
in including “literacy” in the Board’s powers and duties.

- Rebecca Grayson, Library Trustee, spoke of the Library Board’s intent in adding
“literacy” to the Board’s name, and powers and duties, and elaborated on
proposed outreach programs and quantifiable ways in which to measure the
effectiveness of literacy programs.

Council Member Shelton moved that the Council approve the draft ordinance, as
amended to include the revisions to Section 14-9 as approved by the Library Board on October
12, 2010. Council Member Ward seconded the motion.

The Council recessed for ten minutes.

Council Member McCracken moved that the Council amend Council Member Shelton’s
motion to strike “literacy” from Section 14-9(B), and add “Section 14-9(I) – Shall define literacy
for purposes of Measure H.” Vice Mayor Hamilton seconded the motion.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice
Mayor Hamilton that the Council amend Council Member Shelton’s
motion to strike “literacy” from Section 14-9(B), and add “Section 14-9(I) – Shall define literacy for purposes of Measure H.” Vice Mayor Hamilton seconded the motion. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve the draft ordinance, as amended to include the revisions to Section 14-9 as approved by the Library Board on October 12, 2010, and as amended to strike “literacy” from Section 14-9(B), and add “Section 14-9(I) – Shall define literacy for purposes of Measure H”; give first reading; and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 14, ARTICLE II, LIBRARY BOARD OF TRUSTEES, OF THE PORTERVILLE MUNICIPAL CODE. The motion carried unanimously.

Disposition: Approved, as amended.

26. CONSIDERATION OF PROPOSED ORDINANCE AMENDING MUNICIPAL CODE TO ALLOW BURNING OF TUMBLEWEEDS AND RECREATIONAL FIRES

Recommendation: That the City Council approve the draft ordinance amending Chapter 12, Article I, Section 12-1.8 of the Porterville Municipal Code; give first reading; and order the ordinance to print.

City Manager Lollis presented the item, and Battalion Chief/Fire Marshall Loran Blasdell presented the staff report.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Shelton that the Council approve the draft ordinance amending Chapter 12, Article I, Section 12-1.8 of the Porterville Municipal Code; give first reading; and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE I, SECTION 12-1.8 REGARDING OPEN BURNING, RECREATIONAL FIRES AND PORTABLE, OUTDOOR FIREPLACES. The motion carried unanimously.

City Manager Lollis read by title only.

Disposition: Approved.

It was pointed out that the first reading of Ordinance 1768 had inadvertently not occurred. Mr. Lollis then gave read Ordinance 1768 by title only.
27. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF PARKING FEES AT THE SPORTS COMPLEX

Recommendation: That the City Council consider amending the Sports Complex Parking Fee to coincide with one of the suggested fees.

City Manager Lollis represented the item, and Parks & Leisure Services Manager Milt Stowe presented the staff report.

A brief discussion ensued as to the proposed change in the fee structure as well as the need for field maintenance at the Sports Complex. During the discussion, staff confirmed that the revenue generated from the parking fees was deposited into the General Fund and not set aside for maintenance costs.

It was then noted that the item would need to be noticed as a public hearing prior to Council action on the fees.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council direct staff to schedule the item for a public hearing at the next City Council Meeting. The motion carried unanimously.

M.O. 20-110210

28. COUNCIL MEMBER REQUESTED AGENDA ITEM – RECONSIDERATION OF PROPOSED REVISIONS TO TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) JOINT POWERS AGREEMENT

Recommendation: That the City Council postpone further discussion regarding the proposed revisions to the TCAG JPA until requested by TCAG.

City Manager Lollis presented the item and staff report, and updated the Council on the draft Joint Powers Agreement received for Council’s consideration. The Council directed staff to continue the item to the next Council Meeting.


ORAL COMMUNICATIONS

- Khris Saleh, a Porterville resident, spoke against the parking fee structure which required payment by each car to park, and suggested that the fees received for parking should be utilized to pave additional space to allow for more parking.
- Barry Caplan, a Porterville resident, spoke of the importance of voting and of its connection to literacy.

OTHER MATTERS

- Council Member Shelton, 1) lauded the Council Members’ efforts in saving money on the Council’s budget, 2) requested that the Council’s budget be placed on the agenda for review; 3) requested that an item be placed on an upcoming agenda regarding the surplussing of City properties; and 4) commented on his planned
appearance in the Veterans' Day Parade with Council Member Ward, donning kilts, to celebrate the Scottish-American Club.

- Council Member Ward 1) thanked the Police Chief for his staff's efforts to keep the residents safe during the Halloween holiday; 2) offered condolences and prayers to the family of Brett Land; and 3) thanked the Giants for their victory.
- Vice Mayor Hamilton spoke of his recent presentation to a 3rd grade Civics class at West Putnam School and of the thank you letters he received from each student, which he had available for everyone to review.
- City Manager Lollis advised of the upcoming Homeless Connect event to be held at the Armory on Thursday, November 4, 2010.

**ADJOURNMENT**
The Council adjourned at 8:52 p.m. to the meeting of November 16, 2010 at 5:30 p.m.

---

Patrice Hildreth, Chief Deputy City Clerk

Ronald L. Irish, Mayor
COUNCIL AGENDA: NOVEMBER 16, 2010

SUBJECT: REJECT ALL BIDS – SOUTH JAYE STREET & POPLAR DITCH CULVERT CROSSING

SOURCE Public Works Department - Engineering Division

On November 9, 2010, staff received seven (7) bids for South Jaye Street & Poplar Ditch Culvert Crossing. The project consists of constructing a reinforced concrete box culvert within the Poplar Ditch including retaining walls, head walls with hand rails and concrete lined channel. The box culvert is a small component of the overall South Jaye Street Extension Project.

The Engineer's Estimate for the project is $133,750.00. The low bid exceeded the Engineer's Estimate by 34.5%.

The bids are as follows:

1. Floyd Johnston Construction Co., Inc. Clovis, CA $179,900.00
2. Nicholas Construction, Inc. Shafter, CA $193,458.00
3. Smith Construction Co., Inc. Fresno, CA $205,490.09
4. Greg Bartlett Construction Porterville, CA $209,995.75
5. Lee's Paving, Inc. Visalia, CA $260,939.00
6. Halopoff & Sons, Inc. Porterville, CA $275,045.00
7. American Paving, Co. Fresno, CA $277,000.00

Staff found all bids to be unacceptable.

RECOMMENDATION: That the City Council reject all bids and direct the City Engineer to re-advertise the project.

ATTACHMENT: Locator Map
SUBJECT: ACCEPTANCE OF PROJECT – MATHEW STREET & MORTON AVENUE WATER TRUNK LINE PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons has completed the Mathew Street & Morton Avenue Water Trunk Line Project per plans and specifications. The project consisted of installing a 12” water main and related appurtenances along Morton Avenue between Westwood Street and Newcomb Street and along Mathew Street between Olive Avenue and Morton Avenue. The new infrastructure is considered Master Plan facilities and will assist in moving water from the West Pressure Zone to the Central Pressure Zone where most of the City’s storage facilities exist.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On March 2, 2010 City Council authorized expenditure of $1,130,693.66 for construction, construction management and quality control services for the Mathew Street & Morton Avenue Water Trunk Line Project. The following itemizes the construction-related cost in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $957,806.78

2) Construction management and quality control costs are $41,368.39, which is 4.2% of the awarded construction contract. This amount is lower than the 5% construction management and quality control amount requested at time of award.

Total project construction costs equate to $999,175.17, which is less than the $1,130,693.66 overall budget approved by Council at the time of award.

Initially the Water Replacement Fund will finance the project as approved in the 2009/2010 Annual Budget. These funds will be reimbursed via the City’s CIEDB Loan.

Halopoff & Sons requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.
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.

ATTACHMENT: Locator Map
COUNCIL AGENDA: NOVEMBER 16, 2010

SUBJECT: ACCEPTANCE OF PROJECT – OLIVE AVENUE WATER PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: Halopoff & Sons has completed the Olive Avenue Water Project per plans and specifications. The project consisted of installing a 12" water main and related appurtenances along Olive Avenue between Second Street and Plano Street. The new infrastructure is considered Master Plan facilities and will assist in the development of the new Courthouse site and all adjacent properties.

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On July 20, 2010 City Council authorized expenditure of $225,802.92 for construction, construction management and quality control services for the Olive Avenue Water Project. The following itemizes the construction-related cost in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $205,173.67.

2) Construction management and quality control costs are $13,777.77, which is 7.3% of the awarded construction contract. This amount is lower than 10% construction management and quality control amount requested at time of award.

Total project construction costs equate to $218,951.44, which is less than the $225,802.92 overall budget approved by Council at the time of award.

The Water Replacement Fund (Developer Fees) is the funding source for the project as approved in the 09/10 Annual Budget and an additional $147,000 was augmented by action of the City Council on May 4, 2010.

Halopoff & Sons requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

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.

ATTACHMENT: Locator Map

Dir B32 Appropriated/Funded CM Item No. 4
SUBJECT: ACCEPTANCE OF PROJECT – AIRPORT ELECTRICAL UPGRADES

SOURCE: DEPARTMENT OF FINANCE/PURCHASING

COMMENT: Royal Electric has completed the Airport Electrical Upgrades Project per plans and specifications. The project included the installation of approximately 1,850 feet of electrical conduit, 21,000 feet of conductor wire, repair to the segmented circle and miscellaneous pavement construction.

On August 18, 2009, City Council authorized the expenditure of $410,461.00, plus a 10% contingency, for construction of the project. Construction management, inspection and quality control services are handled by the Airport’s Engineer of Record, Tartaglia Engineering, pursuant to a separate FAA grant. Final construction cost for the project is $423,691.37, which includes $13,230.37 in additional costs related to the electrical vault and the taxiway edge lights. This amount was approved by the FAA. Council further approved an additional $5,000 to cover administration, which has been reimbursed by the FAA.

Funding for this project is provided by a 95% FAA Grant Agreement, with a 2.5% California Aid to Airports Program Grant match. The remainder City match of $10,592.29 is covered by Airport Development Funds.

Royal Electric now requests that the City accept the project as complete. Staff and Tartaglia Engineering have reviewed the work and found it acceptable.

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 immediately after recordation, provided no Stop Notices have been filed.

ATTACHMENT: Locator Map

D.D. Appropriated/Funded C.M. Item No. 5
SUBJECT: INTENT TO VACATE A PUBLIC UTILITY EASEMENT PREVIOUSLY RESERVED AND EXCEPTED FROM A VACATED ALLEY RELATED TO THE VILLA SIENNA APARTMENT COMPLEX (Porterville Housing Partners, LP)

SOURCE: Public Works Department - Engineering Division

COMMENT: The City has received a request to vacate a Public Utility easement that was reserved and excepted from an alley right of way vacation described in Document No. 1998-0042856, recorded June 17, 1998, in the Office of the Tulare County Recorder. The easement, generally located within the easterly portion of the subject development, was necessary for the routine maintenance of an existing sanitary sewer main servicing the former Copeland Lumber Yard. This portion of the sewer main will not be utilized in the development of the Villa Sienna project and a new sewer main will be constructed outside the limits defined within the easement. The City has authority to vacate this easement under Section 8320, Part 3, Division 9 of the Streets and Highways Code of the State of California.

Staff believes that there are no other interests related to the subject easement due to the non-response by utility companies contacted during the alley vacation. However, after Council takes action, the utility companies will again be notified of the intent to vacate this public utility easement.

RECOMMENDATION: That City Council:

1. Pass a Resolution of Intent to Vacate a public utility easement described in Document No. 1998-0042856, recorded June 17, 1998, in the Office of the Tulare County Recorder; and

2. Set the Council Meeting of December 21, 2010, or as soon thereafter, as the time and place for a public hearing.

ATTACHMENT: Resolution
Resolution #65-98
Locator Map

Item No. 60
RESOLUTION NO. ________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
OF INTENTION TO VACATE AND CLOSE TO PUBLIC USE, A PUBLIC UTILITY
EASEMENT, DOCUMENT No. 1998-0042856

SECTION 1: The Council of the City of Porterville, California, pursuant to
Division 9, Part 3, Section 8320, of Streets and Highways Code of the State of
California, does hereby resolve as follows, to-wit:

That it is the intention of the Council of the City of Porterville to vacate, abandon,
and close to public use that certain public utility easement in the City of Porterville,
County of Tulare, State of California, and known generally as an easement no longer
necessary due to the development of the Villa Sienna Apartment Complex, of which
easement is generally located within the easterly portion of said apartment complex
south of Putnam Avenue and east of "E" Street.

SECTION 2: A map or plan of said public easement intended to be vacated,
abandoned and closed to public use is on file in the office of the City Clerk of the City of
Porterville, reference to which is hereby made.

SECTION 3: Notice is further given that on Tuesday, the 21st day of December,
2010, at 7:00 p.m., or as soon thereafter as the matter can be heard, in the Council
Chambers in the City Hall in the City of Porterville, at 291 North Main Street, is hereby
fixed for the time and place for hearing any objections to the vacation, abandonment
and closing to public use of said easement.

ATTEST:

Ronald L. Irish, Mayor

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO. 65-98

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ORDERING THE VACATION AND CLOSING TO PUBLIC USE AN ALLEY LOCATED SOUTH OF PUTNAM AVENUE AND WEST OF THE SOUTHERN PACIFIC RAILROAD PROPERTY

WHEREAS, by Resolution No. 39-98, passed on April 21, 1998, the Council of the City of Porterville declared its intention to vacate a portion of alley right of way hereinafter more particularly described, and set the hour of 7:00 p.m. on the 2nd day of June, 1998, in the Council Chambers of said City as the time and place for hearing all persons objecting to the proposed abandonment; and

WHEREAS, such public hearing has been held at said time and place, and there were no protests, oral or written, to such abandonment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Porterville as follows:

SECTION 1: The Council hereby finds, from all the evidence submitted, that the alley right of way hereinafter described is unnecessary for present or prospective right of way purposes, and the City Council hereby makes its order vacating said portion of alley which is described in a legal description which is attached hereto, marked Exhibit "A" and by reference made a part hereof.

SECTION 2: The subject vacation shall be subject to the reservations and exceptions set forth in Exhibit "B" which is attached hereto and by reference made a part hereof.

SECTION 3: The City Clerk shall cause a copy of this resolution to be recorded in the office of the County Recorder of Tulare County, California.
SECTION 4: The City Clerk shall certify to the passage and adoption of this resolution and it shall thereupon take effect and be in force.

Judith Ann Gibbons, Mayor

ATTEST:

C. G. Huffaker, City Clerk

STATE OF CALIFORNIA)
   (SS
   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 by the Council of the City of Porterville at a regular meeting of the Porterville City Council regularly called and held on the 2nd day of June, 1998.

THAT said resolution was duly passed adopted by the following vote:

COUNCIL: AYES: Irish, Gurrola, Leavitt, Choate, Gibbons
COUNCIL: NOES: None
COUNCIL: ABSENT: None
COUNCIL: ABSTAIN: None

C. G. HUFFAKER, City Clerk

Georgia Hawley, Deputy City Clerk
EXHIBIT “A”
(Resolution No. 65-98)

That portion of a 20 foot wide alley adjacent to the West line of the Southern Pacific Railroad Company property, as shown on El Bonito Tract, in the City of Porterville, County of Tulare, State of California, as per map recorded in Book 2, of Maps, at page 121, in the office of the County Recorder of said County, more particularly described as follows:

BEGINNING AT the Northeast corner of Lot 1 of Block 5 of said El Bonito Tract;

THENCE, Southerly, along the East line of said Lot 1, a distance of 48 feet to the Southeast corner of said Lot 1, said corner also being in the South line of the North half of the Southeast Quarter of Section 26, Township 21 South, Range 27 East, Mount Diablo Base and Meridian;

THENCE, Easterly, along the said South line of said North half of said Southeast Quarter of said Section 26, to the Southeast corner thereof, said corner also being in the West line of said railroad company property;

THENCE, Northerly, along said West line of said railroad company property, to a point of intersection with the Easterly prolongation of the North line of said Lot 1;

THENCE, Westerly, along the said Easterly prolongation of said North line of said Lot 1, to the Point of Beginning.

End of Description
EXHIBIT "B"

RESOLUTION NO.: 65-98

Reservations and Exceptions:

The City reserves and excepts from the vacation the permanent public utility easement and right at any time, or time to time, to construct, maintain, operate, replace, remove, renew, enlarge, and expand public utilities, and/or appurtenant structures in, upon, over and across any street or alley or part thereof proposed to be vacated and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment and fixtures for the operations of gas pipe lines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and incidental purposes, including access and the right to keep the property free from inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, and over the street or alley or part thereof proposed to be vacated.
SUBJECT: PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – JAYE STREET BRIDGE OVER THE TULE RIVER

SOURCE: Public Works Department - Engineering Division

COMMENT: The Department of Transportation has submitted Program Supplement Agreement Number M026 Rev. 2, and requests that the City execute said agreement. The executed agreement becomes a part of the Agency-State Agreement for Federal-Aid Projects No. 06-5122.

The attached Program Supplement is for design services for the widening of the Jaye Street Bridge over the Tule River.

RECOMMENDATION: That the City Council:

1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and

2. Direct staff to return the signed program supplement to CalTrans.

ATTACHMENTS: Program Supplement Agreement No. M026 Resolution

P:\PUBWORKS\ENGINEERING\COUNCIL ITEMS\PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - JAYE STREET BRIDGE OVER THE TULE RIVER - 2010-11-16.DOC

Dir Appropriated/Funded CM Item No. 7
RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING THE MAYOR TO SIGN PROGRAM SUPPLEMENT NO. M026 REV. 2 TO ADMINISTER THE AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 06-5122

BE IT RESOLVED by the City Council of the City of Porterville that the Mayor is hereby authorized to execute the document known as Program Supplement No. M026 Rev. 2 to the Local Agency-State Master Agreement No. 06-5122, for design services for the widening of the Jaye Street Bridge over the Tule River.

PASSED, ADOPTED AND APPROVED this 16th day of November, 2010.

________________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

________________________________________
By Patrice Hildreth, Chief Deputy, City Clerk
This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 05/14/97 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the Administering Agency on (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:
Jay Street (Road 244) bridge over the Tule River, Br. No. 46C-0099

TYPE OF WORK: Bridge rehabilitation

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<th>Matching Funds</th>
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CITY OF PORTERVILLE
By
Title
Date
Attest

STATE OF CALIFORNIA
Department of Transportation

By
Chief, Office of Project Implementation
Division of Local Assistance

Date

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer

Date 10/13/10

$252,000.00

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TO: STATE CONTROLLER'S OFFICE
Clargs Audits
3301 "C" Street, Rn 404
Sacramento, CA 95816

FROM: Department of Transportation

DATE PREPARED: 10/6/2010
PROJECT NUMBER: 0600000583
REQUISITION NUMBER / CONTRACT NUMBER: RQS060000000070

SUBJECT: Encumbrance Document

VENDOR / LOCAL AGENCY: CITY OF PORTERVILLE

CONTRACT AMOUNT: $128,000.00

I HEREBY CERTIFY UPON MY OWN PERSONAL KNOWLEDGE THAT BUDGETED FUNDS ARE AVAILABLE FOR THIS ENCUMBRANCE AND PURPOSE OF THE EXPENDITURE STATED ABOVE.

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<th>STATUTES</th>
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ADA Note: For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 654-6410 of TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.
1. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

2. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

3. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumberances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

4. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal
year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

5. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award or with the submittal of the ADMINISTERING AGENCY's first invoice for the construction contract, whichever is earlier.

Failure to do so will cause a delay in the State processing invoices for the construction phase.
Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

8. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the City shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.
COUNCIL AGENDA: NOVEMBER 16, 2010

SUBJECT: PROCEDURES FOR SELLING CITY OWNED REAL PROPERTY

SOURCE: Public Works Department - Engineering Division

COMMENT: In Fiscal year 2009/2010, Council asked staff to identify City owned surplus property for the purpose of selling said property at an undetermined future date. Staff identified a number of properties subsequently determined as surplus property by the City Directors. Two former well site properties located in East Porterville appear to have the highest saleable potential.

Staff was further ordered to prepare and put in place the process, procedures and documents necessary to sell the surplus properties with ease. The fact that the properties are deemed “surplus” requires that the City follow a specific protocol or “order” in selling the surplus properties.

The City Attorney has prepared a memo (copy attached for Council’s full reading) that describes the order of disposing of surplus property. The order is summarized as follows:

a) Written offers to sell or lease for development of low/moderate housing must be transmitted to redevelopment agencies, housing authorities, etc.

b) Written offers to sell or lease to “Housing Sponsors” such as individuals, joint ventures, trusts, corporations, housing cooperatives, etc. certified by the California Housing and Infrastructure Finance Agency as qualified to either own, construct, acquire or rehabilitate a housing development.

c) Written offers must be sent, for park and recreational development purposes to: 1) any parks and recreation department of the County, 2) any regional park authority having jurisdiction over the property and 3) the State Resources Agency or any agency which may succeed to its powers.

d) If the land is suitable for school facilities construction or use by a school district for open-space purposes, written offers to sell or lease must be sent to those districts.

Dir  ⎕ Appropriated/Funded ⎕ CM ⎕ Item No. 8
e) If the land within an enterprise zone is suitable to sell or lease for enterprise zone purposes, written offers must be sent to the nonprofit neighborhood enterprise association corporation in the zone.

f) If the land is located within a “designated program area” written offers must be sent to the program area agent.

g) If the land is located within an “in-fill opportunity zone” or an area covered by a transit village plan, written offers must be sent to any county, public transportation agency, housing authority within whose jurisdiction the surplus land is located.

If Council makes the determination that selling the two properties is appropriate at this time, staff is ready to prepare legal descriptions, notices of sale and other documents necessary to satisfy the procedures and protocols described herein.

RECOMMENDATION: That the City Council approve the sale of properties APN – 263-161-006 and APN – 263-120-043.

ATTACHMENT: City Attorney Memo
Locator Map
TO: Porterville City Council  
cc: John Lollis, Susan Duke, Baldo Rodriguez  
FROM: Julia Lew  
DATE: August 27, 2010  
SUBJ: Surplus Real Property Procedures per Government Code Section 54220 et seq. -- Update from 1/9/04 and 1/11/05 memos to City Council/Baldo Rodriguez  

Per the City Council's request, the following is an update of the outline of the procedures for disposing of surplus land pursuant to Government Code Section 54220 et seq. Certain references to the State or state agencies were removed from the statutes in 2008, but otherwise the sections remain substantially unchanged.

The statutes apply to certain public entities, including Charter Cities, and are founded on the "vital statewide importance" of the provision of decent homes and living environments for persons and families with low or moderate incomes, and also an identifiable deficiency in the amount of land available for recreational purposes. It appears, however, that a Redevelopment Agency is not required to follow these procedures when disposing of its surplus property.

"Surplus land" is land owned by the city that is determined to no longer be necessary for the city's use, except property held by the city for the purpose of exchange. These provisions do not dictate how the land is determined to no longer be necessary; the statutes only outline the procedures that must be followed prior to disposal of the land.

Prior to selling or otherwise disposing of surplus land, the city must submit offers to sell or lease property as follows:

a) Written offers to sell or lease for the development of low/moderate housing must be sent to local public entities having jurisdiction over the property. This includes the county and redevelopment agencies, the housing authority, any state agencies/districts/political subdivisions, and any governing body of an Indian Reservation or Rancheria, if these public entities are authorized to engage in or assist in the development or operation of low or moderate income housing for the particular property in question.

b) Written offers to sell or lease the property must also be sent to "Housing Sponsors" (pursuant to Health and Safety Code Section 50074) upon written request of the sponsors. "Housing Sponsors" include individuals, joint ventures, partnerships, trusts, corporations, housing cooperatives, local
public entities, and the governing bodies of Indian Reservations/Rancherias, certified by the California Housing and Infrastructure Finance Agency pursuant to its rules and regulations as qualified to either own, construct, acquire, or rehabilitate a housing development, and subject to the regulatory powers of that Agency. "Housing sponsors" also include persons and families of low or moderate income approved by the Agency as eligible to own and occupy a housing development, and individuals and legal entities receiving property improvement loans through the Agency.

c) Written offers must also be sent, for park and recreational development purposes, to 1) any parks and recreation department of the County, 2) any regional park authority having jurisdiction over the property, and 3) the State Resources Agency or any agency which may succeed to its powers.

d) If the land is suitable for school facilities construction or use by a school district for open-space purposes, written offers to sell or lease must be sent to those districts.

e) If the land within an enterprise zone is suitable to sell or lease for enterprise zone purposes, written offers must be sent to the nonprofit neighborhood enterprise association corporation in the zone.

f) Similarly, if the land is located within a "designated program area" written offers must be sent to the program area agent.

g) If the land is located within an "infill opportunity zone" or an area covered by a transit village plan, written offers must be sent to any county, public transportation agency, or housing authority within whose jurisdiction the surplus land is located.

The notices/offers must be sent via first class mail and must include the location of the property and a description. Priority must be given to development of the land for affordable housing for the elderly and disabled (and then affordable housing, generally), unless the land is already being used for park or recreational purposes. Responses are due within 60 days after receipt of the City's notification of intent to sell or lease. If a person is interested in selling or leasing the property pursuant to the above, the City is required to enter into good faith negotiations. If the price and terms cannot be agreed to within 60 days of entering into negotiations, the land can be disposed of without further regard to these regulations. The City may provide for a payment period of up to 20 years with regard to the organizations described above.

These regulations do not limit the power of the agency to sell or lease for the fair market value of the property; nor do they empower the City to sell the property for less than fair market value.
SUBJECT: RECLAMATION EXTRACTION WELL

SOURCE: Public Works Department – Field Services Division

COMMENT: In January 2009, Carollo Engineers, P.C. (Carollo) completed the Wastewater Management Plan (WMP) for the City of Porterville (City). The WMP addressed Provision H.14 of Waste Discharge Requirements (WDR) Order No. 2008-034 and evaluated the reuse potential of extracted percolated effluent from beneath the percolation area.

The WMP identified two inoperable agricultural wells that have the potential to be used as extraction wells. The extraction wells would provide supplemental water needed to satisfy irrigation demands when effluent flows are not enough in the summer months. Further, the extraction wells would manage and reduce the plume under the percolation ponds by tapping into the percolated effluent for reuse on reclamation area farmland.

Dr. Ken Schmidt, Kenneth D. Schmidt and Associates, conducted the evaluation to determine the feasibility of extracting percolated effluent from beneath the percolation area. Dr. Schmidt’s evaluation concluded that approximately two-thirds of the water from the well is percolated effluent, and only one of the wells is suitable to be used as an extraction well.

Dr. Schmidt also concluded that nitrate-nitrogen concentration in the groundwater down gradient (down stream) of the percolation area appears to be elevated by an average of 5 mg/l. Extracted percolated effluent must be managed similar to effluent, in that the City must account for the nitrogen concentration loadings to the fields. Public Works proposes to refurbish the irrigation well and use it to extract percolated effluent and pump it into the existing effluent distribution system.

The estimated cost to refurbish and tie the well into the existing distribution system is $43,000. Staff estimates the need for a contingency of approximately 15% on the project. The 2010/2011 Capital Improvement Project budget will need to be adjusted to account for this project with the funding source being the Wastewater Treatment Facility Capital reserve fund.
RECOMMENDATION: That the City Council authorize:

1. Adjusting the 2010/2011 Capital Improvement Project budget by $50,000 for the refurbishing and conversion of an existing well into an effluent extraction well.
SUBJECT: Juvenile Diversion Program

SOURCE: Police Department

COMMENT: In September of 2008 the Porterville Police Department partnered with Porterville Schools and acquired the services of Bob Perez to act as a liaison between the police, schools, and families in an effort to assist at-risk youth in avoiding the pit falls of gangs and other destructive behavior. In 2010 we added the G.R.E.A.T. Program as an additional youth crime prevention tool. The G.R.E.A.T. Program is a school-based, law enforcement officer-instructed classroom curriculum. With prevention as its primary objective, the program is intended as an immunization against delinquency, youth violence, and gang membership.

Even with preventative measures in place, the Porterville Police Department arrested over 760 juveniles in the 12 month period between August 2009 and August 2010. As a result of these arrests the court system and probation department become overwhelmed and the individuals who have committed the least serious offenses often receive the least attention, if any at all. It is believed that these first-time offenders who have committed non-violent crimes are the at-risk youth that can receive the most benefit from a youth diversionary program. With that in mind, the Porterville Police Department has hired a part-time employee to develop a Juvenile Diversion Program with the intent of correcting criminal behavior at its earliest stages and provide resources to at-risk youth and their parents to prevent them from entering the criminal justice system.

The mission of the Juvenile Diversion Program is to prevent juvenile delinquency by diverting threshold offenders from the juvenile justice system. Threshold offenders are first-time non-violent offenders, or those youth deemed to be at the beginning of a pattern of delinquency. The program embodies and promotes the principles of restorative justice and personal accountability including the payment of restitution to the victim, letters of apology and community service where applicable.

The Porterville Police Department currently pays a portion of the salary for a County Probation Officer ($30,000-$40,000 annually) to oversee the “Thunderbolt” program, a program originally designed to address the same concerns noted above. Due to the sheer number of violators seen by the probation department annually there is little being done with threshold offenders. It is believed that an in-house juvenile diversion program will better serve the community of Porterville deflecting this known group of threshold offenders and steering them away from a life in the criminal justice system.

RECOMMENDATION: That the City Council:
1) Discontinue funding for the Thunderbolt officer assigned to the Department and divert that funding to the Juvenile Diversion Program.

Attachments: JDP Outline and Contract

DD [ ] Appropriated/Funded Item No. 10
Porterville Police Department
Juvenile Diversion Program

I. SUBJECT:
Juvenile Diversion Program

II. PURPOSE:
To intercede with juvenile offenders and their parents by providing an alternative to the juvenile court system that will change their attitudes and behavior so as to prevent further negative contact with law enforcement and the court system through positive alternatives.

III. BACKGROUND:
The program serves as a resource in dealing with youth that are first time offenders, at risk youth, runaways and those who are beginning to act out with inappropriate behavior at home, school or the community. Participants are held responsible for their actions and given help through the various program offerings in modifying their attitudes and behavior.

The Porterville Police Department Juvenile Diversion Program is authorized by 626(b) W&I and is currently operated through the Community Services Division. Under authority of the section, an officer who takes a juvenile into temporary custody may "Deliver or refer the minor to a public or private agency with which the city or county has an agreement or plan to provide shelter care, counseling, or diversion services to minors so delivered."

IV. PROCEDURE:

A. Officers citing juveniles for criminal offenses may choose to cite the juvenile into the diversion program instead of juvenile probation or traffic court. The program officer will evaluate the juvenile as to eligibility for participation in program.

B. Juvenile and their parent(s) or guardian(s) must attend an intake appointment with the program officer and complete background history questionnaires for both the youth and parent(s) or guardian(s).

C. Eligibility to participate in program may include but is not limited to
Under the age of 17 ½ at time of offense
Juvenile admits to the charge
Expression of remorse and desire to change behavior
Juvenile and parents agree to participate in the program and complete all conditions of the contract which is signed by the youth and parent(s) or guardian(s)
Enrolled and attending school and maintaining acceptable grades and behavior standards or alternative education program

D. Disqualification for program may occur if:

There are previous charges on the juvenile’s record
Has been through or failed a diversion program previously
The crime is of such severity or violence that it does not merit diversion
The case officer requests that the juvenile be sent to Probation without the opportunity to go through diversion due to circumstances encountered in the field.

Cases that are rejected for diversion are sent to the Tulare County Probation Department.

E. Directives: Real and Measurable Consequences with clear standards set out in the contact may include but are not limited to:

Written apology to victim/family
Community Service
Financial restitution to victim
Research projects related to the offense
Referral and attendance to drug, alcohol, anger management and / or individual and family counseling
Attend Juvenile Academy
Participation in Youth Court
Meet School performance and attendance requirements
Other requirements as appropriate to meet individual case needs

F. Upon successful completion of all individualized and global program requirements the juvenile will receive a certificate of completion and the citation will not be entered into the juvenile’s record.

G. Non satisfactory compliance or non completion of the contact will result in the juvenile’s citation being turned over to Tulare County Probation for appropriate action.

H. Future citations of the juvenile after successful completion of the diversion program will result in reinstatement of previous citation and forwarding to Tulare County Probation.

V. FEES

Per 625.5(e) W&I, a fee may be charged to the juvenile and/or their parent/guardian to cover administrative cost or transportation services. The fee may not exceed the actual cost of the services. The fee may also be waived as set forth in the same statute.
Porterville Police Department
Juvenile Diversion Program
350 N “D” Street
Porterville, CA 93257
Phone: 559-782-7400
Fax: 559-784-1070

DIVERSION CONTRACT
To intercede with juvenile offenders and their parents by providing an alternative to the juvenile court system that will change their attitudes and behavior so as to prevent further negative contact with law enforcement and the court system through positive alternatives.

NAME: __________________________  DOB: __________________________

ADDRESS: __________________________  PHONE #: __________________________

SCHOOL: __________________________  GRADE: __________________________

VIOLATION: __________________________  CASE #: __________________________  DATE OF VIOLATION: __________________________

CONDITIONS OF THE DIVERSION PROGRAM:

- Obey and respect the authority of your parents/guardians.
- Obey all laws. Including curfew of ______ p.m.
- Attend school regularly and comply with all school regulations and maintain grades at a passing level.
- Do not possess, use, sell or consume any article, drug, substance or intoxicant forbidden by law.
- Other conditions include:
  
  - Letter of apology to: ___________________________________________  Due by: _________________
  - Letter of apology to: ___________________________________________  Due by: _________________
  - Letter of apology to: ___________________________________________  Due by: _________________
  - Community Service Hours ______  Call: Jodi Harper CSO: 782-7422 to arrange
  - Essay on: ___________________________________________  Due by: _________________
  - Youth Court Jury Duty ___________________________________________  Due by: _________________
  - Restitution—Total Amount Due: $ ______ Date Due/Terms: ___________________________________________
  - Education Classes: ___________________________________________
  - Other conditions: ___________________________________________

I, the minor, have read and understand the conditions and requirements of this Diversion Contract. I, the parent/guardian, hereby consent to my child’s participation in the juvenile Diversion Program. I understand that this is a voluntary program and I will cooperate with the requirements, activities and recommendations concerning my child. I understand that failure to successfully complete the program as outlined above may result in my case being sent to the District Attorney and/or Juvenile Probation for further action and/or prosecution.

_________________________  __________________________  __________________________
Minor  Parent/Guardian  Date

_________________________
Program Coordinator

Conditions of Diversion completed on __________________________
COUNCIL AGENDA: NOVEMBER 16, 2010

SUBJECT: COMMUNITY CONVENERS WORKSHOP

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: The City Librarian has been invited to attend a two-day workshop that will address the trend that communities are increasingly turning to their public libraries to serve as community centers and places for civic and civil discourse on a variety of important topics. The two-day workshop will provide library leaders will skills and competencies as community leaders who will begin transforming their roles as a driver of change both within their organization and to help solve their community’s challenges. At the conclusion of this workshop, participants will have the opportunity to apply for a targeted LSTA (Library Services and Technology Act) grant from the California State Library in order to begin the project they have outlined. Library leaders will have six months to plan and deliver the project. Learning outcomes for workshop participants include:

- Gain skills and competencies to establish their libraries as valuable conveners within their communities.
- Understand how to establish a framework by which they can promote community collaboration through engaging community leaders to solve community challenges.
- Understand the importance of creating a learning organization culture within their libraries and communities.

The scheduled workshop is free to participants through LSTA grant funds administered by the California State Library. The grant provides one night of lodging, all meals and registration for the two-day workshop in Sacramento December 6-7, 2010. Participants are expected to pay their own transportation expenses. Staff estimates travel expenses from Porterville to Sacramento to be $243. The workshop is scheduled to begin at 9am on Monday, December 6 and staff would like to also propose lodging accommodations for Sunday, December 5. Staff estimates that one night of lodging to be $148. Staff suggests that appropriations can be accommodated from the Library’s general fund. Staff has coordinated with Community Development to send a representative along with the City Librarian. This opportunity will help us target a community issue and provide an avenue to become solution driven through community partnerships and future grant funding to accomplish a targeted project.

RECOMMENDATION: That City Council allows staff to participate in this workshop opportunity and support request for travel and lodging expenses.

ATTACHMENTS: Appropriated/Funded

ITEM NO.: 11
COUNCIL AGENDA: NOVEMBER 16, 2010

SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE CHAMBER OF COMMERCE AND ROTARY CLUB OF
PORTERVILLE ANNUAL CHILDREN'S CHRISTMAS PARADE –
DECEMBER 2, 2010

SOURCE: Finance Department

COMMENT: The Porterville Chamber of Commerce and Rotary Club of Porterville are requesting approval to hold the annual Children’s Christmas Parade along Main Street on Thursday, December 2, 2010 from 5:00 p.m. to 9:00 p.m. This application is being submitted under the Community Civic Event Ordinance No. 1326, as amended. The following closures are requested:

STREETS (5:00 p.m. - 9:00 p.m.):
Main Street from Danner Avenue to Olive Avenue;
Olive Avenue from Hockett Street to Second Street;
Morton Avenue from Hockett Street to Second Street;
Harrison Avenue from Hockett Street to Second Street;
Thurman Avenue from Hockett Street to Second Street;
Putnam Avenue from Hockett Street to Second Street;
Mill Avenue from Hockett Street to Second Street;
Cleveland Avenue from Hockett Street to Second Street
(no blocking street for fire access.)
Oak Avenue from Hockett Street to Second Street;
Garden Avenue from Main Street to Second Street;
Second Street from Olive Avenue to Oak Avenue;
School Avenue, Bellevue Avenue; North Avenue and; Doris
Avenue from Main Street to Second Street and Sunnyside.

SIDEWALKS (5:00 p.m. - 9:00 p.m.):
Main Street from Danner Avenue to Olive Avenue; and
Olive Avenue from Main Street to Second Street.

PARKING SPACES (6:00 a.m. - 9:00 p.m.):
Main Street in front of Chamber of Commerce
PARKING SPACES (3:00 p.m. - 9:00 p.m.):
Main Street, north end, in front of City hall

This application has been routed according to the ordinance regulations and has been reviewed by all departments involved. The requirements are listed on the attached copy of the Application, Agreement and Exhibit 'A'.

DD [Signature] Appropriated/Funded [Signature] CM [Signature] Item No. 12
The closure of Main Street at 5:00 p.m. will require the early closure of the Fixed Route Transit System at 4:30 p.m., instead of the usual 7:00 p.m., on December 2, 2010. Staff is requesting that Council authorize the change in schedule for the Fixed Route system only.

Early closure of the parking spaces in front of City Hall (requested from 3:00 p.m. to 5:00 p.m. for placement of the announcer's stand) will adversely affect City Hall patrons. This conflict was resolved last year by placing the announcer's stand at the north end of City Hall along Main Street.

RECOMMENDATION: That Council:

1. Approve the Community Civic Event application from the Porterville Chamber of Commerce and Rotary Club of Porterville subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit 'A' of the Community Civic Event Application;

2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 2, 2010;

3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

**DO YOU HAVE?**
- Event Flyer? __
- E-mail address? __
- Website? __

**Application date:** October 7, 2010  
**Event date:** December 2, 2010  
**Event time:** 3-9 pm
- **Location:** Main St. from Danner to Olive side streets for assembly and disbursement
- **Type of event:** Children's Christmas Parade

**Name of Event:** Children's Christmas Parade  
**Sponsoring organization:** Porterville Chamber of Commerce  
**Address:** 93 N. Main St., Porterville, CA 93257  
**Phone #:** 784-7502

**Authorized representative:** Donnette Carter  
**Address:** 93 N. Main St., Porterville, CA 93257  
**Phone #:** 784-7502

**Event chairperson:**  
**Phone #:**  

**Non-profit status determination:** on file

**City services requested**
- **Barricades (quantity):** Yes  
- **Street sweeping:** Yes  
- **Police protection:** Yes  
- **Refuse pickup:** Yes

**Other:**

**Parks facility application required:**  
**Yes**  
**No**  

**Assembly permit required:**  
**Yes**  
**No**

**STAFF COMMENTS** (list special requirements or conditions for event):

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CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council’s approval.

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a ‘Temporary Food Facilities’ permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6444; or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

Porterville Chamber of Commerce  
(Name of Organization)  

[Signature]  
(Date)  

2 of 4
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville, Porterville Chamber of Commerce

Location: Main St. Event date: Dec 2, 2010 Event time: 5pm-9pm

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION. Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted NO LESS THAN ONE week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
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</thead>
<tbody>
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Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT: All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Children's Christmas Parade

Sponsoring organization: Rotary Club of Porterville, Porterville Chamber of Commerce, City of Porterville

Event date: Dec. 2, 2010
Hours: 5-9 pm streets & sidewalks
6 am parking spaces in front of Chamber
3 pm parking spaces in front of City Hall

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>Main St.</td>
<td>Danner Ave</td>
<td>Olive Ave</td>
<td>Parade Route &amp; Assembly</td>
</tr>
<tr>
<td>Olive Ave</td>
<td>Hockett St</td>
<td>Second St</td>
<td>Parade Route</td>
</tr>
<tr>
<td>Rosita Harrison</td>
<td>Hockett St</td>
<td>Second St</td>
<td>Adjacent to Parade Route</td>
</tr>
<tr>
<td>Thuorni, Cleveland</td>
<td>Hockett St</td>
<td>Second St</td>
<td>Adjacent to Parade Route</td>
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<tr>
<td>Gahan Ave</td>
<td>Main St.</td>
<td>Second St</td>
<td>Adjacent to Parade Route</td>
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<tr>
<td>School Bus stop north</td>
<td>Main St.</td>
<td>Second St</td>
<td>Parade Assembly</td>
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<tr>
<td>Second St.</td>
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Sidewalks
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<tr>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tr>
<td>Main St</td>
<td>Danner Ave</td>
<td>Olive Ave</td>
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<tr>
<td>Olive Ave</td>
<td>Main St</td>
<td>Second St</td>
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Parking lots and spaces
<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>Main St (7 spaces)</td>
<td>Judges’ Stand</td>
</tr>
<tr>
<td>Main St (5 Northern spaces)</td>
<td>Announcer's Stand</td>
</tr>
<tr>
<td>City Hall 291 N. Main</td>
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</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

PORTERVILLE CHAMBER OF COMMERCE
AND
ROTARY CLUB OF PORTERVILLE

ANNUAL CHILDREN'S CHRISTMAS PARADE

DECEMBER 2, 2010

Business License Supervisor: Vendor list required prior to event.
    S. Hartman

Public Works Director: City will provide street closures
    B. Rodriguez and cleanup.

City Planner: Field Services Manager:
    Bill Nebeker
    B. Styles

Fire Chief: Parks and Leisure Services Director:
    M.G. Garcia
    M. Stowe

Parks and Leisure Services Director: Keep spectators of planters and consider
    portable toilets in parade route.

Police Sergeant: See list of Conditions/Requirements for
    R. Standridge Children's Christmas Parade in Exhibit ‘B’.

Administrative Services Manager: See Exhibit ‘A’, page 2. Redevelopment
    P. Hildreth Agency should be named additional insured.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsors: Porterville Chamber of Commerce, Rotary Club of Porterville
Event: Annual Children’s Christmas Parade
Event Chairman: Donnette Carter
Location: Main Street
Date of Event: December 2, 2010
Time of Event: 5:00 p.m. to 9:00 p.m.

RISK MANAGEMENT: Conditions of Approval

That the Porterville Chamber of Commerce and Rotary Club of Porterville provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, Porterville Redevelopment Agency, its Officers, Employees, Agents and Volunteers as ‘Additional Insured’ against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event.

a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A: VII, and the insurance company must be an ‘admitted’ insurer in the State of California.
CITY OF PORTERVILLE
Community Civic Event Application

ANNUAL CHILDREN'S CHRISTMAS PARADE- Dec. 2, 2010

Conditions/Requirements for Children's Christmas Parade

➢ City Council approval is required for any/all street closures.

➢ Ensure highly visible and adequate barricades/barriers are used to warn motorists of non-access to closed street and prevent vehicle access to those designated areas.

➢ Children's Christmas Parade Committee should meet with street vendors to coordinate rules regarding their activities, such as:
  ▪ Staying off the parade route (street area) and avoid crossing in front of floats or groups.
  ▪ Shall not sell silly string, snap caps or party poppers.
  ▪ Ensure each vendor has properly obtained a City business license.

➢ Food vendors should be situated where they minimally block the sidewalk.

➢ Food vendors should provide inspection certificates from the Tulare County Health Department to members of the Children's Christmas Parade Committee, to ensure safe food products.

➢ Throwing candy from vehicles, floats, or any parade entry is prohibited. This results in children scampering to catch or find candy in a crowded environment, and causes others to run out into the street. This practice creates significant and unnecessary risk for parade goers. All registered parade entrants should be informed of this prohibition and efforts taken to cease this practice.

Rich Standridge, Sergeant
Police Department
CITY OF PORTERVILLE
OUTSIDE AMPLIFIER PERMIT
(City Ordinances #18-9 & 18-14)

This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: Rotary Club of Porterville
Porterville Chamber of Commerce 93 W. Main St. 784-7802

2 Address where amplification equipment is to be used: Main St.

3 Names and addresses of all persons who will use or operate the amplification equipment: Unknown Different

4 Type of event for which amplification equipment will be used: Children's Christmas Parade

5 Dates and hours of operation of amplification equipment: 1pm - 9pm Dec 2, 2010

6 A general description of the sound amplifying equipment to be used: Amplifiers on floats and decorated cars

Section 18-9
It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14
It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2)
Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine:

(2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

[Signature of Applicant] 10/12/10

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

[Signature of Mayor] 10-15-10

City of Porterville, Chief of Police/Designee
CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 10/12/2010

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFER NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER

Walter Mortensen Insurance
CA License #0D44424
89 East Mill Ave.
Porterville CA 93257

CONTACT NAME: Jacqueline Mendoza
PHONE: (559) 781-5200
FAX: (559) 781-3229
E-MAIL ADDRESS: PMortensenIns@ATT.net
PRODUCER: 00110327

INSURED

Porterville Chamber of Commerce
93 N. Main St.
Porterville CA 93257-3711

INSURER A: Travelers Property Casualty
INSURER B:
INSURER C:
INSURER D:
INSURER E:
INSURER F:

NAIC #

COVERAGE A

CERTIFICATE NUMBER: CL10101243665


POLICY NUMBER: 6607598A00410

COVERAGE

POLICY LIMITS

GENERAL LIABILITY

Each Occurrence $1,000,000
Damage to Rented Premises - Each Occurrence $100,000
Med Exp - Any One Person $5,000
Personal & ADV Injury $1,000,000
General Aggregate $3,000,000
Products - COMPO/LIBR AGG $3,000,000

AUTO LIABILTY

Combined Single Limit $
Bodily Injury (Per Person) $
Bodily Injury (Per Accident) $
Property Damage (Per Accident) $

UMBRELLA LIABILITY

Each Occurrence $
Aggregate $

WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

Yes/No: N/A

Other:

Y/N

Other:

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES

Certificate issued as evidence of General Liability Insurance Coverage maintained by the Named Insured. Coverage is subject to policy terms, conditions, limitations and exclusions. City of Porterville is added as Additional Insured.

CERTIFICATE HOLDER

City of Porterville
291 N Main Street
Porterville, CA 93257

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Ronald Burcham/JMENDO

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SUBJECT: REQUEST FOR STREET CLOSURE - MYERS’ SIXTEENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

SOURCE: ADMINISTRATIVE SERVICES

COMMENT: Richard Mendivil, Director of Myers Funeral Service and Crematory, has requested an assemblies permit for December 7, 2010, in order to hold the lighting ceremony for Myers’ Sixteenth Annual Christmas Tree Memorial Service. The ceremony will be held in front of Myers Chapel on "E" Street at 7:00 p.m. Approximately five hundred people attended the ceremony last year, and Mr. Mendivil has requested an assemblies permit for 500 people again this year.

In conjunction with this ceremony, Mr. Mendivil is also requesting that Council approve the closure of "E" Street, between Putnam and Cleveland Avenues, from 5:00 p.m. to 9:00 p.m. on December 7, 2010 for the safety of those attending.

The Police Department has approved the Assemblies Permit, which is attached for the Council’s reference, along with a copy of the required Certificate of Liability Insurance.

RECOMMENDATION: That the City Council approve the closure of "E" Street, between Putnam and Cleveland, on December 7, 2010, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

ATTACHMENTS: 1. Richard Mendivil Letter received November 12, 2010
2. Application for Assemblies Permit - Richard Mendivil
3. Insurance Certificate
To: Porterville City Council

We respectfully request that “E” Street be blocked off at Putnam and Cleveland Avenues the evening of Tuesday, December 7, 2010 from approximately 5:00 to 9:00 P. M., for the protection and safety of those who will be attending the Sixteenth Annual Myers Lighting of Memorial Tree and Service. The response from the community has been well received, and we expect approximately 500 people from the local community and outlying areas in attendance.

The original purpose in beginning this tradition was to give back to the community in the way of service. It allows families to place ornaments on the trees prior to the service, commemorating their loved ones.

A memorial service is planned for the evening of December 7th at 7:00 P. M. at Myers Funeral Service, when the community will be invited to attend and celebrate the season by remembering their loved ones. At the conclusion of the service, the trees will be lit and remain lit through Christmas.

Find enclosed an “Assemblies Permit,” signed by Sergeant Rich Standridge of the Porterville Police Department along with a Certificate of Liability Insurance.

Thank you for your consideration of this request.

Sincerely,

Richard Mendivil
Funeral Director

RM:dm
Encl.
ORDINANCE NUMBER 927
Section 18-7.2

Application for ASSEMBLIES or MEETINGS on public streets, sidewalks or parks, within the City of Porterville.

This application MUST BE FILED WITHIN FOUR (4) DAYS PRIOR to the date of the assembly or meeting.

A. MYERS FUNERAL SERVICE & CREMATOR Y
   (Name/Address) 559-784-5454
   (Telephone)
B. 248 North "E" Street, Porterville, CA 93257
   (Name & Address of Organization) (Telephone)
   Richard Mendivil, Funeral Director 559-784-5454
   (Authorized Head of Organization) (Telephone)
C. Name of Event Chairman Richard Mendivil
D. Purpose of event: Lighting of Memorial Tree and Service
   (16th Year)
E. Date & Time of Event Tuesday, Dec. 7, 2010 from 7:00 - 9:00 PM
F. Number of persons 500+; depending on weather
G. Location of the assembly area of event Myers Funeral Chapel front lawn
   248 North "E" Street, Porterville
H. Security Guards required? [ ] yes [X] no If so, how many? 
I. Plans for the assembly & dispersion of the event. Indicate times thereof: 5:00 - 9:00 PM
J. Other information

I HEREBY AGREE TO ABIDE BY ALL PROVISIONS SET FORTH IN CITY ORDINANCE 927, SECTION 18-7.2 AND ALL OTHER APPLICABLE ORDINANCES OF THE CITY OF PORTERVILLE.

Legal signature of applicant Richard Mendivil
Date 10/21/2010 Telephone 559-784-5454

Application Approved [ ] Denied [ ]

Chief of Police
Rich Standridge, Sergeant
Communications & Records

RECEIVED
PORTERVILLE POLICE DEPARTMENT
OCT 2010
2010
9/18/2010
9:56 5:24:23 2010
10/96
**ACORD CERTIFICATE OF LIABILITY INSURANCE**

**PRODUCER**
FEDERATED MUTUAL INSURANCE COMPANY  
Home Office: P.O. Box 326  
Owatonna, MN 55060  
Phone: 1-888-333-4949

**INSURED**  
MYERS FUNERAL SERVICE & CREMATORY  
248 NORTH E STREET  
PORTERVILLE CA 93257

**DATE (MM/DD/YYYY)** 11/10/10

**COMPANIES AFFORDING COVERAGE**

<table>
<thead>
<tr>
<th>COMPANY</th>
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| A | FEDERATED MUTUAL INSURANCE COMPANY OR  
| B | FEDERATED SERVICE INSURANCE COMPANY

**COVERAGES**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend or alter the coverage afforded by the policies below.

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<tr>
<th>CO</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YYYY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YYYY)</th>
<th>LIMITS</th>
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<td>GENERAL LIABILITY</td>
<td>9179934</td>
<td>04/01/10</td>
<td>04/01/11</td>
<td>GENERAL AGGREGATE $2,000,000</td>
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<td>COMMERCIAL GENERAL LIABILITY</td>
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<td>CLAIMS MADE OCCUR</td>
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<td>BUSINESS OWNERS’ POLICY</td>
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<td>PRODUCTS - COM/PROP AGR $2,000,000</td>
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<td>PERSONAL &amp; ADV INJURY $1,000,000</td>
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<td>FIRE DAMAGE (Any one fire) $50,000</td>
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<td>EACH ACCIDENT</td>
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<td>EL DISEASE - EA EMPLOYEE</td>
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**DESCRIPTION OF OPERATIONS/Locations/Vehicles/Special Items**

Christmas Tree Lighting Ceremony - December 7, 2019

**CERTIFICATE HOLDER**

| CITY OF PORTERVILLE | 291 N MAIN ST  
| PORTERVILLE CA 93257 |

**CANCELLATION**

Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail a 10 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

Authorized Representative

ACORD-295-1(99)  
ACORD CORPORATION 1988

TOTAL P.003
SUBJECT: APPROVAL FOR COMMUNITY CIVIC EVENT
PORTERVILLE AREA MINISTERIAL ASSOCIATION - TREE LIGHTING CEREMONY, NOVEMBER 26, 2010

SOURCE: Finance Department

COMMENT: The Porterville Area Ministerial Association is requesting approval to hold the annual ‘Tree Lighting Ceremony’ at the Centennial Plaza, on Friday, November 26, 2010. The event consists of tree lighting and caroling from 4:00 p.m. to 8:00 p.m.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the application, agreement and Exhibit ‘A.’

RECOMMENDATION: That the Council approves the attached Community Civic Event Application and Agreement submitted by the Porterville Area Ministerial Association, subject to the stated requirements contained in the Application, Agreement and Exhibit ‘A.’

ATTACHMENT: Community Civic Event Application, Agreement, Exhibit ‘A,’ Outside Amplifier Permit, Map; and Certificate of Liability Insurance.
REQUIREMENTS FOR COMMUNITY CIVIC EVENT
PORTERVILLE AREA MINISTERIAL ASSOCIATION
TREE LIGHTING CEREMONY
NOVEMBER 26, 2010

Business License Supervisor:
S. Perkins Hartman

Public Works Director:
B. Rodriguez

City Planner:
B. Nebeker

The Planning Division of the Community Development Department has no comments related to this event.

Field Services Manager:
B. Styles

Fire Chief:
Mario G. Garcia

Parks and Leisure Services Director:
M. Stowe

Police Captain:
S. Rodriguez

Administrative Services Manager:
P. Hildreth

Insurance certificate naming both City and the RDA should be provided.
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

DO YOU HAVE? Event Flyer? E-mail address? Website?
Application date: 11/12/10 Event date: 11/20/10
Event time: 4pm - 8pm

Name of Event: Tree Lighting Ceremony

Sponsoring organization: P.A.M.A. Phone #
Address: 

Authorized representative: Don Rawlston Phone # 784-3791
Address: 7741 Grand Ave

Event chairperson: John Eby Phone # 784-5340

Location of event (location map must be attached): Centennial Park

Type of event: Tree Lighting and Caroling

Non-profit status determination: Yes

City services requested (fees associated with these services will be billed separately):
Barricades (quantity): Street sweeping Yes No
Police protection Yes No Refuse pickup Yes No
Other: 

Parks facility application required: Yes No Attached
Assembly permit required: Yes No Attached

STAFF COMMENTS (list special requirements or conditions for event):

Appr. Deny
___ ___ Pub. Works Dir
___ ___ Comm. Dev. Dir.
___ ___ Field Svcs. Mgr.
___ ___ Fire Chief
___ ___ Parks Dir.
___ ___ Police Chief
___ ___ Admin. Svcs. Dir.
CITY OF PORTERVILLE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

What constitutes a Community Civic Event?
A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures.

Authorization: This permit must be submitted NO LESS THAN 30 days PRIOR to the date of the event in order to obtain City Council approval.

City Code requirements:
- At least 48" must remain clear on sidewalks for pedestrian traffic.
- Do not block any entrance to or exit from buildings.
- Area must be accessible to emergency and safety personnel and vehicles.
- Electrical cords must be approved and installation checked by the Fire Department.

Liability insurance: The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. The City of Porterville shall be named as additional insured. When the location of the event is in Downtown Porterville, the Porterville Redevelopment Agency must also be named as additional insured. The amounts of such insurance and any additional requirements are listed in Exhibit "A." A Certificate of Liability Insurance form sample is enclosed for your convenience. This original certificate shall be submitted to the Finance Department prior to the City of Porterville Council's approval.

Alcohol liability insurance: Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include full liquor liability in an amount not less than one million dollars ($1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. Claims-made policies are not acceptable.

Health permit: Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: www.tularehhsa.org.

First aid station: Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

Agreement: The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit "A." The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees.

(Name of Organization)  (Signature)  (Date)
CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: 

Sponsoring organization: 

Location: 

Event date: 

Event time: 

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay $1 per day to the City, with the exceptions of non-profit organizations. This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE** week prior to the event.

<table>
<thead>
<tr>
<th>Vendor name</th>
<th>Address/Telephone</th>
<th>Business License required?</th>
<th>Type of Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td>None</td>
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</tbody>
</table>

**Municipal Code 15-1: ITINERANT VENDOR OR ITINERANT MERCHANT:** All persons, both principal and agent, who engage in a temporary or transient business in the city, selling or offering to sell goods, wares or merchandise or any other thing of value, with the intention of conducting such business for a period of less than ninety (90) days, and who for the purpose of such business hires, leases or occupies any room, doorway, vacant lot, building or other place, for the exhibition for sale of goods, wares, merchandise or other thing of value. If any such place, occupied or used for such business, is rented or leased for a period of less than ninety (90) days, such fact shall be presumptive evidence that the business carried on therein is a transient business; and any person so engaged shall not be relieved from the provisions of this section or from payment of the license taxes herein provided for such business, by reason of any temporary association with local dealer, trader, merchant or auctioneer.
CITY OF PORTERVILLE
REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: 

Sponsoring organization: 

Event date: ___________________________ Hours: ________________

ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From</th>
<th>To</th>
<th>Activity</th>
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<tbody>
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Sidewalks

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<th>From</th>
<th>To</th>
<th>Activity</th>
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</table>

Parking lots and spaces

<table>
<thead>
<tr>
<th>Location</th>
<th>Activity</th>
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</tbody>
</table>
REQUIREMENTS FOR COMMUNITY CIVIC EVENT

Sponsor: Porterville Area Ministerial Association
Event: Tree Lighting Ceremony
Event Chairman: Keith Hanson
Location: Centennial Plaza
Date of Event: November 26, 2010

RISK MANAGEMENT: Conditions of Approval

That the Porterville Area Ministerial Association provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than $1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee’s operation and sponsorship of the aforementioned Community Civic Event

A. Said Certificate of insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than $1,000.

A. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less that A::VII, and the insurance company must be an 'admitted' insurer in the State of California.
This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant: P.A.M.A. c/o Don Paulston 776 W. Grand Ave., Porterville, CA 93257

2 Address where amplification equipment is to be used: Centennial Park on Main St.

3 Names and addresses of all persons who will use or operate the amplification equipment: D. E. Eckhoff

4 Type of event for which amplification equipment will be used: Annual Christmas Tree Lighting Ceremony

5 Dates and hours of operation of amplification equipment: Friday, Nov 26, 2010, 4-8 pm

6 A general description of the sound amplifying equipment to be used: microphones for speakers and singos

Section 18-9 It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14 It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2) Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars ($400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Signature of Applicant

Date

This Outside Amplifier Permit has been approved. However, we urge you to remain considerate of the general peace and order of the neighbors in the area. Failure to abide by these regulations can result in revocation of the permit.

City of Porterville, Chief of Police/Designee

Date
### Certificate of Liability Insurance

**Producir:**
LOCKTON COMPANIES, LLC-K CHICAGO
325 W. Monroe, Suite 600
CHICAGO IL 60661
(312) 669-6900

**Insured:**
All Active US Rotary Clubs & Districts
Attn: Risk Management Department
1560 Sherman Ave.
Evanston IL 60201-3638

**Date:** 11/04/2010

**COVERAGE**

The policies of insurance listed below have been issued to the Insured named above for the policy period indicated, notwithstanding any requirement, term or condition of any contract or document with respect to which this certificate may be issued or may pertain. the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. aggregate limits shown may have been reduced by paid claims.

<table>
<thead>
<tr>
<th>LETTER</th>
<th>TYPE OF INSURANCE</th>
<th>POLICY NUMBER</th>
<th>POLICY EFFECTIVE DATE (MM/DD/YYYY)</th>
<th>POLICY EXPIRATION DATE (MM/DD/YYYY)</th>
<th>LIMITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>General Liability</td>
<td>PMIG23851355</td>
<td>7/1/2010</td>
<td>7/1/2011</td>
<td>EACH OCCURRENCE: $2,000,000</td>
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<td>DAMAGE TO RENTED PREMISES (Exceptaries): $500,000</td>
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<td>MED EX (Any one person): $XXXXXXX</td>
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<td>PERSONAL &amp; ADV INJURY: $2,000,000</td>
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<td>GENERAL AGGREGATE: $10,000,000</td>
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<td>PRODUCTS - COMPOUND AGG: $4,000,000</td>
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<tr>
<td>A</td>
<td>Automobile Liability</td>
<td>PMIG23861355</td>
<td>7/1/2010</td>
<td>7/1/2011</td>
<td>EACH OCCURRENCE: $1,000,000</td>
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<td>COMBINED SINGLE LIMIT (Ex accident): $4,000,000</td>
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<td>BODILY INJURY (Per person): $XXXXXXX</td>
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<td>BODILY INJURY (Per accident): $XXXXXXX</td>
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<td></td>
<td>PROPERTY DAMAGE (Per accident): $XXXXXXX</td>
</tr>
<tr>
<td>B</td>
<td>Excess/Umbrella Liability</td>
<td>M00534092</td>
<td>7/1/2010</td>
<td>7/1/2011</td>
<td>EACH OCCURRENCE: $5,000,000</td>
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<td>AGGREGATE: $10,000,000</td>
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<td>$XXXXXXX</td>
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</tbody>
</table>

**Description of Operations / Locations / Vehicles / Exclusions Added by Endorsement / Special Provisions**

The Certificate Holder is included as Additional Insured where required by written contract or permit subject to the terms and conditions of the General Liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

**Certificate Holder**

City of Porterville - 291 North Main Street, 93257
Porterville Christmas Parade - December 2, 2010

**Cancellation**

Should any of the above described policies be cancelled before the expiration date thereof, the issuing Insurer will endeavor to mail 30 days written notice to the Certificate Holder named to the left, but failure to do so shall impose no obligation or liability of any kind upon the Insurer, its agents or representatives.

Authorized Representative: [Signature]

© ACORD CORPORATION 1998
COUNCIL AGENDA: NOVEMBER 16, 2010

PUBLIC HEARING

SUBJECT: ADOPTION OF CALIFORNIA BUILDING AND FIRE CODES

SOURCES: Public Works Department - Building Division
Fire Department

COMMENT: The various building codes in use by most jurisdictions in California are updated periodically to reflect the latest materials and construction techniques available to the construction industry.

The last published building and fire codes, specifically the California Building and Fire Codes, were updated in 2007. The State of California has since adopted the 2010 California Codes as the State Codes for Building, Plumbing, Mechanical, Electrical, Energy, and Fire. These Codes are based on the 2009 International Codes and are recognized as minimum standards for the housing and commercial industry.

In addition to these Codes, the State of California has mandated the adoption of the newly published 2010 Green Building Standards Code, the 2010 Residential Code, and the 2010 Referenced Standards Code. These codes become State mandated as of January 1, 2011.

The 2010 California Green Building Standards Code encourages sustainable construction practices. Appendices A4 and A5 are currently listed as voluntary measures for both residential and non-residential construction. The measures contained in Appendices A4 & A5 are not mandatory unless adopted by the City. Staff has studied both appendices and recommends that the voluntary requirements remain voluntary.

Matrices for both appendices (A4 & A5) are attached for Council’s review. Council has the prerogative to select one or more of the voluntary measures and make them mandatory. Again staff recommends that the voluntary measures remain voluntary. If Council chooses to adopt any of the voluntary measures, these specific measures will be included in the adoption of the 2010 California Green Building Standards Code. Each California Code will be adopted by ordinance, and shall repeal the previous code in effect.
RECOMMENDATION: That City Council:

1. Conduct a Public Hearing to receive input regarding the adoption of the 2010 Editions of the California Building, Plumbing, Mechanical, Electrical, Fire, Green Building Standards, Residential, Administrative, Reference Standards, and Energy Codes;

2. Review and decide whether to adopt Appendices A4 and A5 in whole or in part of the 2010 California Green Building Standards Code; and

3. Adopt the attached Ordinances, give First Readings and order the Ordinances to print.

ATTACHMENTS: Appendix A4 – Residential Voluntary Measures
Appendix A5 – Non-Residential Voluntary Measures
Draft Ordinance – Building and Energy Code
Draft Ordinance - Mechanical Code
Draft Ordinance - Plumbing Code
Draft Ordinance - Electrical Code
Draft Ordinance - Fire Code
Draft Ordinance – Green Building Code
# APPENDIX A4

## RESIDENTIAL VOLUNTARY MEASURES

### SECTION A4.602

#### RESIDENTIAL OCCUPANCIES APPLICATION CHECKLIST

<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>LEVELS</th>
<th>PREREQUISITES AND ELECTIVES</th>
<th>ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MANDATORY</td>
<td>TIER 1</td>
<td>TIER 2</td>
</tr>
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</table>

#### PLANNING AND DESIGN

**Site Selection**

A4.102.1 A site which complies with at least one of the following characteristics is selected:
1. An infill site is selected.
2. A grayfield site is selected.
3. An EPA-recognized Brownfield site is selected.

<table>
<thead>
<tr>
<th>PREREQUISITES AND ELECTIVES</th>
<th>ENFORCING AGENCY</th>
<th>INSTALLER OR DESIGNER</th>
<th>THIRD PARTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANDATORY</td>
<td>TIER 1</td>
<td>TIER 2</td>
<td>ALL</td>
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</table>

**Site Preservation**

A4.104.1 An individual with oversight responsibility for the project has participated in an educational program promoting environmentally friendly design or development and has provided training or instruction to appropriate entities.

<table>
<thead>
<tr>
<th>PREREQUISITES AND ELECTIVES</th>
<th>ENFORCING AGENCY</th>
<th>INSTALLER OR DESIGNER</th>
<th>THIRD PARTY</th>
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<tr>
<td>MANDATORY</td>
<td>TIER 1</td>
<td>TIER 2</td>
<td>ALL</td>
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</table>

#### Reconstruction and Reuse of Existing Materials

A4.105.2 Existing buildings are disassembled for reuse or recycling of building materials. The proposed structure utilizes at least one of the following materials which can be easily reused:
1. Light fixtures
2. Plumbing fixtures
3. Doors and trim
4. Masonry
5. Electrical devices
6. Appliances
7. Foundations or portions of foundations

<table>
<thead>
<tr>
<th>PREREQUISITES AND ELECTIVES</th>
<th>ENFORCING AGENCY</th>
<th>INSTALLER OR DESIGNER</th>
<th>THIRD PARTY</th>
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<td>MANDATORY</td>
<td>TIER 1</td>
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</table>

#### Site Development

A4.106.2 A plan is developed and implemented to manage storm water drainage during construction.

<table>
<thead>
<tr>
<th>PREREQUISITES AND ELECTIVES</th>
<th>ENFORCING AGENCY</th>
<th>INSTALLER OR DESIGNER</th>
<th>THIRD PARTY</th>
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<tr>
<td>MANDATORY</td>
<td>TIER 1</td>
<td>TIER 2</td>
<td>ALL</td>
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</tbody>
</table>

A4.106.3 The site shall be planned and developed to keep surface water away from buildings. Construction plans shall indicate how site grading or a drainage system will manage all surface water flows.

<table>
<thead>
<tr>
<th>PREREQUISITES AND ELECTIVES</th>
<th>ENFORCING AGENCY</th>
<th>INSTALLER OR DESIGNER</th>
<th>THIRD PARTY</th>
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<tbody>
<tr>
<td>MANDATORY</td>
<td>TIER 1</td>
<td>TIER 2</td>
<td>ALL</td>
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</tbody>
</table>

A4.106.1 Orient buildings to optimize the use of solar energy with the long side of the house oriented within 30° of south.

<table>
<thead>
<tr>
<th>PREREQUISITES AND ELECTIVES</th>
<th>ENFORCING AGENCY</th>
<th>INSTALLER OR DESIGNER</th>
<th>THIRD PARTY</th>
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<tr>
<td>MANDATORY</td>
<td>TIER 1</td>
<td>TIER 2</td>
<td>ALL</td>
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</tbody>
</table>

A4.106.2.1 Soil analysis is performed by a licensed design professional and the findings utilized in the structural design of the building.

<table>
<thead>
<tr>
<th>PREREQUISITES AND ELECTIVES</th>
<th>ENFORCING AGENCY</th>
<th>INSTALLER OR DESIGNER</th>
<th>THIRD PARTY</th>
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<tbody>
<tr>
<td>MANDATORY</td>
<td>TIER 1</td>
<td>TIER 2</td>
<td>ALL</td>
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</table>

*continued*
### SECTION A4.602
RESIDENTIAL OCCUPANCIES APPLICATION CHECKLIST—continued

<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>LEVELS APPLICANT TO SELECT ELECTIVE MEASURES</th>
<th>VERIFICATIONS ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prerequisites and electives¹</td>
<td>Enforcing Agency</td>
</tr>
<tr>
<td></td>
<td>Mandatory Tier 1 Tier 2 All</td>
<td>All</td>
</tr>
<tr>
<td>A4.106.2.3 Soil disturbance and erosion are minimized by at least one of the following:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Natural drainage patterns are evaluated and erosion controls are implemented to minimize erosion during construction and after occupancy.</td>
<td>■</td>
<td>■</td>
</tr>
<tr>
<td>2. Site access is accomplished by minimizing the amount of cut and fill needed to install access roads and driveways.</td>
<td>■</td>
<td>■</td>
</tr>
<tr>
<td>3. Underground construction activities are coordinated to utilize the same trench, minimize the amount of time the disturbed soil is exposed and the soil is replaced using accepted compaction methods.</td>
<td>■</td>
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</tr>
</tbody>
</table>

A4.106.3 Topsoil shall be protected or saved for reuse as specified in this section.

1. Tier 1. Displaced topsoil shall be stockpiled for reuse in a designated area and covered or protected from erosion.
   - **X²**
2. Tier 2. The construction area shall be identified and delineated by fencing or flagging to limit construction activity to the construction area.
   - **X²**
3. Postconstruction landscape designs accomplish one or more of the following:
   1. Areas disrupted during construction are restored to be consistent with native vegetation species and patterns.
   2. Limit turf areas to the greatest extent possible.
      a. Not more than 50 percent for Tier 1.
      b. Not more than 25 percent for Tier 2.
   3. Utilize at least 75 percent native California or drought tolerant plant and tree species appropriate for the climate zone region.
   4. Hydrozoning irrigation techniques are incorporated into the landscape design.

A4.106.4 Permeable paving is utilized for the parking, walking or patio surfaces in compliance with the following:

1. Tier 1. Not less than 20 percent of the total parking, walking or patio surfaces shall be permeable.
   - **X²**
2. Tier 2. Not less than 30 percent of the total parking, walking or patio surfaces shall be permeable.
   - **X²**

A4.106.5 Roofing materials shall have a minimum 3-year aged solar reflectance and thermal emittance or a minimum Reflectance Index (SRI) equal to or greater than the values specified in Tables A4.106.5(1) and A4.106.5(2).

1. Tier 1 roof covering shall meet or exceed the values contained in Table A4.106.5(1).
   - **X²**
2. Tier 2 roof covering shall meet or exceed the values contained in Table A4.106.5(2).
   - **X²**

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<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>LEVELS APPLICANT TO SELECT ELECTIVE MEASURES</th>
<th>VERIFICATIONS ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mandatory</td>
<td>Tier 1</td>
</tr>
<tr>
<td>Innovative Concepts and Local Environmental Conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A4.107.1 Items in this section are necessary to address innovative concepts or local environmental conditions.</td>
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<td>Item 3</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Energy Efficiency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td></td>
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<tr>
<td>4.201.1 Low-rise residential buildings shall meet or exceed the minimum standard design required by the California Energy Standards.</td>
<td>☒</td>
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<tr>
<td>Performance Approaches</td>
<td></td>
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</tr>
<tr>
<td>A4.203.1 Exceed the California Energy Code requirements, based on the 2008 Energy Efficiency Standards requirements by 15 percent.</td>
<td>☐²</td>
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<tr>
<td>A4.203.1 Exceed the California Energy Code requirements, based on the 2008 Energy Efficiency Standards requirements by 30 percent.</td>
<td>☐²</td>
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<tr>
<td>Building Envelope</td>
<td></td>
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<tr>
<td>A4.205.1 Radiant roof barrier is installed in Climate Zones 2, 4, and 8 through 15.</td>
<td>☐</td>
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<tr>
<td>A4.205.2 Exterior shading at least 18 inches in depth is provided on south and west windows.</td>
<td>☐</td>
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<tr>
<td>Air Sealing Package</td>
<td></td>
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<tr>
<td>A4.206.1 Third party blower door test is conducted and passed to verify building envelope tightness.</td>
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</tbody>
</table>

continued
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<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>LEVELS</th>
<th>APPLICANT TO SELECT ELECTIVE MEASURES</th>
<th>VERIFICATIONS</th>
<th>ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Prerequisites and electives</td>
<td>Tier 1</td>
<td>Tier 2</td>
</tr>
<tr>
<td>HVAC Design, Equipment, and Installation</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A.4.207.1 Radiant, hydronic, ground source and other innovative space heating and cooling systems included in the proposed design shall be designed using generally accepted industry-approved guidelines and design criteria.</td>
<td></td>
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</tr>
<tr>
<td>A.4.207.2 An HVAC system commissioning plan is developed and the following items, as appropriate, pertaining to the heating and cooling systems are inspected and certified by an independent third party agency:</td>
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<tr>
<td>1. Verify compliance with the manufacturer’s recommended start-up procedures.</td>
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<td>2. Verify refrigerant charge by super-heat or other methods specified by the manufacturer.</td>
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<tr>
<td>3. Burner is set to fire at the nameplate input rating.</td>
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<td>4. Temperature drop across the evaporator is within the manufacturer’s recommended range.</td>
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<tr>
<td>5. Test and verify air flow to be within 10 percent of the initial design air flow.</td>
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<tr>
<td>6. Static pressure within the duct system is within the manufacturer’s acceptable range.</td>
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<tr>
<td>7. Verify that the whole house and exhaust ventilation systems meet Title 24 requirements.</td>
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<tr>
<td>8. Verify that the recommended maintenance procedures and schedules are documented and provided to the homeowner.</td>
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<tr>
<td>A.4.207.2.3 Results of the commissioning inspection shall be included in the Operation and Maintenance Manual required in Section 4.410.1.</td>
<td></td>
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<tr>
<td>A.4.207.4 Install gas-fired (natural or propane) space heating equipment with an Annual Fuel Utilization Ratio (AFUE) of .90 or higher.</td>
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<tr>
<td>A.4.207.5 If an electric heat pump must be used, select equipment with a Heating Seasonal Performance Factor (HSPP) of 8.0 or higher.</td>
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<tr>
<td>A.4.207.6 When climatic conditions necessitate the installation of cooling equipment, select cooling equipment with a Seasonal Energy Efficiency Ratio (SEER) higher than 13.0 and an Energy Efficiency Ratio (EER) of at least 11.5.</td>
<td></td>
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<tr>
<td>A.4.207.7 Install ductwork to comply with at least one of the following:</td>
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<tr>
<td>1. Install ducts within the conditioned envelope of the building.</td>
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<tr>
<td>2. Install ducts in an underfloor crawl space.</td>
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<tr>
<td>3. Use ducts with an R-6 insulation value or higher.</td>
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<tr>
<td>4. Install ductwork which is buried in the ceiling insulation.</td>
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<tr>
<td>A.4.207.8 Perform duct leakage testing to verify a total leakage rate of less than 6 percent of the total fan flow.</td>
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</tbody>
</table>

continued

2010 CALIFORNIA GREEN BUILDING STANDARDS CODE
<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>APPLICANT TO SELECT ELECTIVE MEASURES</th>
<th><strong>LEVELS</strong></th>
<th><strong>VERIFICATIONS</strong></th>
<th><strong>ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Prerequisites and electives&lt;sup&gt;1&lt;/sup&gt;</td>
<td>Enforcing</td>
<td>Installer or</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mandatory</td>
<td>Agency</td>
<td>Designer</td>
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<tr>
<td></td>
<td></td>
<td>Tier 1</td>
<td>All</td>
<td>All</td>
</tr>
<tr>
<td>A.4.207.9 In cooling Climate Zones 2, 4, and 8 through 15 install a whole-house fan with insulated louvers or an insulated cover.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>A.4.207.10 ENERGY STAR ceiling fans are installed in all bedrooms and living areas.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Water Heating Solar Energy System and Installation</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>A.4.208.1 The Energy Factor (EF) for a gas-fired storage water heater is higher than .60.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>A.4.208.2 The Energy Factor (EF) for a gas-fired tankless water heater is .60 or higher.</td>
<td>☐</td>
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</tr>
<tr>
<td>A.4.208.3 Where the hot water source is more than 10 feet from a fixture, the potable water distribution system shall convey hot water using a method designed to minimize wait time for hot water to arrive at the fixture.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Lighting</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>A.4.209.1 Building lighting consists of at least 90 percent ENERGY STAR qualified hard-wired fixtures.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Appliances</td>
<td>☐</td>
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<tr>
<td>A.4.210.1 Each appliance provided by the builder meets ENERGY STAR if an ENERGY STAR designation is applicable for that appliance.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Renewable Energy</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>A.4.211.1 Install a solar photovoltaic (PV) system in compliance with the California Energy Commission New Solar Homes Partnership (NSHP).&lt;sup&gt;1,2&lt;/sup&gt; Install energy efficiency measures meeting either Tier I or Tier II below.</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Tier 1, Exceed the California Energy Code requirements, based on the 2008 Energy Efficiency Standards requirements by 15 percent.</td>
<td>☐</td>
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<tr>
<td>Tier 2, Exceed the California Energy Code requirements, based on the 2008 Energy Efficiency Standards requirements by 30 percent.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>Solar water heating may be used to assist in meeting the energy efficiency requirements of either Tier I or Tier II.</td>
<td>☐</td>
<td>☐</td>
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</tr>
<tr>
<td>1. In addition, for either Tier I or II, each appliance provided by the builder must be ENERGY STAR if an ENERGY STAR designation is applicable for that appliance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>A.4.211.2 A solar water heating system is installed.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>A.4.211.3 Space on the roof surface and penetrations through the roof surface are provided for future solar installation.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>A.4.211.4 A minimum one-inch conduit is provided from the electrical service equipment for the future installation of a photovoltaic (PV) system.</td>
<td>☐</td>
<td>☐</td>
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</tbody>
</table>

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<th>VERIFICATIONS ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prerequisites and electives</td>
<td>Enforcing Agency</td>
</tr>
<tr>
<td></td>
<td>Mandatory</td>
<td>Tier 1</td>
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<tr>
<td>A4.213.1 Items in this section are necessary to address innovative concepts or local environmental conditions.</td>
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<tr>
<td>Item 1</td>
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<td>Item 2</td>
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<tr>
<td>Item 3</td>
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<td>☐</td>
</tr>
<tr>
<td>WATER SAVING AND CONSERVATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.303.1 Indoor water use shall be reduced by at least 20 percent using one of the following methods.</td>
<td>☒ 7/01/2011</td>
<td></td>
</tr>
<tr>
<td>1. Water saving fixtures or flow restrictors shall be used.</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2. A 20 percent reduction in baseline water use shall be demonstrated.</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4.303.2 When using the calculation method specified in Section 4.303.1, multiple showerheads shall not exceed maximum flow rates.</td>
<td>☒ 7/01/2011</td>
<td></td>
</tr>
<tr>
<td>4.303.3 Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with specified performance requirements.</td>
<td>☒ 7/01/2011</td>
<td></td>
</tr>
<tr>
<td>A4.303.1 Kitchen faucets and dishwashers shall comply with this section.</td>
<td>☒ 2</td>
<td>☒ 2</td>
</tr>
<tr>
<td>Tier 1. The maximum flow rate at a kitchen sink faucet shall not be greater than 1.5 gallons per minute at 60 psi.</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Tier 2. In addition to the kitchen faucet requirements for Tier 1, dishwashers in Tier 2 buildings shall be ENERGY STAR qualified and not use more than 5.8 gallons of water per cycle.</td>
<td>☒ 2</td>
<td>☒ 2</td>
</tr>
<tr>
<td>A4.303.2 Nonwater supplied urinals or waterless toilets are installed.</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>OUTDOOR WATER</td>
<td></td>
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</tr>
<tr>
<td>4.304.1 Automatic irrigation systems controllers installed at the time of final inspection shall be weather-based.</td>
<td>☒</td>
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</tr>
<tr>
<td>A4.304.1 Install a low-water consumption irrigation system which minimizes the use of spray-type heads.</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>A4.304.2 A rainwater capture, storage and re-use system is designed and installed.</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>A4.304.3 A water budget shall be developed for landscape irrigation.</td>
<td>☐</td>
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</tbody>
</table>

continued
### SECTION A4.602
RESIDENTIAL OCCUPANCIES APPLICATION CHECKLIST—continued

<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>LEVELS APPLICANT TO SELECT ELECTIVE MEASURES</th>
<th>PREREQUISITES AND ELECTIVES</th>
<th>ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mandatory Tier 1 Tier 2</td>
<td>All</td>
<td>All</td>
</tr>
<tr>
<td>A4.304.4 Provide water efficient landscape irrigation design that reduces the use of potable water.</td>
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<tr>
<td>Tier 1. Does not exceed 65 percent of ETo times the landscape area.</td>
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<tr>
<td>Tier 2. Does not exceed 60 percent of ETo times the landscape area.</td>
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<tr>
<td>A4.304.5 A landscape design is installed which does not utilize potable water.</td>
<td></td>
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<tr>
<td>A4.305.1 Piping is installed to permit fixture use of a graywater irrigation system served by the clothes washer or other fixtures.</td>
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<tr>
<td>A4.305.2 Recycled water piping is installed.</td>
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<tr>
<td>A4.305.3 Recycled water is used for landscape irrigation.</td>
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<tr>
<td>A4.306.1 Items in this section are necessary to address innovative concepts or local environmental conditions.</td>
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<td>Item 1</td>
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<td>Item 2</td>
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<td>Item 3</td>
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<tr>
<td>A4.401.1 A Frost-Protected Shallow Foundation (FPSF) is designed and constructed.</td>
<td></td>
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<tr>
<td>A4.401.2 Cement use in foundation mix design is reduced.</td>
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<tr>
<td>Tier 1. Not less than a 20 percent reduction in cement use.</td>
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<tr>
<td>Tier 2. Not less than a 25 percent reduction in cement use.</td>
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<tr>
<td>A4.401.3 Beams and headers and sizers are the minimum size to adequately support the load.</td>
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<tr>
<td>A4.401.4 Building dimensions and layouts are designed to minimize waste.</td>
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<tr>
<td>A4.401.5 Use premanufactured building systems to eliminate solid sawn lumber whenever possible.</td>
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<tr>
<td>A4.401.4 Material lists are included in the plans which specify material quantity and provide direction for on-site cuts.</td>
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</tbody>
</table>

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### Material Sources

**A4.405.1** One or more of the following building materials, that do not require additional resources for finishing are used:
1. Exterior trim not requiring paint or stain
2. Windows not requiring paint or stain
3. Siding or exterior wall coverings which do not require paint or stain

### Enhanced Durability and Reduced Maintenance

**A4.406.1** Joints and openings. Annular spaces around pipes, electric cables, conduits or other openings in plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry or similar method acceptable to the enforcing agency.

**A4.407.1** Install foundation and landscape drains.

**A4.407.2** Install gutter and downspout systems to route water at least 3 feet away from the foundation or connect to landscape drains which discharge to a dry well, sump, bioswale, rainwater capture system or other approved on-site location.

**A4.407.3** Provide flashing details on the building plans and comply with accepted industry standards or manufacturer's instructions.

**A4.407.4** Protect building materials delivered to the construction site from rain and other sources of moisture.

**A4.407.5** In Climate Zone 16 an ice/water barrier is installed at roof valleys, eaves and wall to roof intersections.

**A4.407.6** Exterior doors to the dwelling are protected to prevent water intrusion.

**A4.407.7** A permanent overhang or awning at least 2 feet in depth is provided.

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<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>LEVELS APPLICANT TO SELECT ELECTIVE MEASURES</th>
<th>VERIFICATIONS ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
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<td><strong>Mandatory</strong></td>
<td><strong>Tier 1</strong></td>
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<tr>
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<td></td>
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<tr>
<td>Construction Waste Reduction, Transfer,</td>
<td></td>
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<tr>
<td>and Recycling</td>
<td></td>
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<tr>
<td>4.406.1 A minimum of 50 percent of the</td>
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<td>construction waste generated at the</td>
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<tr>
<td>site is diverted to recycle or salvage</td>
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<tr>
<td>4.406.2 Where a local jurisdiction does</td>
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<td>not have a construction and demolition</td>
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<td>waste management ordinance, a</td>
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<tr>
<td>construction waste management plan</td>
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<td>shall be submitted for approval to the</td>
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<td>enforcing agency.</td>
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<tr>
<td>4.408.1 Construction waste generated</td>
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<tr>
<td>at the site is diverted to recycle or</td>
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<td>salvage in compliance with one of the</td>
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<td>following:</td>
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<tr>
<td>1. Tier 1 at least a 65 percent</td>
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<td>reduction</td>
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<td>2. Tier 2 at least a 75 percent</td>
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<td>reduction</td>
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<td>Exception: Equivalent waste reduction</td>
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<td>methods are developed by working with</td>
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<td>local agencies.</td>
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<tr>
<td>Building Maintenance and Operation</td>
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<tr>
<td>4.410.1 An operation and maintenance</td>
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<td>manual shall be provided to the</td>
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<td>building occupant or owner.</td>
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<td>Indoor/Outdoor and Local Environmental</td>
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<tr>
<td>Conditions</td>
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<tr>
<td>4.411.1 Items in this section are</td>
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<td>necessary to address innovative concepts</td>
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<td>or local environmental conditions.</td>
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<td>Item 1</td>
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<td>Item 2</td>
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<td>Item 3</td>
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<tr>
<td>Environmental Quality</td>
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<tr>
<td>Fireplaces</td>
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<tr>
<td>4.503.1 Any installed gas fireplace</td>
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<tr>
<td>shall be a direct-vent sealed-</td>
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<tr>
<td>combustion type. Any installed woodstove</td>
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<td>or pellet stove shall comply with US EPA</td>
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<td>Phase II emission limits where</td>
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<td>applicable. Woodstoves, pellet stoves</td>
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<td>and fireplaces shall also comply with</td>
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<td>applicable local ordinances.</td>
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<tr>
<td>Pollutant Control</td>
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<tr>
<td>4.504.1 Duct openings and other related</td>
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<tr>
<td>air distribution component openings</td>
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<td>shall be covered during construction.</td>
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<tr>
<td>4.504.2.1 Adhesives, sealants and</td>
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<td>caulks shall be compliant with VOC and</td>
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<td>other toxic compound limits.</td>
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<tr>
<td>4.504.2.2 Paints, stains and other</td>
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<tr>
<td>coatings shall be compliant with VOC</td>
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<td>limits.</td>
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<tr>
<td>4.504.2.3 Aerosol paints and coatings</td>
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<tr>
<td>shall be compliant with product</td>
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<td>weighted MIR limits for VOC and other</td>
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<td>toxic compounds.</td>
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<tr>
<td>4.504.2.4 Documentation shall be</td>
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<td>provided to verify that</td>
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<tr>
<td>compliant VOC limit finish</td>
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<tr>
<td>materials have been used.</td>
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</tr>
</tbody>
</table>

*continued*
<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>LEVELS APPLICANT TO SELECT ELECTIVE MEASURES</th>
<th>VERIFICATIONS ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PREREQUISITES AND ELECTIVES</td>
<td>ENFORCING AGENCY</td>
</tr>
<tr>
<td></td>
<td>MANDATORY</td>
<td>TIER 1</td>
</tr>
<tr>
<td>4.504.3 Carpet and carpet systems shall be compliant with VOC limits.</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>4.504.4 50 percent of floor area receiving resilient flooring shall comply with the VOC-emission limits defined in the Collaborative for High Performance Schools (CHPS) Low-emitting Materials List or be certified under the Resilient Floor Covering Institute (RFCI) FloorScore program.</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>4.504.5 Particleboard, medium density fiberboard (MDF) and hardwood plywood used in interior finish systems shall comply with low formaldehyde emission standards.</td>
<td>☒</td>
<td></td>
</tr>
<tr>
<td>A.4.504.1 Meet the formaldehyde limits contained in Table 4.504.5 before the mandatory compliance date, or use composite wood products made with either California Air Resources Board approved no-added formaldehyde (NAF) resins or ultra-low emitting formaldehyde (ULEF) resins.</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>A.4.504.2 Install VOC compliant resilient flooring systems. Tier 1: At least 80 percent of the resilient flooring installed shall comply. Tier 2: At least 90 percent of the resilient flooring installed shall comply.</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>A.4.504.3 Thermal insulation installed in the building shall meet the following requirements: Tier 1: Install thermal insulation in compliance with the VOC-emission limits defined in Collaborative for High Performance Schools (CHPS) Low-emitting Materials List. Tier 2: Install insulation which contains No-Added Formaldehyde (NAF) and is in compliance with the VOC-emission limits defined in Collaborative for High Performance Schools (CHPS) Low-emitting Materials List.</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>Interior Moisture Control</td>
<td></td>
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<tr>
<td>4.505.2 Vapor retarder and capillary break is installed at slab on grade foundations.</td>
<td>☒</td>
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</tr>
<tr>
<td>4.505.3 Moisture content of building materials used in wall and floor framing is checked before enclosure.</td>
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</tr>
<tr>
<td>Indoor Air Quality and Exhaust</td>
<td></td>
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<tr>
<td>4.506.1 Exhaust fans which terminate outside the building are provided in every bathroom.</td>
<td>☒</td>
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<tr>
<td>A.4.506.1 Higher than MERV 6 filters are installed on central air or ventilation systems.</td>
<td></td>
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<tr>
<td>A.4.506.2 Direct vent appliances are used or isolated from the conditioned space.</td>
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</tr>
</tbody>
</table>

continued
### SECTIONS A4.602

**RESIDENTIAL OCCUPANCIES APPLICATION CHECKLIST—continued**

<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>LEVELS APPLICANT TO SELECT ELECTIVE MEASURES</th>
<th>VERIFICATIONS ENFORCING AGENCY TO SPECIFY VERIFICATION METHOD</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mandatory Tier 1 Tier 2</td>
<td>Enforcing Agency Installer or Designer Third party</td>
</tr>
<tr>
<td>Environmental Controls</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.507.1 Whole house exhaust fans shall have insulated louvers or covers which close when the fan is off. Covers or louvers shall have a minimum insulation value of R-4.2.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>4.507.2 Duct systems are sized, designed, and equipment is selected using the following methods: 1. Establish heat loss and heat gain values according to ACCA Manual J or equivalent. 2. Size duct systems according to ACCA 29-D (Manual D) or equivalent. 3. Select heating and cooling equipment according to ACCA 36-S (Manual S) or equivalent.</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

### A4.509.1 Items in this section are necessary to address innovative concepts or local environmental conditions.

- Item 1
- Item 2
- Item 3

### 702.1 HVAC system installers are trained and certified in the proper installation of HVAC systems.

- ☒ | ☐ | ☐ | ☐ |

### 702.2 Special inspectors employed by the enforcing agency must be qualified and able to demonstrate competence in the discipline they are inspecting.

- ☒ | ☐ | ☐ | ☐ |

### 703.1 Verification of compliance with this code may include construction documents, plans, specifications, builder or installer certification, inspection reports, or other methods acceptable to the enforcing agency which show substantial conformance.

- ☒ | ☐ | ☐ | ☐ |

1. Green building measures listed in this table may be mandatory if adopted by a city, county, or city and county as specified in Section 101.7.
2. Required prerequisite for this Tier.
### Division A5.7 - NONRESIDENTIAL CHECKLISTS

<table>
<thead>
<tr>
<th>APPLICATION CHECKLIST FOR BSC</th>
<th>MANDATORY</th>
<th>CALGreen Tier 1</th>
<th>CALGreen Tier 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transportation and Traffic</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A5.103.1 Community connectivity, Locate project on a previously developed site within a 1/2 mile radius of at least the basic services, listed in Section A5.103.1.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.103.2 Brownfield or greyfield site redevelopment or infill area development. Select for development a brownfield in accordance with Section A5.103.2.1 or on a greyfield or infill site as defined in Section A5.102.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A5.103.3.1 Brownfield redevelopment. Develop a site documented as contaminated and fully remediated or on a site defined as a brownfield.</td>
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<tr>
<td><strong>Site Planning</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A5.104.1.1 Local zoning requirement in place. Exceed the zoning's open space requirement for vegetated open space on the site by 25 percent.</td>
<td></td>
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</tr>
<tr>
<td>A5.104.1.2 No local zoning requirement in place. Provide vegetated open space area adjacent to the building equal to the building footprint area.</td>
<td></td>
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</tr>
<tr>
<td>A5.104.1.3 No open space required in zoning ordinance. Provide vegetated open space equal to 20 percent of the total project site area.</td>
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<tr>
<td><strong>Deconstruction and Reuse and salvaging structures</strong></td>
<td></td>
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</tr>
<tr>
<td>A5.105.1.1 Existing building structure. Maintain at least 75 percent of existing building structure (including structural floor and roof decking) and envelope (exterior skin and framing) based on surface area.</td>
<td></td>
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<tr>
<td>Exceptions:</td>
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</tr>
<tr>
<td>1. Window assemblies and nonstructural roofing material.</td>
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<tr>
<td>2. Hazardous materials that are remediated as a part of the project.</td>
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<tr>
<td>3. A project with an addition of more than two times the square footage of the existing building.</td>
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<tr>
<td>A5.105.1.2 Existing nonstructural elements. Reuse existing interior nonstructural elements (interior walls, doors, floor coverings and ceiling systems) in at least 50 percent of the area of the completed building (including additions).</td>
<td></td>
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<tr>
<td>Exception: A project with an addition of more than two times the square footage of the existing building.</td>
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<tr>
<td>A5.105.1.3 Salvage. Salvage additional items in good condition such as light fixtures, plumbing fixtures and doors for reuse on this project in an onsite storage area or for salvage in dedicated collection bins. Document the weight or number of the items salvaged.</td>
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<tr>
<td><strong>Stormwater management</strong></td>
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<tr>
<td>S.106.1 Storm water pollution prevention plan. For projects of one acre or less, develop a Storm Water Pollution Prevention Plan (SWPPP) that has been designed, specific to its site, conforming to the State Storm Water NPDES Construction Permit or local ordinance, whichever is stricter, as is required for projects over one acre. The plan should cover prevention of soil loss by storm water run-off and/or wind erosion, of sedimentation and/or of dust/particulate matter air pollution.</td>
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</tr>
<tr>
<td>A5.106.2 Storm water design. Design storm water runoff rate and quantity in conformance with Section A5.106.3.1 and storm water runoff quality by Section A5.106.3.2 or by local requirements, whichever are stricter.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A5.106.2.1 Storm water runoff rate and quantity. Implement a storm water management plan resulting in no net increase in rate and quantity of storm water runoff from existing to developed conditions.</td>
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<tr>
<td>Exception: If the site is already greater than 50 percent impervious, implement a storm water management plan resulting in a 25 percent decrease in rate and quantity.</td>
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<tr>
<td>A5.106.2.2 Storm water runoff quality. Use post construction treatment control best management practices (BMPs) to mitigate (infiltrate, filter or treat) storm water runoff from the 85th percentile 24-hour runoff event (for volume-based BMPs) or the runoff produced by a rain event equal to two times the 85th percentile hourly intensity (for flow-based BMPs).</td>
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<tr>
<td>A5.106.3 Low impact development (LID). Reduce peak runoff in compliance with Section 5.106.3.1. Employ at least two of the following methods or other best management practices to</td>
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<tr>
<td>allow rainwater to soak into the ground, evaporate into the air or collect in storage receptacles for irrigation or other beneficial uses. LID strategies include, but are not limited to those listed in Section A5.106.4.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>APPLICATION CHECKLIST FOR BSC</th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.106.4 Bicycle parking and changing rooms. Comply with Sections 5.106.4.1 and 5.106.4.2; or meet local ordinance, whichever is stricter.</td>
<td></td>
<td>CALGreen Tier 1 CALGreen Tier 2</td>
</tr>
<tr>
<td>5.106.4.1 Short-Term bicycle parking. If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors’ entrance, readily visible to passers-by, for 5 percent of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack.</td>
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</tr>
<tr>
<td>5.106.4.2 Long-Term bicycle parking. For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5 percent of tenant-occupied motorized vehicle parking capacity, with a minimum of one space.</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>A5.106.4.3 Changing rooms. For buildings with over 10 tenant-occupants, provide changing/shower facilities in accordance with Table A5.106.4.3 or document arrangements with nearby changing/shower facilities.</td>
<td></td>
<td>☐ ☐</td>
</tr>
<tr>
<td>A5.106.5.1 Designated parking for fuel-efficient vehicles. Provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in:</td>
<td>☐</td>
<td>☒ ☒</td>
</tr>
<tr>
<td>Table A5.106.5.1.1 for Tier 1 at 10 percent of total spaces</td>
<td></td>
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</tr>
<tr>
<td>Table A5.106.5.1.2 for Tier 2 at 12 percent of total spaces</td>
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</tr>
<tr>
<td>A5.106.5.2 Designated parking. Provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table A5.106.6.2.</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>A5.106.5.3.1 Electric vehicle supply wiring. For each space required in Table A406.1.6.2.1, provide one 120 VAC 20 amp and one 208/240 V 40 amp, grounded AC outlets or panel capacity and conduit installed for future outlet and as shown in Table A5.106.5.3.1.</td>
<td></td>
<td>☐ ☐</td>
</tr>
<tr>
<td>A5.106.6 Parking capacity. Design parking capacity to meet but not exceed minimum local zoning requirements.</td>
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<td>☐ ☐</td>
</tr>
<tr>
<td>A5.106.6.1 Reduce parking capacity. With the approval of the enforcement authority, employ strategies to reduce on-site parking area by:</td>
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<td>☐ ☐</td>
</tr>
<tr>
<td>1. Use of on street parking or compact spaces, illustrated on the site plan or</td>
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</tr>
<tr>
<td>2. Implementation and documentation of programs that encourage occupants to carpool, ride share or use alternate transportation.</td>
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</tr>
<tr>
<td>A5.106.7 Exterior walls. Meet requirements in the current edition of the California Energy Code and select one of the following for wall surfaces:</td>
<td>☐</td>
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</tr>
<tr>
<td>1. Provide vegetative or man-made shading devices for east-, south- and west-facing walls with windows.</td>
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</tr>
<tr>
<td>2. Use wall surfaces with minimum SRI 25 (aged), for 75 percent of opaque wall areas.</td>
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</tr>
<tr>
<td>A5.106.8 Light pollution reduction. Comply with lighting power requirements in the California Energy Code and design interior and exterior lighting such that zero direct-beam illumination leaves the building site. Meet or exceed exterior light levels and uniformity ratios for lighting zones 1 – 4 as defined in Chapter 10 of the California Administrative Code, using the following strategies:</td>
<td>☒</td>
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</tr>
<tr>
<td>1. Shield all exterior luminaires or use cutoff luminaires.</td>
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<tr>
<td>2. Contain interior lighting within each source.</td>
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<tr>
<td>3. Allow no more than .01 horizontal foot candle 15 ft beyond the site.</td>
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<tr>
<td>4. Contain all exterior lighting within property boundaries.</td>
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<td>☒</td>
</tr>
<tr>
<td>Exception: See Part 2, Chapter 12, Section 1205.6 for campus lighting requirements for parking facilities and walkways.</td>
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<td>☒</td>
</tr>
<tr>
<td>A5.106.9 Building orientation. Locate and orient the building as follows:</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>1. Long sides facing north and south</td>
<td></td>
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</tr>
<tr>
<td>2. Protect the building from thermal loss, drafts and degradation of the building envelope caused by wind and wind-driven materials.</td>
<td></td>
<td>☐</td>
</tr>
<tr>
<td>A5.106.10 Grading and paving. The site shall be planned and developed to keep surface water away from buildings. Construction plans shall indicate how site grading or a drainage system will manage all surface water flows.</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>A5.106.11 Heat island effect. Reduce nonroof heat islands and roof heat islands as follows:</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>A5.106.11.1 Hardscape alternatives. Use one or a combination of strategies 1 through 3 for 50 percent of site hardscape or put 50 percent of parking underground.</td>
<td></td>
<td>☒ ☒</td>
</tr>
<tr>
<td>1. Provide shade (mature within 5 years of occupancy).</td>
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<td>☒</td>
</tr>
<tr>
<td>2. Use light colored/ high-albedo materials.</td>
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</tr>
<tr>
<td>3. Use open-grid pavement system.</td>
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<tr>
<td>A5.106.11.2 Cool roof. Use roofing materials having solar reflectance, thermal emittance or Solar Reflectance Index (SRI)3 equal to or greater than the values shown in:</td>
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<tr>
<td>Table A5.106.11.2.1 – Tier 1 or</td>
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<tr>
<td>Table A5.106.11.2.2 – Tier 2</td>
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<thead>
<tr>
<th>APPLICATION CHECKLIST FOR BSC</th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Energy Performance</strong></td>
<td></td>
<td>CALGreen Tier 1</td>
</tr>
<tr>
<td>5.201.1 Scope. The California Energy Commission will continue to adopt mandatory building standards.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.203.1 Energy performance. Using an Alternative Calculation Method approved by the California Energy Commission, calculate each nonresidential building's TDV energy and CO2 emissions and compare it to the standard or &quot;budget&quot; building.</td>
<td>☑️</td>
<td>☑️</td>
</tr>
<tr>
<td>A5.203.1.2 Tier 2. Exceed California Energy Code requirements, based on the 2008 Energy Efficiency Standards, by 30 percent.</td>
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</tr>
<tr>
<td><strong>Performance Requirements</strong></td>
<td></td>
<td>CALGreen Tier 1</td>
</tr>
<tr>
<td>A5.204.1 ENERGY STAR equipment and appliances. All equipment and appliances provided by the builder shall be ENERGY STAR labeled if ENERGY STAR is applicable to that equipment or appliance.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.204.2 Energy monitoring. Provide submetering or equivalent combinations of sensor measurements and thermodynamic calculations, if appropriate, to record energy use data for each major energy system in the building.</td>
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</tr>
<tr>
<td>A5.204.2.1 Data storage. The data management system must be capable of electronically storing energy data and creating user reports showing hourly, daily, monthly and annual energy consumption for each major energy system.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.204.2.2 Data access. Hourly energy use data shall be accessible through a central data management system and must be available daily.</td>
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</tr>
<tr>
<td>A5.204.3 Demand response. HVAC systems with Direct Digital Control Systems and centralized lighting systems shall include preprogrammed demand response strategies that are automated with either a Demand Response Automation Internet Software Client or dry contact relays.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.204.3.1 HVAC. The preprogrammed demand response strategies should be capable of reducing the peak HVAC demand by cooling temperature set point adjustment.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.204.3.2 Lighting. The preprogrammed demand response strategies should be capable of reducing the total lighting load by a minimum of 30 percent through dimming control or bi-level switching.</td>
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<tr>
<td>A5.204.3.3 Software clients. The software clients will be capable of communicating with a DR Automation Server.</td>
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</tr>
<tr>
<td><strong>Renewable Energy</strong></td>
<td></td>
<td>CALGreen Tier 1</td>
</tr>
<tr>
<td>A5.211.1 On-site renewable energy. Use on-site renewable energy for at least 1 percent of the electrical service overcurrent protection device rating calculated in accordance with the 2007 California Electrical Code or 1KW, whichever is greater, in addition to the electrical demand required to meet 1 percent of natural gas and propane use calculated in accordance with the 2007 California Plumbing Code.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.211.1.1 Documentation. Calculate renewable on-site system to meet the requirements of Section A5.211.1. Factor in net-metering, if offered by local utility, on an annual basis.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.211.3 Green power. Participate in the local utility's renewable energy portfolio program that provides a minimum of 50 percent electrical power from renewable sources. Maintain documentation through utility billings.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.211.4 Prewiring for future solar. Install conduit from the building roof or eave to a location within the building identified as suitable for future installation of a charge controller (regulator) and inverter.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.211.4.1 Off-grid prewiring for future solar. If battery storage is anticipated, conduit should run to a location within the building that is stable, weather-proof, insulated against very hot and very cold weather and isolated from occupant sources.</td>
<td>☑️</td>
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</tr>
<tr>
<td><strong>Lifts and Escalators and Other Equipment</strong></td>
<td></td>
<td>CALGreen Tier 1</td>
</tr>
<tr>
<td>A5.212.1 Elevators and escalators. In buildings with more than one elevator or two escalators, provide controls to reduce the energy demand of elevators and reduce the speed of escalators.</td>
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<tr>
<td>A5.212.2 Elevators and other equipment.</td>
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<tr>
<td>A5.213.1 Steel framing. Design for and employ techniques to avoid thermal bridging.</td>
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</tbody>
</table>

*continued*
## APPLICATION CHECKLIST FOR BSC

<table>
<thead>
<tr>
<th>MANDATORY</th>
<th>CALGreen Tier 1</th>
<th>CALGreen Tier 2</th>
</tr>
</thead>
</table>

### 5.303.1 Meters. Separate meters shall be installed for the uses described in Sections 503.1.1 through 503.1.3.
#### 5.303.1.1 Buildings in excess of 50,000 square feet. Separate submeters shall be installed as follows:
1. For each individual leased, rented or other tenant space within the building projected to consume more than 100 gal/day.
2. For spaces used for laundry or cleaners, restaurant or food service, medical or dental office, laboratory or beauty salon or barber shop projected to consume more than 100 gal/day.
#### 5.303.1.2 Excess consumption. Any building within a project or space within a building that is projected to consume more than 1,000 gal/day.

### 5.303.2 20 percent savings. A schedule of plumbing fixtures and fixture fittings that will reduce the overall use of potable water within the building by 20 percent shall be provided.
(Calculate savings by Water Use Worksheets)
#### 5.303.2.1 Multiple showerheads serving one shower. When single shower fixtures are served by more than one showerhead, the combined flow rate of all the showerheads shall not exceed the maximum flow rates specified in the 20 percent reduction column contained in Table 5.303.2.3 or the shower shall be designed to only allow one showerhead to be in operation at a time.

### 5.303.3 Appliances.
1. Clothes washers shall have a maximum Water Factor (WF) that will reduce the use of water.
2. Dishwashers shall meet the criteria in Section A5.303.3(2)(a) and (b).
3. Ice makers shall be air cooled.
4. Food steamers shall be connectionless or boilerless.
5. The use and installation of water softeners shall be limited or prohibited by local agencies.

### 5.303.4 Wastewater reduction. Each building shall reduce the generation of wastewater by one of the following methods:
1. The installation of water-conserving fixtures or
2. Utilizing nonpotable water systems.

### 5.303.5 Dual plumbing. New buildings and facilities shall be dual plumbed for potable and recycled water systems.

### 5.303.6 Plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the requirements listed for each type in Items listed in Table 5.303.6.
1. Water closets (toilets) - flushometer type
2. Water closets (toilets) - tank type
3. Urinals
4. Public lavatory faucets
5. Public metering self-closing faucets
6. Residential bathroom lavatory sink faucets
7. Residential kitchen faucets
8. Residential shower heads
9. Single shower fixtures served by more than one showerhead

continued
### Voluntary Measures

<table>
<thead>
<tr>
<th>Application Checklist for BSC</th>
<th>Mandatory</th>
<th>CALGreen Tier 1</th>
<th>CALGreen Tier 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.304.1 Water budget.</strong> A water budget shall be developed for landscape irrigation use.</td>
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<tr>
<td><strong>5.304.2 Outdoor potable water use.</strong> For new water service, separate meters or submeters shall be installed for indoor and outdoor potable water use for landscaped areas between 1,000 square feet and 5,000 square feet.</td>
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<tr>
<td><strong>5.304.3 Irrigation design.</strong> In new nonresidential projects with between 1,000 and 2,500 square feet of landscaped area (the level at which the MLO applies), install irrigation controllers and sensors which include the following criteria and meet manufacturer’s recommendations.</td>
<td>☒ As applicable</td>
<td>☒</td>
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<tr>
<td><strong>5.304.3.1 Irrigation controllers.</strong> Automatic irrigation system controllers installed at the time of final inspection shall comply with the following:</td>
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<tr>
<td>1. Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.</td>
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<tr>
<td>2. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.</td>
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<tr>
<td><strong>5.304.4 Potable water reduction.</strong> Provide water efficient landscape irrigation design that reduces by the use of potable water.</td>
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</tr>
<tr>
<td><strong>5.304.4.1 Tier 1 – Reduce the use of potable water to a quantity that does not exceed 60 percent of ET times the landscape area.</strong></td>
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</tr>
<tr>
<td><strong>5.304.4.2 Tier 2 – Reduce the use of potable water to a quantity that does not exceed 55 percent of ET times the landscape area.</strong></td>
<td>☒</td>
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</tr>
<tr>
<td>Methods used to accomplish the requirements of this section shall include, but not be limited to, the items listed in A5.304.4.</td>
<td>☒</td>
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</tr>
<tr>
<td><strong>5.304.4.3 Verification of compliance.</strong> A calculation demonstrating the applicable potable water use reduction required by this section shall be provided.</td>
<td>☒</td>
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</tr>
<tr>
<td><strong>5.304.5 Potable water elimination.</strong> Provide a water efficient landscape irrigation design that eliminates the use of potable water beyond the initial requirements for plant installation and establishment.</td>
<td>☒</td>
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</tr>
<tr>
<td>Methods used to accomplish the requirements of this section shall include, but not be limited to, the items listed in Section A5.304.4.</td>
<td>☒</td>
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<tr>
<td><strong>5.304.6 Restoration of areas disturbed by construction.</strong> Restore all areas disturbed during construction by planting with local native and/or noninvasive vegetation.</td>
<td>☒</td>
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</tr>
<tr>
<td><strong>5.104.7 Previously developed sites.</strong> On previously developed or graded sites, restore or protect at least 50 percent of the site area with native and/or noninvasive vegetation.</td>
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</tr>
<tr>
<td><strong>5.304.8 Graywater irrigation system.</strong> Install graywater collection system for onsite subsurface irrigation using graywater.</td>
<td>☒</td>
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<tr>
<td><strong>5.404.1 Wood framing.</strong> Employ advanced wood framing techniques or OVE, as permitted by the enforcing agency.</td>
<td>☒</td>
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</tr>
<tr>
<td><strong>5.405.1 Regional materials.</strong> Select building materials or products for permanent installation on the project that have been harvested or manufactured in California or within 500 miles of the project site, meeting the criteria listed in Section A5.405.1.</td>
<td>☒</td>
<td>☒</td>
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</tr>
<tr>
<td><strong>5.405.2 Bio-based materials.</strong> Select bio-based building materials per Section A5.405.2.1 or A5.405.2.2.</td>
<td>☒</td>
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</tr>
<tr>
<td><strong>5.405.2.1 Certified wood products.</strong> Certified wood is an important component of green building strategies and the California Building Standards Commission will continue to develop a standard through the next code cycle.</td>
<td>☒</td>
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</tr>
<tr>
<td><strong>5.405.2.2 Rapidly renewable materials.</strong> Use materials made from plants harvested within a ten-year cycle for at least 2.5 percent of total materials value, based on estimated cost.</td>
<td>☒</td>
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</tr>
<tr>
<td><strong>5.405.3 Reused materials.</strong> Use salvaged, refurbished, refinished or reused materials for at least 5 percent of the total value, based on estimated cost of materials on the project.</td>
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<table>
<thead>
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<th>APPLICATION CHECKLIST FOR BSC</th>
<th>MANDATORY</th>
<th>CALGreen Tier 1</th>
<th>CALGreen Tier 2</th>
</tr>
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<tbody>
<tr>
<td><strong>A5.405.4 Recycled content, Tier 1. Use materials, equivalent in performance to virgin materials, with postconsumer or preconsumer recycled content value (RCV) equaling at least 10 percent of the total value, based on estimated cost of materials on the project. Provide documentation as to the respective values.</strong></td>
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<tr>
<td><strong>A5.405.4.1 Recycled content, Tier 2. Use materials, equivalent in performance to virgin materials, with postconsumer or preconsumer recycled content value (RCV) for a minimum of 15 percent of the total value, based on estimated cost of materials on the project. Provide documentation as to the respective values.</strong></td>
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</tr>
<tr>
<td><strong>A5.405.5 Cement and concrete. Use cement and concrete made with recycled products and complying with the following sections:</strong></td>
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<tr>
<td><strong>A5.405.5.1 Cement. Meet the following standards for cement:</strong></td>
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<tr>
<td>1. Portland cement shall meet ASTM C 150.</td>
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<tr>
<td>2. Blended hydraulic cement shall meet ASTM C 595.</td>
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<tr>
<td><strong>A5.405.5.2 Concrete. Unless otherwise directed by the engineer, use concrete manufactured with cementsitious materials in accordance with Sections A5.405.5.2.1 and A5.405.5.2.2, as approved by the enforcing agency.</strong></td>
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<tr>
<td><strong>A5.405.5.2.1 Supplementary cementitious materials (SCMs). Use concrete made with one or more of the SCMs listed in Section A5.405.5.2.1.</strong></td>
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<tr>
<td><strong>A5.405.5.2.1.1 Mix design equation. Use any combination of one or more SCMs, satisfying Equation A4.3-1.</strong></td>
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<tr>
<td>Exception: Minimums for concrete products requiring high early strength may be lower as directed by the engineer.</td>
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<tr>
<td><strong>A5.405.5.3 Additional means of compliance. Any of the following measures may be employed for the production of cement or concrete, depending on their availability and suitability, in conjunction with Section A5.405.5.2.</strong></td>
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</tr>
<tr>
<td><strong>A5.405.5.3.1 Cement. The following measures may be used in the manufacture of cement:</strong></td>
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<tr>
<td><strong>A5.405.5.3.1.1 Alternative fuels. Where permitted by state or local air quality standards, use alternative fuels.</strong></td>
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<tr>
<td><strong>A5.405.5.3.1.2 Alternative power. Use alternate electric power generated at the cement plant and/or green power purchased from the utility meeting the requirements of Section A5.211.</strong></td>
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<tr>
<td><strong>A5.405.5.3.1.3 Alternative ingredients. Use inorganic processing additions and limestone meeting ASTM C 150.</strong></td>
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<tr>
<td><strong>A5.405.5.3.2 Concrete. The following measures may be used in the manufacture of concrete:</strong></td>
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<tr>
<td><strong>A5.405.5.3.2.1 Alternative energy. Use renewable or alternative energy meeting the requirements of Section A5.211.</strong></td>
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</tr>
<tr>
<td><strong>A5.405.5.3.2.2 Recycled aggregates. Use concrete made with one or more of the materials listed in Section A5.405.5.3.2.2.</strong></td>
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<tr>
<td><strong>A5.405.5.3.2.3 Mixing water. Use water meeting ASTM C 1602, either recycled water provided by the local water purveyor or water reclaimed from manufacturing processes.</strong></td>
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<tr>
<td>** enhanced Durability and Reduced Maintenance.**</td>
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<tr>
<td><strong>A5.406.1.1 Service life. Select materials for longevity and minimal deterioration under conditions of use.</strong></td>
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<tr>
<td><strong>A5.406.1.2 Reduced maintenance. Select materials that require little, if any, finishing.</strong></td>
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<tr>
<td><strong>A5.406.1.3 Recyclability. Select materials that can be re-used or recycled at the end of their service life.</strong></td>
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<tr>
<td><strong>Weather Resistant Envelope and Water Resistant Interior.</strong></td>
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<tr>
<td><strong>5.407.1 Weather protection. Provide a weather-resistant exterior wall and foundation envelope as required by California Building Code Section 1405.2 and California Energy Code Section 150. manufacturer’s installation instructions or local ordinance, whichever is more stringent.</strong></td>
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<tr>
<td><strong>5.407.2 Moisture control. Employ moisture control measures by the following methods:</strong></td>
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<tr>
<td><strong>5.407.2.1 Sprinklers. Prevent irrigation spray on structures.</strong></td>
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<tr>
<td><strong>5.407.2.2 Entries and openings. Design exterior entries and openings to prevent water intrusion into buildings.</strong></td>
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<th>Application Checklist for BSC</th>
<th>Mandatory</th>
<th>Voluntary</th>
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<tr>
<td>5.408.1 Construction waste diversion. Establish a construction waste management plan or meet local ordinance, whichever is more stringent.</td>
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</tbody>
</table>
| 5.408.2 Construction waste management plan. Submit plan per this section to enforcement authority.  
  5.408.2.1 Documentation. Provide documentation of the waste management plan that meets the requirements listed in Section 5.408.2 items 1 thru 4 and the plan is accessible to the enforcement authority.  
  5.408.2.2 Isolated job sites. The enforcing agency may make exceptions to the requirements of this section when job sites are located in areas beyond the haul boundaries of the diversion facility. | ☒ | ☐ | ☐ |
| 5.408.3 Construction waste. Recycle and/or salvage for reuse a minimum of 50 percent of nonhazardous construction and demolition debris or meet local ordinance, whichever is more stringent.  
  Exceptions:  
  1. Excavated soil and land-clearing debris.  
  2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist.  
  A.5.408.3.1 Enhanced construction waste reduction. Divert to recycle or salvage nonhazardous construction and demolition debris generated at the site in compliance with one of the following:  
     Tier 1. At least 45 percent reduction  
     Tier 2. At least 80 percent reduction  
  A.5.408.3.1.1 Verification of compliance. A copy of the completed waste management report shall be provided.  
  Exceptions:  
  1. Excavated soil and land-clearing debris  
  2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist. | ☒ | ☐ | ☐ |
| 5.408.4 Excavated soil and land clearing debris. 100 percent of trees, stumps, rocks and associated vegetation and soils resulting from land clearing shall be reused or recycled. | ☒ | ☐ | ☐ |
| 5.410.1 Recycling by occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling. | ☒ | ☐ | ☐ |
| 5.410.2 Commissioning. For new buildings 10,000 square feet and over, building commissioning for all building systems covered by T24, Part 6, process systems and renewable energy systems shall be included in the design and construction processes of the building project. Commissioning requirements shall include items listed in Section 5.410.2.  
  5.410.2.1 Owner’s Project Requirements (OPR). Documented before the design phase of the project begins the OPR shall include items listed in Section 5.410.4.  
  5.410.2.2 Basis of Design (BOD). A written explanation of how the design of the building systems meets the OPR shall be completed at the design phase of the building project and updated periodically to cover the systems listed in Section 5.410.2.2.  
  5.410.2.3 Commissioning plan. A commissioning plan describing how the project will be commissioned shall be started during the design phase of the building project and shall include items listed in Section 5.410.2.3.  
  5.410.2.4 Functional performance testing shall demonstrate the correct installation and operation of each component, system and system-to-system interface in accordance with the approved plans and specifications.  
  5.410.2.5 Documentation and training. A systems manual and systems operations training are required.  
  5.410.2.5.1 Systems manual. The systems manual shall be delivered to the building owner or representative and facilities operator and shall include the items listed in Section 5.410.2.5.1.  
  5.410.2.5.2 Systems operations training. The training of the appropriate maintenance staff for each equipment type and/or system shall include items listed in Section 5.410.2.5.2.  
  5.410.2.6 Commissioning report. A complete report of commissioning process activities undertaken through the design, construction and reporting recommendations for post-construction phases of the building project shall be completed and provided to the owner or representative. | ☒ | ☐ | ☐ |

continued
<table>
<thead>
<tr>
<th>APPLICATION CHECKLIST FOR BSC</th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.410.4 Testing and adjusting. Testing and adjusting of systems shall be required for buildings less than 10,000 square feet.</td>
<td>✗</td>
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</tr>
<tr>
<td>5.410.4.2 Systems. Develop a written plan of procedures for testing and adjusting systems. Systems to be included for testing and adjusting shall include, as applicable to the project, the systems listed in Section 5.410.3.2.</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>5.410.4.3 Procedures. Perform testing and adjusting procedures in accordance with industry best practices and applicable national standards on each system.</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>5.410.4.3.1 HVAC balancing. Before a new space-conditioning system serving a building or space is operated for normal use, the system should be balanced in accordance with the procedures defined by national standards listed in Section 5.410.3.3.1.</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>5.410.4.4 Reporting. After completion of testing, adjusting and balancing, provide a final report of testing signed by the individual responsible for performing these services.</td>
<td>✗</td>
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</tr>
<tr>
<td>5.410.4.5 Operation and maintenance manual. Provide the building owner with detailed operating and maintenance instructions and copies of guarantees/warranties for each system prior to final inspection.</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>5.410.4.5.1 Inspections and reports. Include a copy of all inspection verifications and reports required by the enforcing agency.</td>
<td>✗</td>
<td>✗</td>
</tr>
<tr>
<td>5.503.1 Install only a direct-vent sealed-combustion gas or sealed wood-burning fireplace or a sealed woodstove and refer to residential requirements in the California Energy Code, Title 24, Part 6, Subchapter 7, Section 150.</td>
<td>✗</td>
<td>As applicable</td>
</tr>
<tr>
<td>5.503.1.1 Woodstoves. Woodstoves shall comply with US EPA Phase II emission limits.</td>
<td>✗</td>
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</tr>
</tbody>
</table>

**Environmental quality**

| 5.504.1 Indoor air quality (IAQ) during construction. Maintain IAQ as provided in Sections A.5.504.1.1 and A.5.504.1.2. | ✗         | ✗         |
| 5.504.1.1 Temporary ventilation. Provide temporary ventilation during construction in accordance with Section 121 of the California Energy Code, CCR, Title 24, Part 6 and Chapter 6 of CCR, Title 8 and as listed in Items 1 through 4 in Section A.5.504.1.2. | ✗         | ✗         |
| 5.504.1.2 Additional IAQ measures. Employ additional measures as listed in Items 1 through 5 in Section A.5.504.1.3. | ✗         | ✗         |
| 5.504.2 IAQ postconstruction. Flush out the building per Section A.5.504.2 prior to occupancy or if the building is occupied. | ✗         | ✗         |
| 5.504.2.1 IAQ Testing. A testing alternative may be employed after all interior finishes have been installed, using testing protocols recognized by the United States Environmental Protection Agency (US EPA) and in accordance with Section 5.504.2.1.2. Retest as required in Section A.5.504.2.1.3. | ✗         | ✗         |
| 5.504.2.1.1 Maximum levels of contaminants. Allowable levels of contaminant concentrations measured by testing shall not exceed the following: | As applicable | As applicable |
| 1. Carbon Monoxide (CO): 9 parts per million, not to exceed outdoor levels by 2 parts per million; | ✗         | ✗         |
| 2. Formaldehyde: 27 parts per billion; | ✗         | ✗         |
| 3. Particulates (PM10): 50 micrograms per cubic meter; | ✗         | ✗         |
| 4. 4-Phenylcyclohexene (4-PCCh): 6.5 micrograms per cubic meter; and | ✗         | ✗         |
| 5. Total Volatile Organic Compounds (TVOC): 300 micrograms per cubic meter. | ✗         | ✗         |
| 5.504.2.1.2 Test protocols. Testing of indoor air quality should include the elements listed in Items 1 through 4. | ✗         | ✗         |
| 5.504.2.1.3 Noncomplying building areas. For each sampling area of the building exceeding the maximum concentrations specified in Section A.5.504.2.1.1, flush out with outside air and resample taken from the same area. Repeat the procedures until testing demonstrates compliance. | ✗         | ✗         |

5.504.3 Covering of duct openings and protection of mechanical equipment during construction. At the time of rough installation or during storage on the construction site and until final startup of the heating and cooling equipment, all duct and other related air distribution component openings shall be covered with tape, plastic, sheetmetal or other methods acceptable to the enforcing agency to reduce the amount of dust or debris which may collect in the system.

**continued**
<table>
<thead>
<tr>
<th>APPLICATION CHECKLIST FOR BSC</th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CALGreen Tier 1</td>
<td>CALGreen Tier 2</td>
</tr>
<tr>
<td>5.504.4 Finish material pollutant control. Finish materials shall comply with Sections 5.504.4.1 through 5.504.4.4.</td>
<td></td>
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<tr>
<td>5.504.4.1 Adhesives, sealants, caulks. Adhesives and sealants used on the project shall meet the requirements of the following standards.</td>
<td></td>
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</tr>
<tr>
<td>1. Adhesives, adhesive bonding primers, adhesive primers, sealants, sealant primers and caulks shall comply with local or regional air pollution control or air quality management district rules where applicable or SCAGMD Rule 1166 VOC limits, as shown in Tables 5.504.4.1 and 5.504.4.2.</td>
<td></td>
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</tr>
<tr>
<td>2. Aerosol adhesives and smaller unit sizes of adhesives and sealants or caulking compounds (in units of product, less packaging, which do not weigh more than one pound and do not consist of more than 16 fluid ounces) shall comply with statewide VOC standards and other requirements, including prohibitions on use of certain toxic compounds, of California Code of Regulations, Title 17, commencing with Section 94507.</td>
<td></td>
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</tr>
<tr>
<td>5.504.4.2 Paints and coatings. Architectural paints and coatings shall comply with Table 5.504.4.3 unless more stringent local limits apply.</td>
<td></td>
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</tr>
<tr>
<td>5.504.4.3.1 Aerosol paints and coatings. Aerosol paints and coatings shall meet the Product-Weighted MIR Limits for VOC in Section 94522(a)(3) and other requirements, including prohibitions on use of certain toxic compounds and ozone depleting substances (CCR, Title 17, Section 94520 et seq).</td>
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<tr>
<td>5.504.4.4.2 Verification. Verification of compliance with this section shall be provided at the request of the enforcing agency.</td>
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<tr>
<td>5.504.4.4 Carpet systems. All carpet installed in the building interior shall meet the testing and product requirements of one of the standards listed in Section 5.504.4.4.</td>
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<tr>
<td>5.504.4.4.4 Carpet cushion. All carpet cushion installed in the building interior shall meet the requirements of the Carpet and Rug Institute Green Label program.</td>
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<tr>
<td>5.504.4.4.2 Carpet adhesive. All carpet adhesive shall meet the requirements of Table 804.4.1.</td>
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</tr>
<tr>
<td>5.504.4.5 Composite wood products. Hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior or exterior of the building shall meet the requirements for formaldehyde as specified in Table 5.504.4.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.504.4.5.1 Early compliance with formaldehyde limits. Where complying composite wood product is readily available for nonresidential occupancies, meet Phase 2 requirements before the compliance dates indicated in Table 5.504.4.5 (Tier I) or use composite wood products made with either CARB-approved no-added formaldehyde (NAP) resins or CARB-approved ultra-low emitting formaldehyde (ULF) resins (Tier II).</td>
<td></td>
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<tr>
<td>5.504.4.4.5.2 Documentation. Verification of compliance with this section shall be provided as requested by the enforcing agency. Documentation shall include at least one of the following.</td>
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<tr>
<td>1. Product certifications and specifications</td>
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<tr>
<td>2. Chain of custody certifications</td>
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<tr>
<td>3. Other methods acceptable to the enforcing agency</td>
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<tr>
<td>5.504.4.6 Resilient flooring systems. Comply with the VOC-emission limits defined in the 2009 CHPS criteria and listed on its Low-emitting Materials List (or Product Registry) or certified under the FloorScore program of the Resilient Floor Covering Institute.</td>
<td></td>
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<tr>
<td>A5.504.4.6.1 Verification of compliance. Documentation shall be provided verifying that resilient flooring materials meet the pollutant emission limits.</td>
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<tr>
<td>A5.504.4.7 Resilient flooring systems, Tier 1. For 80 percent of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 CHPS criteria and listed on its Low-emitting Materials List (or Product Registry) or certified under the FloorScore program of the Resilient Floor Covering Institute.</td>
<td></td>
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<tr>
<td>A5.504.4.7.1 Resilient flooring systems, Tier 2. For 100 percent of floor area to be scheduled to receive resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 CHPS criteria and listed on its Low-emitting Materials List (or Product Registry) or certified under the FloorScore program of the Resilient Floor Covering Institute.</td>
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<tr>
<td>A5.504.4.7.2 Verification of compliance. Documentation shall be provided verifying that resilient flooring materials meet the pollutant emission limits.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.504.4.8 Thermal insulation, Tier 1. Comply with Chapter 12-13 in Title 24, Part 12 and with the VOC-emission limits defined in 2009 CHPS criteria and listed on its Low-emitting Materials List.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.504.4.8.1 Thermal insulation, Tier 2. Install No-Added Formaldehyde thermal insulation in addition to meeting Section A5.504.4.8.</td>
<td></td>
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<tr>
<td>A5.504.4.8.2 Verification of compliance. Documentation shall be provided verifying that thermal insulation materials meet the pollutant emission limits.</td>
<td></td>
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</tr>
<tr>
<td>A5.504.4.9 Acoustical ceilings and wall panels. Comply with Chapter 8 in Title 24, Part 2 and with the VOC-emission limits defined in the 2009 CHPS criteria and listed on its Low-emitting Materials List (or Product Registry).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.504.4.9.1 Verification of compliance. Documentation shall be provided verifying that acoustical finish materials meet the pollutant emission limits.</td>
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<td></td>
</tr>
</tbody>
</table>

continued
### APPLICATION CHECKLIST FOR BBC

<table>
<thead>
<tr>
<th>MANDATORY</th>
<th>CALGreen Tier 1</th>
<th>CALGreen Tier 2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>APPLICATION CHECKLIST FOR BBC</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.504.5 Hazardous particulates and chemical pollutants. Minimize and control pollutant entry into building and cross-contamination of regularly occupied areas.</td>
<td></td>
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</tr>
<tr>
<td>A5.504.5.1 Entryway systems. Install permanent entryway systems measuring at least six feet in the primary direction of travel to capture dirt and particulates at entryways directly connected to the outdoors as listed in items 1 through 3 in Section A5.504.5.1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.504.5.2 Isolation of pollutant sources. In rooms where activities produce hazardous fumes or chemicals, exhaust them and isolate them from their adjacent rooms as listed in items 1 through 3 in Section A5.504.5.2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.504.5.3 Filters. In mechanically ventilated buildings, provide regularly occupied areas of the building with air filtration media for outside and return air prior to occupancy that provides at least a MERV of 8.</td>
<td></td>
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</tr>
<tr>
<td>A5.504.5.5 Filters. In mechanically ventilated buildings, provide regularly occupied areas of the building with air filtration media for outside and return air prior to occupancy that provides at least a MERV of 11.</td>
<td></td>
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</tr>
<tr>
<td>5.504.7 Environmental tobacco smoke (ETS) control. Prohibit smoking within 25 feet of building entries, outdoor air intakes and operable windows where outdoor areas are provided for smoking and in buildings; or as enforced by ordinances, regulations, or policies of any city, county, city and county, California Community College, campus of the California State University or campus of the University of California, whichever are more stringent.</td>
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<tr>
<td><strong>Indoor moisture and radon control</strong></td>
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<tr>
<td>5.505.1 Indoor moisture control. Buildings shall meet or exceed the provisions of California Building Code, CCR, Title 24, Part 2, Sections 1203 and Chapter 14.</td>
<td></td>
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</tr>
<tr>
<td>5.505.2 Radon control. Buildings shall meet or exceed the provisions of California Building Code, CCR, Title 24, Part 6 and Chapter 4 of CCR, Title 8 or the applicable local code, whichever is more stringent.</td>
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<tr>
<td><strong>Air quality and ventilation</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.506.1 Outside air delivery. For mechanically or naturally ventilated spaces in buildings, meet the minimum requirements of Section 121 of the California Energy Code, CCR, Title 24, Part 6 and Chapter 4 of CCR, Title 8 or the applicable local code, whichever is more stringent.</td>
<td></td>
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<tr>
<td>5.506.2 Carbon dioxide (CO₂) monitoring. For buildings equipped with demand control ventilation, CO₂ sensors and ventilation controls shall be specified and installed in accordance with the requirements of the latest edition of the California Energy Code, CCR, Title 24, Part 6, Section 121(c).</td>
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<tr>
<td><strong>Environmental comfort</strong></td>
<td></td>
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</tr>
<tr>
<td>A5.507.1 Lighting and thermal comfort controls. Provide controls in the workplace as described in Sections A5.507.1.1 and A5.507.1.2.</td>
<td></td>
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</tr>
<tr>
<td>A5.507.1.1 Single-occupant spaces. Provide individual controls that meet energy use requirements in the 2007 California Energy Code by Sections A5.507.1.1.1 and A5.507.1.1.2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.507.1.1.1 Lighting. Provide individual task lighting and/or daylighting controls for at least 90 percent of the building occupants.</td>
<td></td>
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</tr>
<tr>
<td>A5.507.1.1.2 Thermal comfort. Provide individual thermal comfort controls for at least 50 percent of the building occupants or items 1 and 2 in Section A5.507.1.1.2.</td>
<td></td>
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<tr>
<td>A5.507.1.2 Multi-occupant spaces. Provide lighting and thermal comfort system controls for all shared multi-occupant spaces.</td>
<td></td>
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<tr>
<td>A5.507.2 Daylight. Provide daylight spaces as required for uplighting and sidelighting in the 2007 California Energy Code. In constructing a design, consider items 1 through 4 in Section A5.507.3.</td>
<td></td>
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<tr>
<td>A5.507.3 Views. Achieve direct line of sight to the outdoor environment via vision glazing between 26” and 76” above finish floor for building occupants in 90 percent of all regularly occupied areas.</td>
<td></td>
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<tr>
<td>A5.507.3.1 Interior office spaces. Entire areas of interior office spaces may be included in the calculation if at least 75 percent of each area has direct line of sight to perimeter vision glazing.</td>
<td></td>
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<tr>
<td>A5.507.3.2 Multi-occupant spaces. Include in the calculation the square footage with direct line of sight to perimeter vision glazing.</td>
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<tr>
<td>5.507.4 Acrustical control. Employ building assemblies and components with STC values determined in accordance with ASTM E 90 and ASTM E 413.</td>
<td></td>
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</tr>
<tr>
<td>5.507.4.1 Exterior noise transmission. Wall and floor-ceiling assemblies making up the building envelope shall have an STC of at least 30 and exterior windows shall have a minimum STC of 30 for any of the building locations listed in items 1 through 3 in Section 5.507.5.1.</td>
<td></td>
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</tr>
<tr>
<td>5.507.4.2 Interior sound. Wall and floor-ceiling assemblies separating tenant spaces and tenant spaces and public places shall have an STC of at least 40.</td>
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<td></td>
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</tbody>
</table>

continued
## APPLICATION CHECKLIST FOR BSC

<table>
<thead>
<tr>
<th>Application</th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>As applicable</td>
<td>CALGreen Tier 1</td>
</tr>
<tr>
<td>5.508.1 Ozone depletion and global warming reductions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.508.1.1 CFCs. Install HVAC and refrigeration equipment that does not contain CFCs.</td>
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<tr>
<td>5.508.1.2 Halons. Install fire suppression equipment that does not contain Halons.</td>
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<tr>
<td>A5.508.1.3 Hydrochlorofluorocarbons (HCFCs). Install HVAC and refrigeration equipment that does not contain HCFCs.</td>
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</tr>
<tr>
<td>A5.508.1.4 Hydrofluorocarbons (HFCs). Install HVAC complying with either of the following:</td>
<td></td>
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</tr>
<tr>
<td>1. Install HVAC, refrigeration and fire suppression equipment that do not contain HFCs or that do not contain HFCs with a global warming potential greater than 150.</td>
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<tr>
<td>2. Install HVAC and refrigeration equipment that limit the use of HFC refrigerants through the use of a secondary heat transfer fluid with a global warming potential no greater than 1.</td>
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</tbody>
</table>

1. These measures are currently required elsewhere in statute or in regulation.
<table>
<thead>
<tr>
<th>APPLICATION CHECKLIST DSA-SS</th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A5.106.4 Bicycle parking and changing rooms.</td>
<td>☑️</td>
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</tr>
<tr>
<td>Comply with Sections 5.106.4.1 through 5.106.4.3; or meet local ordinance or the University of California Policy on Sustainable Practices, whichever is stricter.</td>
<td>☑️</td>
<td>☑️</td>
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</table>

| A5.106.4.1 Short-term bicycle parking. | ☑️ | ☑️ |
| If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 yards of the visitor’s entrance, readily visible to passers-by; for 5 percent of visitior motorized vehicle parking capacity, with a minimum of one two-bike capacity rack. | ☑️ | ☑️ |

| A5.106.4.2 Long-term bicycle parking. | ☑️ | ☑️ |
| For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5 percent of tenant-occupant motorized vehicle parking capacity, with a minimum of one space. For public schools and community colleges provide secure bicycle parking for 15 percent of occupants (students, teachers and staff). Acceptable parking facilities shall be convenient from the street and may include, but not be limited to: | ☑️ | ☑️ |
| 1. Covered, lockable enclosures with permanently anchored racks for bicycles; | ☑️ | ☑️ |
| 2. Lockable bicycle rooms with permanently anchored racks; and | ☑️ | ☑️ |
| 3. Lockable, permanently anchored bicycle lockers. | ☑️ | ☑️ |

| A5.106.4.3 Changing rooms. | ☑️ | ☑️ |
| For buildings with over 10 tenant-occupants, provide changing/shower facilities for tenant-occupants only in accordance with Table A5.106.4.3 or document arrangements with nearby changing/shower facilities. For public schools and community colleges, provide changing/shower facilities for the “number of administrative/teaching staff” equal to the “number of tenant-occupants” shown in Table 5.106.4.3. | ☑️ | ☑️ |

| TABLE A5.106.4.3 | ☑️ | ☑️ |

| A5.106.5.1 Designated parking for fuel-efficient vehicles. | ☑️ | ☑️ |
| Provide 10 percent of total designated parking spaces for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as follows: | ☑️ | ☑️ |

| TABLE A5.106.5.1.1 – 10 percent of Total Spaces | ☑️ | ☑️ |

| A5.106.5.1.3 Parking stall marking. | ☑️ | ☑️ |
| Paint, in the paint used for stall striping, the following characters such that the lower edge of the last word aligns with the end of the stall striping and is visible beneath a parked vehicle: CLEAN AIR VEHICLE | ☑️ | ☑️ |

| A5.106.5.1.4 Vehicle designations. | ☑️ | ☑️ |
| Building managers may consult with local community Transit Management Associations (TMAs) for methods of designating qualifying vehicles, such as issuing parking stickers. | ☑️ | ☑️ |

| A5.106.5.3 Electric vehicle charging. | ☑️ | ☑️ |
| Provide facilities meeting Section 406.7 (Electric Vehicle) of the California Building Code and as follows: | ☑️ | ☑️ |

| A5.106.5.3.1 Electric vehicle supply wiring. | ☑️ | ☑️ |
| For each space required in Table A5.106.5.3.1, provide one 120 VAC 20 amp and one 208/240 V 40 amp, grounded AC outlets and panel capacity and conduit installed for future outlets. | ☑️ | ☑️ |

| TABLE A5.106.5.3.1 | ☑️ | ☑️ |

| A5.106.6 Parking capacity. | ☑️ | ☑️ |
| Design parking capacity to meet but not exceed minimum local zoning requirements. | ☑️ | ☑️ |

| A5.106.6.1 Reduce parking capacity. | ☑️ | ☑️ |
| With the approval of the enforcement authority, employ strategies to reduce on-site parking area by | ☑️ | ☑️ |
| 1. Use of on street parking or compact spaces, illustrated on the site plan or | ☑️ | ☑️ |
| 2. Implementation and documentation of programs that encourage occupants to carpool, ride share or use alternate transportation. | ☑️ | ☑️ |

| A5.106.7 Exterior wall shading. Meet requirements in the current edition of the California Energy Code and select one of the following for wall surfaces: | ☑️ | ☑️ |
| 1. Provide vegetative or man-made shading devices for east-, south- and west-facing walls with windows as specified in Item 1 of this section. | ☑️ | ☑️ |
| 2. Use wall surface with minimum SRI 25 (aged), for 75 percent of opaque wall areas. | ☑️ | ☑️ |

continued
<table>
<thead>
<tr>
<th>APPLICATION CHECKLIST DSA-SS</th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.106.8 Light pollution reduction.</strong></td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>Comply with lighting power requirements in the California Energy Code, CCR, Part 6 and design interior and exterior lighting such that zero direct-beam illumination leaves the building site. Meet or exceed exterior light levels and uniformity ratios for lighting zones 1 – 4 as defined in Chapter 10 of the California Administrative Code, CCR, Part 1, using the following strategies:</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>1. Shield all exterior luminaires or provide cutoff luminaires per Section 132 (b) of the California Energy Code.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>2. Contain interior lighting within each source.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>3. Allow no more than .01 horizontal lumen foot candles to escape 15 feet beyond the site boundary.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>4. Automatically control exterior lighting dusk to dawn to turn off or lower light levels during inactive periods.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>Exceptions:</strong></td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>1. Part 2, Chapter 12, Section 1205.6 for campus lighting requirements for parking facilities and primary walkways.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>2. Emergency lighting and lighting required for nighttime security.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.106.9 Building orientation.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Locate and orient the building as follows:</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>1. When site and location permit orient the building with the long sides facing north and south.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>2. Protect the building from thermal loss, drafts and degradation of the building envelope caused by wind and wind-driven materials such as dust, sand, snow and leaves with building orientation and landscape features.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.106.9.1 Building orientation and shading.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Locate and shade the building as follows:</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>1. Provide exterior shade for south-facing windows during the peak cooling season. In Public School and Community College buildings, shade may be provided by trees, solar shade structures or other alternate materials.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.106.10 Grading and paving.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>The site shall be planned and developed to keep surface water from entering buildings. Construction plans shall indicate how site grading or a drainage system will manage all surface water flows.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.106.11 Heat island effect.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Reduce nonroof heat islands by Section A5.106.11.1 and roof heat islands by Section A5.106.11.2.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.106.11.1 Hardscape alternatives.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Use one or a combination of strategies 1 through 3 for 50 percent of site-hardscaping (put 50 percent of parking underground.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>1. Provide shade (mature within 5 years of occupancy). In Public School and Community College buildings, solar shade structures may be used in lieu of trees to provide required shade.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>2. Use light colored/ high-albedo materials.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>3. Use open-grid pavement system.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.106.11.2 Cool roof.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Use roofing materials having solar reflectance, thermal emittance or Solar Reflectance Index (SRI) equal to or greater than the values shown in:</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td>Table A5.106.11.2.1 – Tier 1 or Table A5.106.11.2.2 – Tier 2</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.201.1 Scope.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>For the purposes of mandatory energy efficiency standards in this code, the California Energy Commission will continue to adopt mandatory building standards.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.203.1.1 Energy efficiency – 15 percent above Title 24, Part 6.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Exceed California Energy Code requirements, based on the 2008 Energy Efficiency Standards, by 15 percent and meet the requirements of Division A45.6.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.203.1.2 Energy efficiency – 30 percent above Title 24, Part 6.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Exceed California Energy Code requirements, based on the 2008 Energy Efficiency Standards, by 30 percent and meet the requirements of Division A45.6.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.204.1 ENERGY STAR equipment and appliances.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>All equipment and appliances provided by the builder shall be ENERGY STAR labeled if ENERGY STAR is applicable to that equipment or appliance.</td>
<td>✔️</td>
<td>☐</td>
</tr>
<tr>
<td><strong>5.204.2 Energy monitoring.</strong></td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Provide submetering or equivalent combinations of sensor measurements and thermodynamic calculations, if appropriate, to record energy use data for each major energy system in the building, including chillers, heat pumps, packaged AC systems, fans, pumps, cooling towers, boilers and other heating systems, lighting systems and process loads. This energy use data, once collected, shall be stored within a data management system.</td>
<td>✔️</td>
<td>☐</td>
</tr>
</tbody>
</table>
## Application Checklist DSA-SS

### Mandatory

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.5.204.2.1 Data storage.</td>
<td>The data management system must be capable of electronically storing energy data and creating user reports showing hourly, daily, monthly, and annual energy consumption for each major energy system. Hourly data shall be retained a minimum of 30 days, daily data shall be retained a minimum of 6 months and monthly data shall be retained a minimum of 2 years.</td>
</tr>
<tr>
<td>A.5.204.2.2 Data access.</td>
<td>Hourly energy use data shall be accessible through a central data management system and must be available daily.</td>
</tr>
<tr>
<td>A.5.211.1 On-site renewable energy.</td>
<td>Use on-site renewable energy sources such as solar, wind, geothermal, low-impact hydro, biomass and bio-gas for at least 1 percent of the electric power calculated as the product of the building service voltage and the ampere</td>
</tr>
<tr>
<td>A.5.211.2.1 Grid neutral.</td>
<td>Using the proposed annual electrical energy budget (kWh) as set forth by the Title 24, Part 6 of the California Energy Code and adding the additional annual energy consumption estimated for the appliances and equipment not covered by Title 24, Part 6 (e.g., kitchen and laundry equipment and appliances, swimming pool heaters and circulation pumps, industrial and art equipment, computers, etc.) calculate the site's annual electrical production and consumption ratio by dividing the proposed annual renewable electrical energy production (kWh) by the proposed annual electrical energy budget (kWh). The estimated plug loads shall be included in the annual electrical energy budget (kWh).</td>
</tr>
<tr>
<td>A.5.211.2.3 Grid neutral.</td>
<td>A site’s annual electrical production and consumption ratio is equal or greater than 0.75.</td>
</tr>
<tr>
<td>A.5.211.2.4 Grid neutral.</td>
<td>A site’s annual electrical production and consumption ratio is equal or greater than 1.</td>
</tr>
<tr>
<td>A.5.211.3 Green power.</td>
<td>Using a calculation method approved by the California Energy Commission, calculate the renewable on-site energy system to meet the requirements of Section 511.1, expressed in kW. Factor in net-metering, if offered by local utility, on an annual basis.</td>
</tr>
<tr>
<td>A.5.211.4.1 Off-grid prewiring for future solar.</td>
<td>If battery storage is anticipated, conduit should run to a location within the building that is stable, weather-proof, insulated against very hot and very cold weather and isolated from occupied spaces.</td>
</tr>
</tbody>
</table>

### Voluntary

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.5.212.1 Elevators and escalators.</td>
<td>Elevators and escalators with more than one elevator or two escalators, provide controls to reduce the energy demand of elevators for part of the day and escalators to reduce speed when no traffic is detected. Document the controls in the project specifications and commissioning plan. In Public School and Community College buildings, locate stairs conveniently to encourage their use in lieu of elevators or escalators.</td>
</tr>
<tr>
<td>A.5.212.1.1 Controls.</td>
<td>Controls that reduce energy demand shall meet requirements of CCR, Title 8, Chapter 4, Subchapter 6 and shall not interrupt emergency operations for elevators required in CCR, Title 24, Part 2, California Building Code.</td>
</tr>
</tbody>
</table>

### Notes

continued
### APPLICATION CHECKLIST DSA-SS

<table>
<thead>
<tr>
<th><strong>5.303.2 20 percent savings.</strong></th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A schedule of plumbing fixtures and fixture fittings that will reduce the overall use of potable water within the building by 20 percent shall be provided. The reduction shall be based on the maximum allowable water use per plumbing fixture and fitting as required by the California Building Standards Code. The 20 percent reduction in potable water use shall be demonstrated by one of the following methods:</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>1. Each plumbing fixture and fitting shall meet the 20 percent reduced flow rate specified in Table 5.303.2.3 or 2. A calculation demonstrating a 20 percent reduction in the building “water use baseline” as established in Table 5.303.2.2 shall be provided.</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

**TABLE 5.303.2.2 – INDOOR WATER USE BASELINE**

**TABLE 5.303.2.3 – FIXTURE FLOW RATES**

<table>
<thead>
<tr>
<th><strong>5.303.3.3 30 percent savings.</strong></th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A schedule of plumbing fixtures and fixture fittings that will reduce the overall use of potable water within the building by 30 percent shall be provided. The reduction shall be based on the maximum allowable water use per plumbing fixture and fitting as required by the California Building Standards Code. The 30 percent reduction in potable water use shall be demonstrated by one of the following methods:</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>1. Each plumbing fixture and fitting shall meet the 30 percent reduced flow rate specified in Table 5.303.2.3.1 or 2. A calculation demonstrating a 30 percent reduction in the building “water use baseline” as established in Table 5.303.2.2 shall be provided.</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

**TABLE 5.303.2.2 – WATER USE BASELINES**

**TABLE 5.303.2.3.1 – FIXTURE FLOW RATES**

<table>
<thead>
<tr>
<th><strong>5.303.3 Appliances.</strong></th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Clothes washer shall have a maximum water factor (WF) that will reduce the use of water by 10 percent below the California Energy Commission’s WF standards for commercial clothes washers located in Title 20 of the California Code of Regulations.</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>2. Dishwashers shall meet the following water use standards:</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>a. Residential—5.8 gallons per cycle.</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>b. Commercial—refer to Table 5.303.3.</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

**TABLE 5.303.3 – COMMERCIAL DISHWASHER WATER USE**

| 3. Ice makers shall be air cooled. | ☒ | ☒ |
| 4. Food steamers shall be connectionless or boilerless. | ☒ | ☒ |

<table>
<thead>
<tr>
<th><strong>5.303.4 Wastewater reduction.</strong></th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Each building shall reduce by 20 percent wastewater by one of the following methods:</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>1. The installation of water-conserving fixtures (water closets, urinals) meeting the criteria established in Sections 5.303.2 or 5.303.3.</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>5.303.6 Plumbing fixtures and fittings.</strong></th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall meet the standards referenced in Table 5.503.6.</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

**TABLE 5.303.6 – STANDARDS FOR PLUMBING FIXTURES AND FIXTURE FITTINGS**

<table>
<thead>
<tr>
<th><strong>5.304.1 Water budget.</strong></th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A water budget shall be developed for landscape irrigation use that conforms to the local water efficient landscape ordinance or to the California Department of Water Resources Model Water Efficient Landscape Ordinance where no local ordinance is applicable.</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>5.304.1.1 Water budget.</strong></th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A water budget shall be developed for landscape irrigation use that conforms to the local water efficient landscape ordinance or to the California Department of Water Resources Model Water Efficient Landscape Ordinance where no local ordinance is applicable.</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>5.304.4.4 Potable water reduction.</strong></th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide water efficient landscape irrigation design that reduces the use of potable water beyond the initial requirements for plant installation and establishment by 50 percent. Calculations for the reduction shall be based on the water budget developed pursuant to section 5.304.1.1. Methods used to accomplish the requirements of this section must be designed to the requirements of the California Building Standards Code and shall include, but not be limited to, the following:</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>1. Plant coefficient</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>2. Irrigation efficiency and distribution uniformity</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>3. Use of captured rainwater</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>4. Use of recycled water</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>5. Water treated for irrigation purposes and conveyed by a water district or public utility</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>5.404.1 Wood framing.</strong></th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employ advanced wood framing techniques or OVE, as recommended by the U.S. Department of Energy's Office of Building Technology, State and Community Programs and as permitted by the enforcing agency.</td>
<td>☒</td>
<td>☒</td>
</tr>
</tbody>
</table>

*continued*
### Application Checklist DSA-SS

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Mandatory</th>
<th>Voluntary</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.5.405.4 Recycled content. Use materials, equivalent in performance to virgin materials, with postconsumer or preconsumer recycled content value (RCV) for a minimum of 10 percent of the total value, based on estimated cost of materials on the project. Provide documentation as to the respective values.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>A.5.406.1.1 Service life. Use materials, equivalent in performance to virgin materials, with postconsumer or preconsumer recycled content value (RCV) for a minimum of 10 percent of the total value, based on estimated cost of materials on the project. Provide documentation as to the respective values.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>A.5.406.1.3 Recyclability. Select materials that can be removed or recycled at the end of their service life in the project.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Waste Reduction and Pollution Prevention.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.407.1 Weather protection.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Provide a weather-resistant exterior wall and foundation envelope as required by <em>California Building Code Section 1403.2 (Weather Protection)</em> and <em>California Energy Code Section 150 (Mandatory Features and Devices)</em>, manufacturer’s installation instructions or local ordinance, whichever is more stringent.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.407.2 Moisture control.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Employ moisture control measures by the following methods.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.407.2.1 Sprinklers.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Design and maintain landscape irrigation systems to prevent spray on structures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.407.2.2 Entries and openings.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Design exterior entries and/or openings subject to foot traffic or wind-driven rain to prevent water intrusion into buildings.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Construction Waste Diversion.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.408.1 Construction waste diversion. Establish a construction waste management plan for the diverted materials or meet local construction and demolition waste management ordinance, whichever is more stringent.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5.408.2 Construction waste management plan. Where a local jurisdiction does not have a construction and demolition waste management ordinance, submit a construction waste management plan for approval by the enforcement agency that:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Identifies the materials to be diverted from disposal by efficient usage, recycling, reuse on the project or salvage for future use or sale.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Determines if materials will be sorted on-site or mixed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Identifies diversion facilities where material collected will be taken.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Specifies that the amount of materials diverted shall be calculated by weight or volume, but not both.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.408.2.1 Documentation. Documentation shall be provided to the enforcing agency which demonstrates compliance with Section 5.408.2 items 1 through 4. The waste management plan shall be updated as necessary and shall be accessible during construction for examination by the enforcing agency.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Exception: Job sites in areas where there is no mixed construction and demolition debris (C&amp;D) processor or recycling facilities within a feasible haul distance shall meet the requirements as follows:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. The enforcement agency having jurisdiction shall at its discretion, enforce the waste management plan and make exceptions as deemed necessary.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.408.2.2 Isolated job sites. The enforcing agency may make exceptions to the requirements of this section when job sites are located in areas beyond the haul boundaries of the diversion facility.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>5.408.3 Construction waste reduction of at least 50 percent. Recycle and/or salvage for reuse a minimum of 50 percent of the nonhazardous construction and demolition debris or meet a local construction and demolition waste management ordinance, whichever is more stringent. Calculate the amount of materials diverted by weight or volume, but not by both.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Excavated soil and land-clearing debris.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A.5.408.3.1 Enhanced construction waste reduction.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Divert to recycle or salvage nonhazardous construction and demolition debris generated at the site for at least an 80 percent reduction.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Exceptions:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Excavated soil and land-clearing debris.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Alternate waste reduction methods developed by working with local agencies if diversion or recycle facilities capable of compliance with this item do not exist.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*continued*
<table>
<thead>
<tr>
<th>APPLICATION CHECKLIST DSA-SS</th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A.5.409.1 Materials and system assemblies.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Select materials and system assemblies based on life cycle assessment of their embodied energy and/or green house gas emission potentials. |
| **S.410.1 Recycling by occupants.** |  |  
Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, and metals. |
| **A.5.410.3 Commissioning.** |  |  
For new buildings 10,000 square feet and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's project requirements. Commissioning shall be performed in accordance with this section by personnel trained and certified in commissioning by a nationally recognized organization. Commissioning requirements shall include at least the following minimum requirements:  
1. Owner's project requirements  
2. Basis of design  
3. Commissioning measures shown in the construction documents  
4. Commissioning plan  
5. Functional performance testing  
6. Postconstruction documentation and training  
7. Commissioning report  
All building systems and components covered by Title 24, Part 6, as well as process equipment and controls and renewable energy systems shall be included in the scope of the Commissioning Requirements. |
| **A.5.410.3.1 Owner's Project Requirements (OPR).** |  |  
The expectations and requirements of the building appropriate to its phase shall be documented before the design phase of the project begins. At a minimum, this documentation shall include the following:  
1. Environmental and sustainability goals  
2. Energy efficiency goals  
3. Indoor environmental quality requirements  
4. Equipment and systems expectations  
5. Building occupant and O&M personnel expectations |
| **A.5.410.3.2 Basis of Design (BOD).** |  |  
A written explanation of how the design of the building systems meets the owner's project requirements shall be completed at the design phase of the building project and updated as necessary during the design and construction phases. At a minimum, the basis of design document shall cover the following systems:  
1. Heating, ventilation, air conditioning (HVAC) systems and controls  
2. Lighting systems and controls  
3. Water heating system  
4. Renewable energy systems |
| **A.5.410.3.3 Commissioning plan.** |  |  
A commissioning plan shall be completed to document how the project will be commissioned and shall be started during the design phase of the building project. The commissioning plan shall include the following at a minimum:  
1. General project information  
2. Commissioning Goals  
3. Systems to be commissioned. Plans to test systems and components shall include at least:  
   a. A detailed explanation of the original design intent  
   b. Equipment and systems to be tested, including the extent of tests  
   c. Equipment to be tested  
   d. Conditions under which the test shall be performed  
   e. Measurable criteria for acceptable performance  
4. Commissioning team information  
5. Commissioning process, activities, schedules, and responsibilities – plans for the completion of commissioning requirements listed in Sections A.5.410.3.4 through A.5.410.3.6 shall be included. |
| **A.5.410.3.4 Functional performance testing.** |  |  
Functional performance tests shall demonstrate the correct installation and operation of each component, system, and system-to-system interface in accordance with the approved plans and specifications. Functional performance testing results shall contain information addressing each of the building components tested, the testing methods utilized, and include any readings and adjustments made. |
| **A.5.410.3.5 Documentation and training.** |  |  
A systems manual and systems operations training are required. |

*continued*
### Application Checklist DSA-SS

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Mandatory</th>
<th>Voluntary</th>
</tr>
</thead>
<tbody>
<tr>
<td>A5.410.3.5.1 Systems manual. Documentation of the operational aspects of the building shall be completed within the systems manual and delivered in the building owner and facilities operator. At a minimum, the systems manual shall include the following:</td>
<td>☑️</td>
<td>☑️</td>
</tr>
<tr>
<td>1. Site information, including facility description, history and current requirements</td>
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<tr>
<td>2. Site contact information</td>
<td>☑️</td>
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<tr>
<td>3. Basic operations and maintenance, including general site operating procedures, basic troubleshooting, recommended maintenance requirements, site events log</td>
<td>☑️</td>
<td></td>
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<tr>
<td>4. Major systems</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>5. Site equipment inventory and maintenance notes</td>
<td>☑️</td>
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<tr>
<td>A5.410.3.5.2 Systems operations training. The training of the appropriate maintenance staff for each equipment type and/or system shall include, as a minimum, the following:</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>1. System/equipment overview (what it is, what it does and what other systems and/or equipment it interfaces with)</td>
<td>☑️</td>
<td></td>
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<tr>
<td>2. Review and demonstration of servicing/preventive maintenance</td>
<td>☑️</td>
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<tr>
<td>3. Review of the information in the systems manual</td>
<td>☑️</td>
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<tr>
<td>4. Review of the record drawings on the system/equipment</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.410.3.6 Commissioning report. A complete report of commissioning process activities undertaken through the design and construction and reporting recommendations for post-construction phases of the building project shall be completed and provided to the owner.</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>A5.410.4 Testing and adjusting. Testing and adjusting systems shall be required for buildings less than 10,000 square feet.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.410.4.2 Systems. Develop a written plan of procedures for testing and adjusting systems. Systems to be included for testing and adjusting shall include at a minimum, as applicable to the project:</td>
<td>☑️</td>
<td></td>
</tr>
<tr>
<td>1. HVAC systems and controls</td>
<td>☑️</td>
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</tr>
<tr>
<td>2. Indoor and outdoor lighting and controls</td>
<td>☑️</td>
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</tr>
<tr>
<td>3. Water heating systems</td>
<td>☑️</td>
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<tr>
<td>4. Renewable energy system</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.410.4.3 Procedures. Perform testing and adjusting procedures in accordance with industry best practices and applicable national standards on each system.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.410.4.3.1 HVAC balancing. In addition to testing and adjusting, before a new space-conditioning system serving a building or space is operated for normal use, the system shall be balanced in accordance with the procedures defined by the Testing, Adjusting and Balancing Bureau National Standards; the National Environmental Balancing Bureau Procedural Standards; or Associated Air Balance Council National Standards.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.410.4.4 Reporting. After completion of testing, adjusting and balancing, provide a final report of testing signed by the individual responsible for performing these services.</td>
<td>☑️</td>
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</tr>
<tr>
<td>A5.410.4.5 Operation and maintenance manual. Provide the building owner with detailed operating and maintenance instructions and copies of guaranties/warranties for each system prior to final inspection.</td>
<td>☑️</td>
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</tbody>
</table>

### Environmental Quality

#### Pollution Control

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Mandatory</th>
<th>Voluntary</th>
</tr>
</thead>
<tbody>
<tr>
<td>A5.504.1.1 Temporary ventilation. Provide temporary ventilation during construction in accordance with Section 121 (Requirements For Ventilation) of the California Energy Code, CCR, Title 24, Part 6 and Chapter 4 of CCR, Title 8 and as follows:</td>
<td>☑️</td>
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</tr>
<tr>
<td>1. Ventilation during construction shall be achieved through openings in the building shell using fans to produce a minimum of three air changes per hour.</td>
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<tr>
<td>2. During dust-producing operations, protect supply and return HVAC system openings from dust.</td>
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<tr>
<td>3. The permanent HVAC system shall only be used during construction if necessary to condition the building within the required temperature range for material and equipment installation. If the HVAC system is used during construction, use return air filters with a Minimum Efficiency Reporting Value (MERV) of 8, based on ASHRAE 52.2-1999 or an average efficiency of 30 percent based on ASHRAE 52.1-1992. Replace all filters immediately prior to occupancy.</td>
<td>☑️</td>
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</tr>
<tr>
<td>4. If the building is occupied during demolition or construction, meet or exceed the recommended Control Measures of the Sheet Metal and Air Conditioning Contractors Association (SMACNA) IAQ Guidelines for Occupied Buildings under Construction, 1995, Chapter 3.</td>
<td>☑️</td>
<td></td>
</tr>
</tbody>
</table>

continued
### A5.504.1.2 Additional IAQ measures.

Employ additional measures as follows:

1. When using generators to generate temporary power, use generators meeting the requirements of CCCR, Title 13, Chapter 9 or local ordinance, whichever is more stringent.
2. Protect on-site absorbent materials from moisture. Remove and replace any materials with evidence of mold, mildew or moisture infiltration.
3. Store odorous and high VOC-emitting materials off-site, without packaging, for a sufficient period to allow odors and VOCs to disperse.
4. When possible, once materials are on the job site, install odorous and high VOC-emitting materials prior to those that are porous or fibrous.
5. Clean oil and dust from ducts prior to use.

### A5.504.2 IAQ postconstruction.

After all interior finishes have been installed, flush out the building by supplying continuous ventilation with all air handling units at their maximum outdoor air rate and all supply fans at their maximum position and rate for at least 14 days.

1. During this time, maintain an internal temperature of at least 60°F and relative humidity no higher than 60 percent.
2. Occupancy may start after 4 days, provided flush out continues for the full 14 days. During occupied times, the thermal comfort conditions of Title 24 must be met.
3. For building that rely on natural ventilation, exhaust fans and floor fans must be used to improve air mixing and removal during the 14-day flush out and windows should remain open.
4. Do not "bake out" the building by increasing the temperature of the space.
5. (If continuous ventilation is not possible, flush out air volume must total the equivalent of 14 days of maximum outdoor air.) The air volumes for each period are then calculated and summed and the flush out continues until the total equals the target air volume.

### 5.504.3 Covering of duct openings and protection of mechanical equipment during construction.

At the time of rough installation or during storage on the construction site and until final startup of the heating and cooling equipment, all duct and other related air distribution component openings shall be covered with tape, plastic, sheet metal or other methods acceptable to the enforcing agency to reduce the amount of dust or debris which may collect in the system.

### 5.504.4.1 Adhesives, sealants and caulk.

Adhesives, sealants and caulk used on the project shall meet the requirements of the following standards.

- Adhesives, adhesive bonding primers, adhesive primers, sealants, sealant primers and caulk shall comply with local or regional air pollution control or air quality management district rules where applicable or SCAQMD Rule 1168 VOC limits, as shown in Tables 5.504.4.1 and 5.504.4.2. Such products also shall comply with the Rule 1168 prohibition on the use of certain toxic compounds (chloroform, ethylene dichloride, methylen chloride, perchloroethylene and trichloroethylene), except for aerosol products as specified in Subsection 2, below.
- Aerosol adhesives and smaller unit sizes of adhesives and sealant or caulking compounds (in units of product, less packaging, which do not weigh more than one pound and do not consist of more than 16 fluid ounces) shall comply with statewide VOC standards and other requirements, including prohibitions on use of certain toxic compounds, of California Code of Regulations, Title 17, commencing with Section 94507. **TABLE 5.504.4.1 – ADHESIVE AND SEALANT VOC LIMITS**

### 5.504.4.3 Paints and coatings.

Architectural paints and coatings shall comply with VOC limits in Table 1 of the ARB Architectural Coatings Suggested Control Measure, as shown in Table 5.504.4.3, unless more stringent local limits apply. The VOC content limit for coatings do not meet the definitions for the specialty coatings categories listed in Table 5.504.4.3, shall be determined by classifying the coating as a Flat, Nonflat or Nonflat-High Gloss coating, based on its gloss, as defined in Subsections 4.2.1, 4.3.6 and 4.3.7 of the 2007 California Air Resources Board, Suggested Control Measure and the corresponding Flat, Nonflat or Nonflat-High Gloss VOC limit in Table 5.504.4.3 shall apply.

### 5.504.4.3.1 Aerosol paints and coatings.

Aerosol paints and coatings shall meet the Product-Weighted MIR Limits for ROC in section 94522(a)(3) and other requirements, including prohibitions on use of certain toxic compounds and ozone depleting substances, in Sections 94522(c)(2) and (d)(2) of California Code of Regulations, Title 17, commencing with Section 94520, and in areas under the jurisdiction of the Bay Area Air Quality Management District additionally comply with the pertinent VOC by weight of product limits of Regulations 8 Rule 49. **TABLE 5.504.4.3 - VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS2, 3**

### 5.504.4.4 Carpet systems.

All carpet installed in the building interior shall meet the testing and product requirements of the following:

1. Carpet and Rug Institute’s Green Label Plus program
2. California Department of Public Health Standard Practice for the testing of VOCs (Specification 01350)
3. NSF/ANSI 140 at the Gold level
4. Scientific certifications systems sustainable choice

**continued**
### Application Checklist DBA-SS

<table>
<thead>
<tr>
<th>Rule</th>
<th>Mandatory</th>
<th>Voluntary</th>
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</thead>
<tbody>
<tr>
<td>5.504.4.4.1 Carpet cushion. All carpet cushion installed in the building interior shall meet the requirements of the Carpet and Rug Institute Green Label program.</td>
<td>☑</td>
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</tr>
<tr>
<td>5.504.4.4.2 Carpet adhesive. All carpet adhesive shall meet the requirements of Table 5.504.4.1.</td>
<td>☑</td>
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</tr>
<tr>
<td>5.504.4.5 Composite wood products. Hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior or exterior of the building shall meet the requirements for formaldehyde as specified in AB 1950 Air Toxics Control Measure for Composite Wood (17 CCR 93120 at seq.), by or before the dates specified in these sections.</td>
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<tr>
<td><strong>Table 5.504.4.5 - Formaldehyde Limits</strong></td>
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</tr>
<tr>
<td>A5.504.4.5.1 Early compliance with formaldehyde limits. Where complying composite wood product is readily available for nonresidential occupancies, meet requirements before the compliance dates indicated in Table 5.504.4.5 or use composite wood products made with either CARB-approved no-added formaldehyde (NAF) resins or CARB-approved ultra-low emitting formaldehyde (ULEF) resins.</td>
<td>☑</td>
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</tr>
<tr>
<td>5.504.4.6 Resilient flooring systems. For 50 percent of floor area receiving resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria and listed on its Low-emitting Materials List or certified under the Resilient Floor Covering Institute (RFCl) Floor Score program. Documentation shall be provided that verifies that finish materials are certified to meet the pollutant emission limits.</td>
<td>☑</td>
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<tr>
<td>A5.504.4.7 Resilient flooring systems. For 80 percent of floor area to schedule to receive resilient flooring, install resilient flooring complying with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria and listed on its Low-emitting Materials List or certified under the FloorScore program of the Resilient Floor Covering Institute.</td>
<td>☑</td>
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</tr>
<tr>
<td>5.504.4.8 Thermal insulation. Comply with Chapter 12-13 (Standards For Insulating Material) in Title 24, Part 12, the California Referenced Standards Code and the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria and listed on its Low-emitting Materials List. Documentation shall be provided that verifies that finish materials are certified to meet the pollutant emission limits.</td>
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</tr>
<tr>
<td>A5.504.4.8.1.1 Thermal insulation, No-Added Formaldehyde. Install No-Added Formaldehyde thermal insulation in addition to meeting the 2009 Collaborative for High Performance Schools (CHPS) criteria and listed on its Low-emitting Materials List.</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>5.504.4.9 Acoustical ceilings and wall panels. Comply with Chapter 8 in Title 24, Part 2, the California Building Code and with the VOC-emission limits defined in the 2009 Collaborative for High Performance Schools (CHPS) criteria and listed on its Low-emitting Materials List.</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>5.504.4.5 Hazardous particulates and chemical pollutants. Minimize and control pollutant entry into buildings and cross-contamination of regularly occupied areas.</td>
<td>☑</td>
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</tr>
<tr>
<td>A5.504.5.1 Entryway systems. Install permanent entryway systems measuring at least six feet in the primary direction of travel to capture dirt and particulates at entryways directly connected to the outdoors. 1. Qualifying entryways are those that serve as regular entry points for building users. 2. Acceptable entryway systems include, but are not limited to, permanently installed grates, grilles or slotted systems that allow cleaning underneath. 3. Roll-out mats are acceptable only when maintained regularly by janitorial contractors as documented in service contract or by in-house staff as documented by written policies and procedures.</td>
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</tr>
<tr>
<td>A5.504.5.2 Isolation of pollutant sources. In rooms where activities produce hazardous fumes or chemicals, such as garages, janitorial or laundry rooms and copy or printing rooms, exhaust them and isolate them from their adjacent rooms. 1. Exhaust each space with no air recirculation in accordance with ASHRAE 62.1, Table 6-4 to create negative pressure with respect to adjacent spaces with the doors to the room closed. 2. For each space, provide self-closing doors and deck to deck partitions or a hard ceiling. 3. Install low-noise, vented range hoods for all cooking appliances and in laboratory or other chemical mixing areas.</td>
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</tr>
<tr>
<td>5.504.5.3 Filters. In mechanically ventilated buildings, provide regularly occupied areas of the building with air filtration media for outside and return air prior to occupancy that provides at least a Minimum Efficiency Reporting Value (MERV) of 8.</td>
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<td>☑</td>
</tr>
<tr>
<td>A5.504.5.3.1 Filters. In mechanically ventilated buildings, provide regularly student occupied areas of the building with air filtration media for outside and return air prior to occupancy that provides at least a Minimum Efficiency Reporting Value (MERV) of 11.</td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th>APPLICATION CHECKLIST DSA-SS</th>
<th>MANDATORY</th>
<th>VOLUNTARY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.505.1 Indoor moisture control.</strong></td>
<td>❎</td>
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</tr>
<tr>
<td>Buildings shall meet or exceed the provisions of California Building Code, CCR, Title 24, Section 1203 (Ventilation) and Chapter 14 (Exterior Walls). For additional measures not applicable to low-rise residential occupancies, see Section 5.407.2 of this code.</td>
<td>❎</td>
<td>❔</td>
</tr>
<tr>
<td><strong>5.506.1 Outside air delivery.</strong></td>
<td>❎</td>
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</tr>
<tr>
<td>For mechanically or naturally ventilated spaces in buildings, meet the minimum requirements of Section 121 (Requirements For Ventilation) of the California Energy Code, CCR, Title 24, Part 6 or the applicable local code, whichever is more stringent and Chapter 4 of CCR, Title 8.</td>
<td>❎</td>
<td>❔</td>
</tr>
<tr>
<td><strong>A5.507.1 Lighting and thermal comfort controls.</strong></td>
<td>❎</td>
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</tr>
<tr>
<td>Provide controls in the workplace as described in Sections A5.507.1.1 and A5.507.1.2.</td>
<td>❎</td>
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<tr>
<td><strong>A5.507.1.1 Single-occupant spaces.</strong></td>
<td>❎</td>
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</tr>
<tr>
<td>Provide individual controls that meet energy use requirements in the 2007 California Energy Code in accordance with Sections A5.507.1.1.1 and A5.507.1.1.2.</td>
<td>❎</td>
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</tr>
<tr>
<td><strong>A5.507.1.1.1 Lighting.</strong></td>
<td>❎</td>
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</tr>
<tr>
<td>Provide individual task lighting and/or day lighting controls for at least 90 percent of the building occupants.</td>
<td>❎</td>
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</tr>
<tr>
<td><strong>A5.507.1.1.2 Thermal comfort.</strong></td>
<td>❎</td>
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</tr>
<tr>
<td>Provide individual thermal comfort controls for at least 50 percent of the building occupants.</td>
<td>❎</td>
<td>❔</td>
</tr>
<tr>
<td>1. Occupants shall have control over at least one of the factors of air temperature, radiant temperature, air speed and humidity as described in ASHRAE 55-2004.</td>
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</tr>
<tr>
<td>2. Occupants inside 20 feet of the plane of and within 10 feet either side of operable windows can substitute windows to control thermal comfort. The area of operable window must meet the requirements of Section 121 (Requirements For Ventilation) of the California Energy Code.</td>
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</tr>
<tr>
<td><strong>A5.507.1.2 Multi-occupant spaces.</strong></td>
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<tr>
<td>Provide lighting and thermal comfort system controls for all shared multi-occupant spaces, such as classrooms and conference rooms.</td>
<td>❎</td>
<td>❔</td>
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<tr>
<td><strong>A5.507.2 Daylight.</strong></td>
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</tr>
<tr>
<td>Provide day lit spaces as required for top lighting and side lighting in the 2007 California Energy Code. In constructing a design, consider the following:</td>
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</tr>
<tr>
<td>1. Use of light shelves and reflective room surfaces to maximize daylight penetrating the rooms</td>
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<tr>
<td>2. Means to eliminate glare and direct sun light, including through skylights</td>
<td>❎</td>
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<tr>
<td>3. Use of photo sensors to turn off electric lighting when daylight is sufficient</td>
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<tr>
<td>4. Not using diffuse day lighting glazing where views are desired</td>
<td>❎</td>
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</tr>
<tr>
<td><strong>A5.507.3 Views.</strong></td>
<td>❎</td>
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</tr>
<tr>
<td>Achieve direct line of sight to the outdoor environment via vision glazing between 2.6&quot; and 7.6&quot; above finish floor for building occupants in 90 percent of regularly occupied areas as demonstrated by plan view and section cut diagrams.</td>
<td>❎</td>
<td>❔</td>
</tr>
<tr>
<td><strong>A5.507.3.1 Interior office spaces.</strong></td>
<td>❎</td>
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</tr>
<tr>
<td>Entire areas of interior office spaces may be included in the calculation if at least 75 percent of each area has direct line of sight to perimeter vision glazing.</td>
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</tr>
<tr>
<td><strong>A5.507.3.2 Multi-occupant spaces.</strong></td>
<td>❎</td>
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</tr>
<tr>
<td>Include in the calculation the square footage with direct line of sight to perimeter vision glazing.</td>
<td>❎</td>
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</tr>
<tr>
<td>Exceptions to Sections A5.507.2 and A5.507.3: Copy/printing rooms, storage areas, mechanical spaces, restrooms, auditoria and other intermittently or infrequently occupied spaces or spaces where daylight would interfere with use of the space.</td>
<td>❎</td>
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<tr>
<td><strong>A5.507.5 Acoustical control.</strong></td>
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</tr>
<tr>
<td>Public Schools and Community Colleges: Unoccupied, furnished classrooms must have a maximum background noise level of no more than 45 dBA L80e and a maximum (unoccupied, furnished) reverberation of 0.6-second time for classrooms with less than 10,000 cubic feet and a maximum (unoccupied, furnished) reverberation of 0.7-second time for classroom volumes with between 10,000 cubic feet and 20,000 cubic feet.</td>
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<tr>
<td><strong>5.508.1 Ozone depletion and global warming reduction.</strong></td>
<td>❎</td>
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<tr>
<td>Installations of HVAC, refrigeration and fire suppression equipment shall comply with Sections 5.508.1.1 and 5.508.1.2.</td>
<td>❎</td>
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</tr>
<tr>
<td>5.508.1.1 CFCs. Install HVAC and refrigeration equipment that does not contain CFCs.</td>
<td>❎</td>
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<tr>
<td>5.508.1.2 Halons. Install fire suppression equipment that does not contain Halons.</td>
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</tr>
</tbody>
</table>
### NONRESIDENTIAL OCCUPANCIES
APPLICATION CHECKLIST [OSHPD 1, 2 and 4]

<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>COMPLIANCE LEVELS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MANDATORY CALGreen</td>
</tr>
<tr>
<td></td>
<td>Tier 1</td>
</tr>
<tr>
<td>DIVISION A5.4 - PLANNING AND DESIGN</td>
<td></td>
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<tr>
<td>SECTION A5.10 Building orientation. Locate and orient the building as follows:</td>
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<tr>
<td>1. Long sides facing north and south.</td>
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<td>2. Protect the building from thermal loss, drafts and degradation of the building</td>
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<td>envelope caused by wind and wind-driven materials.</td>
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<tr>
<td>DIVISION A5.5 - ENERGY STAR AND LIGHTING</td>
<td></td>
</tr>
<tr>
<td>SECTION A5.20 Energy performance. [OSHPD 1]</td>
<td></td>
</tr>
<tr>
<td>A5.203.1 Energy performance. [OSHPD 1]</td>
<td></td>
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<tr>
<td>A5.203.1.1 [OSHPD 1] CALGreen Tier 1. [OSHPD 1] Buildings must comply with the</td>
<td></td>
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<tr>
<td>A5.203.1.2 CALGreen Tier 2. [OSHPD 1] Buildings must exceed the latest edition of</td>
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<td></td>
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</tr>
<tr>
<td>SECTION A5.203.5 Energy Star equipment and appliances</td>
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<tr>
<td>A5.204.1 ENERGY STAR equipment and appliances. All equipment and appliances</td>
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<td>provided by the building shall be ENERGY STAR labeled if ENERGY STAR is applicable</td>
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<td>to that equipment or appliance.</td>
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<td>A5.204.4 Commissioning. Building commissioning for all building systems covered by</td>
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<tr>
<td>T24, Part 6, process systems and renewable energy systems shall be included in</td>
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<td>the design and construction processes of the building project. Commissioning</td>
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<tr>
<td>requirements shall include as a minimum items listed in Section A5.204.4.</td>
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<tr>
<td>A5.204.4.1 Owner’s Project Requirements (OPR). Documented before the design phase</td>
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<tr>
<td>of the project begins the OPR shall include items listed in Section A5.204.4.</td>
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<td>A5.204.4.2 Basis of Design (BOD). A written explanation of how the design of the</td>
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<td>building systems meets the OPR shall be completed at the design phase of the</td>
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<td>building project and updated periodically to cover the systems listed in Section</td>
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<td>A5.204.4.2.</td>
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<tr>
<td>A5.204.4.3 Commissioning plan. A commissioning plan describing how the project will</td>
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<td>be commissioned shall be started during the design phase of the building project</td>
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<td>and shall include as a minimum items listed in Section A5.204.4.3.</td>
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<tr>
<td>A5.204.4.4 Functional performance testing shall demonstrate the correct installation</td>
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<td>and operation of each component, system and system-to-system interface in</td>
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<td>accordance with the approved plans and specifications.</td>
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<td>A5.204.4.5 Post construction documentation and training. A systems manual and</td>
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<td>systems operations training are required,</td>
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<tr>
<td>A5.204.4.5.1 Systems manual. The systems manual shall be delivered to the building</td>
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<td>owner and facilities operator and shall include the items listed in Section A5.204.</td>
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<tr>
<td>A5.204.4.5.2 Systems operations training. The training of the appropriate</td>
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<td>maintenance staff for each equipment type and/or system shall include as a</td>
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<td>minimum items listed in Section A5.204.4.5.2.</td>
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<tr>
<td>A5.204.4.6 Commissioning report. A complete report of commissioning process</td>
<td></td>
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<tr>
<td>activities undertaken through the design, construction and postconstruction phases</td>
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<td>of the building project shall be completed and provided to the owner.</td>
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<tr>
<td>A5.204.6 Building orientation and shading. Locate orient and shade the building</td>
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<td>as required in Section A5.106.11.</td>
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</tr>
<tr>
<td>SECTION A5.205 Building Envelope &amp; Exterior Walls</td>
<td></td>
</tr>
<tr>
<td>A5.205.1 Fenestration products and exterior doors.</td>
<td></td>
</tr>
<tr>
<td>A5.205.1.1 Certification of fenestration products and exterior door other than</td>
<td></td>
</tr>
<tr>
<td>field-fabricated.</td>
<td></td>
</tr>
<tr>
<td>A5.205.1.2 Installation of field-fabricated fenestration and exterior doors.</td>
<td></td>
</tr>
<tr>
<td>A5.205.2 Joints and other openings.</td>
<td></td>
</tr>
<tr>
<td>A5.205.3 Installation and roofing products.</td>
<td></td>
</tr>
</tbody>
</table>

continued
<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>MANDATORY CALGreen</th>
<th>VOLUNTARY CALGreen</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SPACE AND BUILDING DESIGN, EQUIPMENT AND INSTALLATION</strong></td>
<td></td>
<td></td>
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<tr>
<td>A5.207.1 Space-conditioning equipment certification by manufacturers.</td>
<td></td>
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<tr>
<td>A5.207.1.1 Efficiency.</td>
<td></td>
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<tr>
<td>A5.207.1.2 Controls for heat pumps with supplementary electric resistance heaters.</td>
<td></td>
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<tr>
<td>A5.207.1.3 Thermostats.</td>
<td></td>
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<tr>
<td>A5.207.1.4 Gas- and oil-fired furnace standby loss controls.</td>
<td></td>
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<tr>
<td>A5.207.2 Space conditioning systems.</td>
<td></td>
<td></td>
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<tr>
<td>A5.207.2.1 Supply air temperature reset controls.</td>
<td></td>
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<tr>
<td>A5.207.2.2 Electric resistance heating.</td>
<td></td>
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<tr>
<td>A5.207.2.3 Heat rejection systems.</td>
<td></td>
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<tr>
<td>A5.207.2.4 Hydronic system measures.</td>
<td></td>
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<tr>
<td>A5.207.2.5 Air distribution system duct leakage sealing.</td>
<td></td>
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<tr>
<td>A5.207.2.6 Variable air volume control for single zone systems.</td>
<td></td>
<td></td>
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<tr>
<td>A5.207.3 Service water-heating systems and equipment.</td>
<td></td>
<td></td>
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<tr>
<td>A5.207.3.1 Certification by manufacturers.</td>
<td></td>
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<tr>
<td>A5.207.3.2 Efficiency.</td>
<td></td>
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<tr>
<td>A5.207.3.3 Installation.</td>
<td></td>
<td></td>
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<tr>
<td>A5.207.4 Natural gas central furnaces, cooking equipment and pool and spa heaters: Pilot lights prohibited.</td>
<td></td>
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<tr>
<td>A5.207.5 Controls for space-conditioning systems.</td>
<td></td>
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<tr>
<td>A5.207.5.1 Thermostatic controls for each zone.</td>
<td></td>
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<tr>
<td>A5.207.5.2 Criteria for zonal thermostatic controls.</td>
<td></td>
<td></td>
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<tr>
<td>A5.207.5.3 Heat pump controls.</td>
<td></td>
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<tr>
<td>A5.207.5.4 Dampers for air supply and exhaust equipment.</td>
<td></td>
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<tr>
<td>A5.207.5.5 Automatic demand shed controls.</td>
<td></td>
<td></td>
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<tr>
<td>A5.207.6 Pipe insulation.</td>
<td></td>
<td></td>
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<td><strong>SPACE AND BUILDING DESIGN, EQUIPMENT AND INSTALLATION</strong></td>
<td></td>
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<tr>
<td>A5.209.1 Lighting control devices, ballasts and luminaires.</td>
<td></td>
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<tr>
<td>A5.209.1.1 All devices: Instructions and calibration.</td>
<td></td>
<td></td>
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<tr>
<td>A5.209.1.2 Indicator lights.</td>
<td></td>
<td></td>
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<tr>
<td>A5.209.1.3 Automatic time switch control devices.</td>
<td></td>
<td></td>
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<tr>
<td>A5.209.1.4 Occupant sensors, motion sensors and vacancy sensors.</td>
<td></td>
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<tr>
<td>A5.209.1.5 Multilevel occupant sensor.</td>
<td></td>
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<tr>
<td>A5.209.1.6 Automatic daylighting control devices.</td>
<td></td>
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<tr>
<td>A5.209.1.7 Interior Photosensors.</td>
<td></td>
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<tr>
<td>A5.209.1.8 Multilevel astronomical time-switch controls.</td>
<td></td>
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<tr>
<td>A5.209.1.9 Outdoor astronomical time-switch controls.</td>
<td></td>
<td></td>
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<tr>
<td>A5.209.1.10 Dimmers.</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>A5.209.2 Indoor lighting controls.</td>
<td></td>
<td></td>
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<tr>
<td>A5.209.2.1 Area controls.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.209.2.2 Multilevel lighting controls.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A5.209.2.3 Daylight areas.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A5.209.2.3.1 Daylight area.</td>
<td></td>
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<tr>
<td>A5.209.2.3.1.2 Daylight area, primary sidelit.</td>
<td></td>
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<tr>
<td>A5.209.2.3.1.3 Daylight area, secondary sidelit.</td>
<td></td>
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<tr>
<td>A5.209.2.3.1.4 Daylight area, skylit.</td>
<td></td>
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<tr>
<td>A5.209.2.3.2 Controls for luminaires providing general lighting that are in or are partially in the skylit daylight area and or the primary sidelit daylight area.</td>
<td></td>
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<tr>
<td>A5.209.2.4 Shut-off controls.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A5.209.3 Outdoor lighting controls and equipment.</td>
<td></td>
<td></td>
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<tr>
<td>A5.209.3.1 Outdoor lighting.</td>
<td></td>
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<tr>
<td>A5.209.3.2 Luminaire cutoff requirements.</td>
<td></td>
<td></td>
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<tr>
<td>A5.209.3.3 Controls for outdoor lighting.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

continued
<table>
<thead>
<tr>
<th>FEATURE OR MEASURE</th>
<th>MANDATORY CALGreen</th>
<th>VOLUNTARY CALGreen</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A5.209.4 Outdoor lighting.</td>
<td>□</td>
<td>□</td>
<td></td>
</tr>
<tr>
<td>A5.209.4.1 Outdoor lighting power trade-offs.</td>
<td>□</td>
<td>□</td>
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<tr>
<td>A5.209.4.2 Outdoor lighting power.</td>
<td>□</td>
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<tr>
<td>A5.209.4.3 Calculation of actual lighting power.</td>
<td>□</td>
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<tr>
<td>A5.209.4.4 Calculation of allowed lighting power.</td>
<td>□</td>
<td>□</td>
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</tr>
<tr>
<td>A5.209.4.4.1 General hardscape lighting allowance.</td>
<td>□</td>
<td>□</td>
<td></td>
</tr>
<tr>
<td>A5.209.4.4.2 Additional lighting power allowance for specific applications.</td>
<td>□</td>
<td>□</td>
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<tr>
<td>A5.209.4.4.2.3 Additional lighting power allowance for local ordinance requirements.</td>
<td>□</td>
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<tr>
<td>A5.209.5 Signs.</td>
<td>□</td>
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<tr>
<td>A5.209.5.1 Maximum allowed lighting power.</td>
<td>□</td>
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<tr>
<td>A5.209.5.2 Alternate lighting sources.</td>
<td>□</td>
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<tr>
<td>A5.209.6 Sign lighting controls.</td>
<td>□</td>
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<tr>
<td>A5.209.7 Nonresidential Lighting control acceptance.</td>
<td>□</td>
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<tr>
<td>A5.210.1 Appliances regulated by the appliance efficiency regulations.</td>
<td>□</td>
<td>□</td>
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<tr>
<td>SECTION 5.20I.1 CONSERVATION AND RESOURCE MANAGEMENT.</td>
<td>□</td>
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<tr>
<td>A5.407.3 Weather Protection.</td>
<td>□</td>
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<tr>
<td>A5.407.4.1 Moisture control.</td>
<td>□</td>
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<tr>
<td>A5.407.4.2 Sprinklers.</td>
<td>□</td>
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<td></td>
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<tr>
<td>A5.407.4.3 Entries and openings.</td>
<td>□</td>
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<tr>
<td>A5.408.5 Construction waste diversion. Establish a construction waste management plan or meet local ordinance, whichever is more stringent.</td>
<td>□</td>
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<tr>
<td>A5.408.6 Construction waste. Recycle and/or salvage for reuse a minimum of 50 percent of nonhazardous construction and demolition debris or meet local ordinance, whichever is more stringent. Exceptions:</td>
<td>□</td>
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<tr>
<td>1. Excavated soil and land-clearing debris.</td>
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<td>2. Alternate waste reduction methods developed by working with local agencies if diversion or recycling facilities capable of compliance with this item do not exist.</td>
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<tr>
<td>A5.408.7 Excavated soil and land clearing debris. 100 percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled.</td>
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<tr>
<td>A5.410.6 Recycling by occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of nonhazardous materials for recycling.</td>
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<tr>
<td>DIVISION 5.3 PRE-CONSTRUCTION MONITORING.</td>
<td>□</td>
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<tr>
<td>A5.504.4.5.1 Early compliance with formaldehyde limits. Where complying composite wood product is readily available for nonresidential occupancies, meet requirements before the compliance dates indicated in Table A5.504.8.5 (Tier 1) or use composite wood products made with either CARB-approved so-added formaldehyde (NAP) resins or CARB-approved Ultra-Low Emitting formaldehyde (ULEF) resins (Tier 2).</td>
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<td>A5.504.8 Finish material pollutant control. Finish materials shall comply with Sections A5.504.1 through A5.504.8.4.</td>
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<tr>
<td>A5.504.8.1 Adhesives, sealants and caulks. Adhesives, sealants and caulks used on the project shall meet the requirements of the following standards. 1. Adhesives, adhesive bonding primers and adhesive primers, sealants and sealant primers shall comply with Table A5.504.8.1.</td>
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<td>2. Aerobic adhesives shall meet the requirements of California Code of Regulations, Title 17, commencing with Section 94507. <a href="http://kcr.oal.ca.gov/">http://kcr.oal.ca.gov/</a></td>
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<th>MANDATORY CALGreen</th>
<th>VOLUNTARY CALGreen</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>A5.504.8.3 Paints and coatings. Architectural paints and coatings shall comply with Table A5.504.8.3.</td>
<td>☐</td>
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</tr>
<tr>
<td>A5.504.8.3.2 Verification.</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>A5.504.8.4 Carpet systems. All carpet installed in the building interior shall meet the testing and product requirements of one of the standards listed in Section A5.504.8.3.</td>
<td>☐</td>
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<tr>
<td>A5.504.8.4.1 Carpet cushion. All carpet cushion installed in the building interior shall meet the requirements of the Carpet and Rug Institute Green Label program.</td>
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<tr>
<td>A5.504.8.4.2 Carpet adhesive. All carpet adhesive shall meet the requirements of Table A5.504.8.1.</td>
<td>☐</td>
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<tr>
<td>A5.504.8.5 Composite wood products. Hardwood plywood, particleboard and medium density fiberboard composite wood products used on the interior or exterior of the building shall meet the requirements for formaldehyde as specified in Table A5.504.8.</td>
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<td>A5.504.8.5.2 Documentation. Verification of compliance with this section shall be provided as requested by the enforcing agency. Documentation shall include at least one of the following:</td>
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<tr>
<td>1. Product certifications and specifications</td>
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<tr>
<td>2. Chain of custody certifications</td>
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<tr>
<td>3. Other methods acceptable to the enforcing agency</td>
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<td>A5.504.4.9 Acoustical ceilings and wall panels. Comply with Chapter 8 in Title 24, Part 2 and with the VOC-emission limits defined in the CHPS Low-emitting Materials List.</td>
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<td>A5.504.5 Hazardous particulates and chemical pollutants. Minimize and control pollutant entry into buildings and cross-contamination of regularly occupied areas.</td>
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<td>A5.504.5.1 Entryway systems. Install permanent entryway systems measuring at least six feet in the primary direction of travel to capture dirt and particulates at entryways directly connected to the outdoors as listed in Items 1 through 3 in Section A5.504.5.1.</td>
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<td>A5.504.9 Environmental tobacco smoke (ETS) control. Prohibit smoking within 25 feet of building entries, outdoor air intakes and operable windows and in buildings; or as enforced by ordinances, regulations or policies of any city, county, city and county, California Community College, campus of the California State University or campus of the University of California, whichever are more stringent.</td>
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**SECTION 6: ENHANCING VENTILATION**

A5.505.2 Indoor moisture control. Buildings shall meet or exceed the provisions of California Building Code, CCR, Title 24, Part 2, Section 1203 and Chapter 14.
ORDINANCE NO. __________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTIONS 7-1, 7-2, AND 7-3.4 OF THE
MUNICIPAL CODE OF THE CITY OF PORTERVILLE
AND ADOPTING BY REFERENCE
THE 2010 EDITION OF THE CALIFORNIA BUILDING CODE
ALONG WITH DESIGNATED APPENDICES PUBLISHED BY
THE CALIFORNIA BUILDING STANDARDS COMMISSION;
THE 2010 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE
PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.;
THE 2010 CALIFORNIA RESIDENTIAL CODE
AND THE 2010 CALIFORNIA ENERGY CODE PUBLISHED
BY THE CALIFORNIA BUILDING STANDARDS COMMISSION.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS
FOLLOWS:

A. The following sections of the Municipal Code of the City of Porterville are
hereby amended to read as follows:

SECTION 7-1 Adoption of the 2010 Edition of the California Administrative Code
Title 24 Part 1; California Building Code Part 2, Volumes 1 and 2; the 2010 California
Residential Code Title 24 Part 2.5; the 2010 Edition of the California Existing Building
Code Title 24 Part 10; and the 2010 Energy Code Title 24 Part 6.

That certain code in book form to which more particular reference is herein
made, regulating the construction, erection, alteration, repair, removal, demolition,
conversion, equipment, use, height, area and maintenance of buildings in the City of
Porterville, together with the amendments thereof, herein specifically set forth, together
with the penalty for violation herein set forth to be known as the Building Code compiled
by and adopted by the International Code Council, Inc., together with the following
appendix Chapters A, B, C, G, H, I, J, K; the entire Chapter of California Part 8
Historical Building with Appendix A and the 2010 Reference Standards Code Part 12;
the 2010 California Residential Code Part 2.5 in its entirety; the 2010 California Existing Building Code Part 10 in its entirety; and the 2010 Energy Code in its entirety, thereto is hereby adopted and enacted by the Council of the City of Porterville, to all intents and purposes and to the same effect as if each and every sentence, paragraph, word and clause in said code mentioned are referred to herein or therein were fully and specifically set forth herein, with the exception of the penalty provision thereof.

SECTION 7-2 COPIES OF BUILDING CODE FILED IN CITY CLERK'S OFFICE:

Reference is hereby made to one (1) copy of said California Building Code, 2010 Edition compiled by and adopted by the International Conference of Building Officials, heretofore filed in the office of the Building Official of the City of Porterville and said California Building Code is by reference adopted herein as provided by law.

SECTION 7-3 BUILDING CODE AMENDMENTS

There is hereby adopted by the council of the City of Porterville for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Building Code, published by the International Code Council, Inc., being particularly the 2010 edition thereof together with the following appendices thereto, and the California Building Code Standards are hereby amended and changed as follows:

1. Section 901.5 shall read as follows: When required, the test shall be conducted in the presence of the fire official.

2. Section 901.6.3 Exception shall read as follows: When approved by the fire official, on-site monitoring at a constantly attended location shall be permitted provided that the notifications to the fire department will be equal to those provided by an approved supervising station.

3. Section 903.3.1.2 shall read as follows: Where allowed in buildings of Group R, up to two stories in height, automatic sprinkler systems
shall be installed throughout in accordance with NFPA13R as amended in Chapter 35.

SECTION 7-3.4. PENALTY FOR VIOLATION:

It shall be unlawful for any person, firm or corporation to enlarge, alter, repair, move, improve, remove, convert, or equip, use, occupy or maintain any building or structure in the City of Porterville, or cause the same to be done contrary to or in violation of the provisions of this article or of the building code above adopted by reference, together with the amendments thereto; and any person, firm or corporation violating any of the provisions of this article or of said building code, as amended, shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violations of the provisions of this article or of the California Building Code, 2010 Edition, is committed or permitted; and upon conviction of any such violation, such person shall be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the City or County jail for a period of not exceeding six (6) months or both such fine and imprisonment.

B. That Ordinance No. 1728 of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2011.

PASSED, ADOPTED AND APPROVED this 16th day of November, 2010.

_________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. ______


THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

A. The following section of the Municipal Code of the City of Porterville is hereby amended to read as follows:

SECTION 7-4 Adoption of the 2010 Edition of the California Mechanical Code, Title 24, Part 4 and Appendix B, and Appendix D.

That certain code in book form to which more particular reference is hereinafter made regulating the installation and maintenance of heating, ventilating cooling and refrigeration systems, to be known and referred to as the California Mechanical Code is hereby adopted and enacted by the Council of the City of Porterville as an ordinance of the City of Porterville, to all intents and purposes and to the same effect as if each and every sentence, comma, paragraph, word, phrase, and clause in said code mentioned or referred to therein or herein were and each thereof was fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2010 Edition of the California Mechanical Code published by the International Code Council, Inc. filed with the Building Official of the City of Porterville and said code is by reference adopted herein as provided by law.
B. That Ordinance No.1729 of the Municipal Code of the City of Porterville is hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2011.

PASSED, ADOPTED AND APPROVED this 16th day of November, 2010.

________________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. ______


PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

A. That Section 7-6 of the Municipal Code of the City of Porterville is amended to read as follows:

SECTION 7-6. Adoption of the 2010 Edition of the California Plumbing Code

Title 24 Part 5.

That certain code in book form to which more particular reference is hereinafter made, regulating the business of plumbing, and the installation of plumbing fixtures and appliances, to be known and referred to as the California Plumbing Code, is hereby adopted and enacted by the Council of the City of Porterville as an ordinance of the City of Porterville, to all intents and purposes and to the same effect as if each and every sentence, comma, paragraph, work, phrase, and clause in said code mentioned or referred to therein or herein were and each thereof was fully and specifically set forth herein.

Reference is hereby made to (1) copy of the 2010 Edition of the California Plumbing Code, published by the International Code Council, Inc. filed with the Building Official of the City of Porterville and said code is by reference adopted herein as provided by law.

B. That Ordinance No. 1730 of the Municipal Code of the City of Porterville is
hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2011.

PASSED, ADOPTED AND APPROVED this 16th day of November, 2010.

________________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE
MUNICIPAL CODE OF THE CITY OF PORTERVILLE
AND ADOPTING BY REFERENCE
THE 2010 EDITION OF THE CALIFORNIA ELECTRICAL CODE
PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

A. That Section 7-9 of the Municipal Code of the City of Porterville is hereby
   amended to read as follows:

   SECTION 7-9 Adoption of the 2010 Edition of the California Electrical Code Title 24
   Part 3.

   Reference is hereby made to one (1) copy of the 2010 Edition of the California
   Electrical Code, published by the California Building Standards Commission filed in the office
   of the Building Official of the City of Porterville, and such code, to wit: the 2010 Edition of the
   California Electrical Code published by the California Building Standards Commission, as
   aforesaid now on file with the Building Official of the City of Porterville, is hereby adopted by
   reference as the Electrical Code of the City.

B. That Ordinance No. 1731 of the Municipal Code of the City of Porterville is
   hereby repealed.

C. This Ordinance shall be in full force and in effect on January 1, 2011.

PASSED, ADOPTED AND APPROVED this 16th day of November, 2010.

ATTEST:                                     Ronald L. Irish, Mayor
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING CHAPTER 12 OF THE CODE OF THE CITY OF PORTERVILLE
ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED IN THIS
ARTICLE, THE 2010 EDITION OF THE CALIFORNIA FIRE CODE ALONG WITH
DESIGNATED APPENDICES, AND THE 2010 EDITION OF THE CALIFORNIA
BUILDING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS
FOLLOWS:

A. Adoption: There is hereby adopted by the council of the City of Porterville
for the purpose of prescribing regulations governing conditions hazardous
to life and property from fire or explosion, that certain code known as the
California Fire Code, published by the International Code Council, Inc.,
being particularly the 2010 edition thereof together with the following
appendices thereto, and the California Fire Code Standards are hereby
amended and changed as follows:

Adoption of appendices: Appendix chapter 4, appendices B, D as
amended by this code, appendices A, C, F, G, H, and I.

B. Fire Code Amendments:

1. Section 105.1.1 is amended to read as follows: Permits required
by this code shall be obtained from the Building Department.

2. Section 507.5.1 exception is deleted.

3. Section 903.3.1.2 is amended to read as follows: Automatic
sprinkler systems in Group R occupancies up to two stories in
height shall be permitted to be installed throughout in accordance
with NFPA 13R as amended in Chapter 47.

4. Section B105.1 of Appendix B exception is deleted.

5. Section 105.2 of Appendix B Exception shall read as follows: A
reduction in required fire-flow of up to 50 percent, as approved, is
allowed when the building is provided with an approved automatic
sprinkler system installed in accordance with section 903.3.1.1.

6. Section D104.2 of Appendix D exception is deleted.

7. Section D106.1 of Appendix D exception is deleted.

8. Section D107.1 of Appendix D exception is deleted.
C. Building Code Amendments:

There is hereby adopted by the council of the City of Porterville for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the California Building Code, published by the International Code Council, Inc., being particularly the 2010 edition thereof together with the following appendices thereto, and the California Building Code Standards are hereby amended and changed as follows:

1. Section 901.5 shall read as follows: When required, the test shall be conducted in the presence of the fire official.

2. Section 901.6.3 Exception shall read as follows: When approved by the fire official, on-site monitoring at a constantly attended location shall be permitted provided that the notifications to the fire department will be equal to those provided by an approved supervising station.

3. Section 903.3.1.2 shall read as follows: Where allowed in buildings of Group R, up to two stories in height, automatic sprinkler systems shall be installed throughout in accordance with NFPA13R as amended in Chapter 35.

D. This Ordinance shall be in full force and in effect on January 1, 2011.

PASSED, ADOPTED AND APPROVED this 16th day of November, 2010.

________________________________________
Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF
THE CITY OF PORTERVILLE ADOPTING BY REFERENCE
THE 2010 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE
PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION.

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS
FOLLOWS:

A. The following section of the Municipal Code of the City of Porterville is
hereby amended to read as follows:

SECTION 7-4 Adoption of the 2010 Edition of the California Green
Building Standards Code, Title 24, Part 11 and the mandatory portions of Appendix A4
and Appendix A5 with the voluntary portions of said Appendices remaining voluntary.

That certain code in book form to which more particular reference is hereinafter
made encouraging sustainable construction practices, to be known and referred to as
the California Green Building Standards Code is hereby adopted and enacted by the
Council of the City of Porterville as an ordinance of the City of Porterville, to all intents
and purposes and to the same effect as if each and every sentence, comma,
paragraph, word, phrase, and clause in said code mentioned or referred to therein or
herein were and each thereof was fully and specifically set forth herein.

Reference is hereby made to one (1) copy of the 2010 Edition of the California
Green Building Standards Code published by the California Building Standards
Commission filed with the Building Official of the City of Porterville and said code is by
reference adopted herein as provided by law.

B. This Ordinance shall be in full force and in effect on January 1, 2011.
PASSED, ADOPTED AND APPROVED this 16th day of November, 2010.

Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
PUBLIC HEARING

SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW AN ON-SALE TYPE 41 (BEER AND WINE) LICENSE TO BE SOLD IN CONJUNCTION WITH SERVING MEALS LOCATED AT 887 W. OLIVE AVENUE

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT- PLANNING DIVISION

COMMENT: The applicant is requesting approval of Conditional Use Permit 5-2010 to allow for a Type 41, (beer and wine) on-sale license at the Rinconcito Cosala Taqueria and Buffet Restaurant located at 887 W. Olive Avenue. The applicant is also requesting approval of a letter of Public Convenience or Necessity.

BACKGROUND: On August 25, 2010, the applicant submitted an application to the Project Review Committee (PRC) to consider a proposal for an on-sale Type 41 (beer and wine) license at the Rinconcito Cosala Taqueria and Buffet Restaurant located at 887 W. Olive Avenue. The applicant was informed that the sale of alcoholic beverages would be allowed in conjunction with the serving of meals. The hours of operation during which alcoholic beverages may be sold shall be from 10:00 a.m. to 2:00 a.m. Monday through Saturday and Sunday from 10:00 a.m. to 10:00 p.m.

The applicant was informed that a Conditional Use Permit (CUP) would be required based on the provisions of the City’s Development Ordinance. In addition, the Department of Alcoholic Beverage Control Board (ABC), has indicated that seven (7) on-sale licenses are allowed and seven (7) currently exist in Census Tract 41.01, where the project site is located. If approved, this would be the eighth such license. Due to the overconcentration of on-sale licenses in Census Track 41.01, a Letter of Public Convenience or Necessity approved by City Council is required.

On October 13, 2010, the applicant submitted the CUP Application along with a letter addressed to the City Council indicating the need for the on-sale Type 41 (beer and wine) license for the restaurant.

ANALYSIS: Allowing beer and wine sales to be sold at the restaurant would be a viable economic asset to the community and will contribute tax revenues to the local economy. The majority of the alcohol sales are anticipated to be in conjunction with serving meals. It is not anticipated that this use would have a negative impact on the surrounding properties. The facility is fully surrounded by retail uses with no immediately sensitive uses.
RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit 5-2010 subject to conditions of approval.

2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity

ATTACHMENTS:

1. 300' Radius/Locator Map
2. Floor Plan
3. Existing licenses in Census Tract 41.01
4. Letter from the applicant
5. Draft Resolution
6. Letter of Public Convenience or Necessity
California Department of Alcoholic Beverage Control
For the County of TULARE - (On-Sale Licenses)
and Census Tract = 41.01

Report as of 11/3/2010

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<th>Status</th>
<th>License Type</th>
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<th>Expir Date</th>
<th>Primary Owner and Premises Addr.</th>
<th>Business Name</th>
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<td>GUTIERREZ, ALICIA 134 E ORANGE AVE PORTERVILLE, CA 93257</td>
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http://www.abc.ca.gov/datport/AHCountyRep.asp

ATTACHMENT ITEM NO. 3 11/3/2010
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--- End of Report ---

For a definition of codes, view our glossary.

http://www.abc.ca.gov/datport/AHCountyRep.asp

11/3/2010
Active Alcohol Licenses
City of Porterville

- **Type 21** (Off-Sale)
- **Type 20** (Off-Sale)
- **Type 40** (On-Sale)
- **Type 41** (On-Sale)
- **Type 42** (On-Sale)
- **Type 47** (On-Sale)
- **Type 48** (On-Sale)
Porterville City Council,

This letter is a request to aid in the approval, regarding the restaurant licensing by the California Department of Alcoholic Beverage Control, for the purpose of serving alcohol with food.

We truly feel that although our community faces crime and public safety challenges, the area of this establishment is not questionable in its representation of the quality of life. It is not located within 500 ft. of any school, church, hospital, playground, or nonprofit youth facility, and only two resident properties fall within about 475 ft. Blatant public drinking, loitering, public urination, disorderly conduct, or other negative behaviors, will continue to be non-existent, as this license will only offer alcohol with a sit-down meal, and does not allow any to be taken or consumed anywhere but inside the establishment, in a designated area. Even this action will be monitored by staff that will attend a class offered by the ABC, called RESPONSIBLE BEVERAGE SERVICE TRAINING PROVIDER PROGRAM, which will trains employees to know, follow, and reinforce policies set-forth by the state, which must be complied with in order to maintain responsible business practices, and help reduce and even eliminate the risk of criminal or ABC charges, and civil lawsuits.

In addition, there is a need for a restaurant in this area with the menu type we will offer, as there are no similar establishments, for more than 1 ½ miles in each direction except to the east, with that establishment is adjacent to a high school, which makes this establishment a public convenience. We feel the location of this restaurant is an additional public convenience, due to it being on the main city thoroughfare and its proximity to the highway. The acquisition of this license will generate economic revenue for both the city and state, with no risk of jeopardizing the safety, general well-being, or other quality of life concerns that affect public life. To aid in this issue, staff and employees will be required to have ABC sponsored training, prior to their employment.
It is for these reasons we feel that the City of Porterville should agree to the issuance of a license by the ABC, granting us the opportunity to offer the public, of legal drinking age, the choice to consume an alcoholic beverage with their meal. Thank You for your time and attention to this matter.
RESOLUTION NO. ____-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE PERMIT 5-2010 TO ALLOW A TYPE 41, BEER AND WINE ON-SALE LICENSE IN CONJUNCTION WITH SERVING MEALS LOCATED AT 887 W. OLIVE AVENUE AND A LETTER OF PUBLIC CONVENIENCE OR NECESSITY

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of November 16, 2010, conducted a public hearing to consider Conditional Use Permit 5-2010, to allow a Type 41 on-sale beer and wine license in conjunction with serving meals at the Rinconcito Cosala Taqueria Buffet Restaurant located at 887 W. Olive Avenue and a Letter of Public Convenience or Necessity; and

WHEREAS: A Conditional Use Permit was required pursuant to the City of Porterville Development Ordinance; and

WHEREAS: Census Tract 41.01, in which the subject site is located, is overconcentrated with on-sale alcohol licenses according to the Department of Alcoholic Beverage Control Board’s method for determining overconcentration; and

WHEREAS: As a result of the overconcentration of on-sale licenses, the Department of Alcoholic Beverage Control will only approve the on-sale Type 41 licenses with an approval of a Letter of Public Convenience or Necessity by the Governing Body; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted.

2. That the location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conforms in all significant respects with the General Plan and with any other applicable plan adopted by the City Council.

3. 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.

4. Pursuant to “General Rule” Exemption Code 15061 (b) (3) of CEQA guidelines the project as proposed is categorically exempt.

5. That the proposed project was determined by City Council to be a public convenience or necessity.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit 5-2010 subject to the following conditions:

1. That any future changes in operation which substantially alters the condition or nature of the subject business will require approval by the City Council if such modification involves area expansion or changes in hours which alcoholic beverages may be sold.

2. The hours of operation during which alcoholic beverages may be sold under the on-sale license shall be from 10:00 a.m. to 2:00 a.m. Monday through Saturday and Sunday from 10:00 a.m. to 10:00 p.m.

3. That the applicant shall maintain the security lighting on the exterior of the building to allow reasonable surveillance of the area to the satisfaction of the Police Department and Zoning Administrator.

4. That at all times, the facility shall be operated and maintained to comply with State Law, the City of Porterville Development Ordinance, adopted building codes and all other applicable laws and ordinances.

5. That the applicant shall operate the establishment in such a manner as to preserve the public safety, health and welfare, to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit as provided in Chapter 601.12 of the Porterville Development Ordinance.

6. The conditional use permit, approving on-site alcohol sales, will be subject to modification or revocation if the on-sale license is sanctioned by the State of California.

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

8. That the noise generated by this use shall not exceed the limits established by the Noise Regulations of the City of Porterville and State of California.

9. That no separate bar area shall be provided for patrons.

10. That the sale of alcoholic beverages is allowed only in conjunction with the serving of meals.

11. That the off-sale of alcoholic beverages is prohibited.

12. That the conditional use permit shall become null and void if not undertaken actively and continuously pursued within two (2) years.
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By ________________________________

Luisa Herrera, Deputy City Clerk
November 16, 2010

California Alcohol Beverage
Control Board
Fresno District Office
3640 East Ashlan
Fresno, CA 93726

Attention Joyce Knodel:

RE: Rinconcito Cosala Taqueria and Buffet Restaurant - 887 W. Olive 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 an on-sale beer and wine license in conjunction with serving meals at the Rinconcito Cosala Taqueria and Buffet Restaurant, located at 887 W. Olive 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 41.01 which allows seven (7) on-sale beer and wine licenses. At present there are seven (7) issued licenses.

2. On November 16, 2010, the City Council conditionally approved Conditional Use Permit 5-2010 (see attached resolution) to allow the on-sale of beer and wine in conjunction with serving meals, located at 887 W. Olive Avenue. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.

3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of an on-sale beer and wine license in conjunction with serving meals.
Further issuance of an on-sale license allowing only beer and wine 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 Rinconcito Cosala Taqueria and Buffet Restaurant are to be in small quantities and in conjunction with serving meals.

For these reasons, the City Council of the City of Porterville supports issuance of an on-sale beer and wine license for the Rinconcito Cosala Taqueria and Buffet Restaurant, located at 887 W. Olive Avenue.

Sincerely,

Ronald L. Irish, Mayor
PUBLIC HEARING

SUBJECT: SIERRA VALLEY - TENTATIVE SUBDIVISION MAP 1-2010 (BOB PURKISS)

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of Sierra Valley Tentative Subdivision Map 1-2010 to divide a 22± acre parcel into 74 single family residential lots with two pocket parks. The subject site is generally located on the east side of North Main Street between Westfield Avenue and the southerly intersection of Highland Drive and Marshall Street.

The proposed subdivision is designated by the General Plan as Low Density Residential uses and is zoned RS-2. The proposed development is consistent with the General Plan and is being reviewed under the prior code per Resolution 119-2010. This development is also consistent with adjacent residential development to the east and proposed residential development to the north.

The applicant is also requesting City Council’s approval to allow for an excessive lot depth for Parcels 29, 37, 40 and 41. Section 21-7 b of the prior Subdivision Ordinance requires the depth of each residential lot to be no less than ninety (90) feet and no more than 180 feet. All of the lots referenced above exceed this depth due to the design of this unusually shaped infill parcel.

Additionally, lots 1 through 36, 39, and 42 have double frontage on both North Main Street and Sierra Valley Way. Lots 39 and 42 are situated on corners within the proposed subdivision. Section 21-7(d) of the Porterville Subdivision Ordinance states the following:

 Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.

Due to the irregular shape of the site no other design was feasible to eliminate the double frontage lots 1-36. As a measure to reduce the impact of the double frontage lots, a six (6) foot high masonry block wall and landscaping along the North Main Street frontage of the project will be required.

Pursuant to Section 21-1.4 of the prior Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided findings are made.

On October 27, 2010, the Environmental Coordinator made a preliminary determination that a Mitigated Negative Declaration would be appropriate based on the review of the project. The Initial Study and proposed Mitigation Measures have been made available to interested agencies, groups and individuals for a twenty (20) day review period. No agency or group has responded to date.
RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Mitigated Negative Declaration for Sierra Valley Tentative Subdivision Map 1-2010; and

(2) Adopt the draft resolution approving Sierra Valley Tentative Subdivision Map 1-2010.

ATTACHMENT:

1. Complete Staff Report
CITY COUNCIL AGENDA: NOVEMBER 16, 2010

STAFF REPORT

TITLE: SIERRA VALLEY - TENTATIVE SUBDIVISION MAP 1-2010

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

APPLICANT: Bob Purkiss
P.O. Box 912
Lindsay, CA 93247

AGENT: Donna Shamley, Roberts Engineering
342 N. Second Street
Porterville, CA 93257

PROJECT LOCATION: The subject site is generally located on the east side of N. Main Street between Westfield Ave and the southerly intersection of Highland Drive and Marshall Street.

SPECIFIC REQUEST: The applicant is requesting approval for Sierra Valley Tentative Subdivision Map 1-2010.

PROJECT DETAILS: The Sierra Valley Tentative Subdivision Map 1-2010 is a 22± acre parcel proposed to be divided into 74 single family residential lots and two pocket parks. The site is primarily undeveloped and vacant, except for one home that has been boarded up and is over 50 years old. The home will be removed with development of the subdivision.

The 22 acre site is generally an infill parcel, sandwiched between North Main Street and development that has previously occurred along the ridge line of the Scenic Heights neighborhood. Access to the subdivision is from North Main at the Westfield alignment and from Marshall Drive. The irregular shape of the lot and the topography presents design challenges that require exceptions to the Subdivision Ordinance to allow for some double frontage lots and lots with excessive depth.

The project includes two public pocket parks. The first is located central to the subdivision along Marshal Drive between lots 74 and 41 and is approximately 9000 square feet in size. The second is located at the south end of the proposed subdivision on the south side of lot 32, approximately 28,300 square feet in size. A Landscape and Maintenance District will be created to maintain the parks and perimeter landscaping in the subdivision.

With the exception to the double frontage lots and the few lots that exceed lot depth, the design of the tentative parcel map complies with the requirements and intent of the Zoning and Subdivision Ordinance. This project is being reviewed under the prior Subdivision Ordinance. The proposal is consistent with the General Plan's Low Density Residential land use designation and RS-2 (Single-Family Residential) Zoning classification for the site.
GENERAL PLAN DESIGNATION: Low Density Residential.

SURROUNDING LAND USE:

North: City/County – County Island & Approved Tentative Subdivision Map (Iris Hills)
South: County – County island with single family residential uses
East: City - Developed residential uses (Scenic Heights)
West: County – County island with single family residential uses

SUBDIVISION REVIEW: Pursuant to Article 4 of the Subdivision Ordinance, a request for comments dated October 26, 2010, was noticed, mailed, and/or delivered to public/private agencies for a 20 day review period. To date no comment has been received.

The Project Review Committee and the applicant met in November of 2007, reviewed and discussed concerns and conditions that should be addressed prior to a public hearing before the City Council. Conditions were developed as a result of ongoing meetings and discussions and subsequent staff review. These conditions have been incorporated into the draft resolution of approval.

STAFF ANALYSIS:

The applicant is requesting City Council’s approval to allow for an excessive lot depth to Parcels 29, 37, 40 and 41. Pursuant to Section 21-7 b of the prior Subdivision Ordinance:

"The depth of each residential lot shall not be less than ninety (90) feet nor more than one hundred eighty (180) feet.” Parcels 29, 37, 40 and 41 exceed 180 feet.

Proposed Parcel 29 has a depth of 241 feet and proposed Parcel 37 has a depth of 213 feet. Due to the shape of the entire site, especially as it narrows on the southeast corner of the site, no other configuration or design was feasible to eliminate these excessive lot depths, therefore, the exception is requested.

As designed, Lots 1 through 36, 39, and 42 are double frontage lots. The majority, front on the proposed Sierra Valley Way to the east and North Main Street to the west while lots 39 and 42 are situated on corners within the proposed subdivision. Section 21-7(d) of the prior Porterville Subdivision Ordinance states the following:

"Lots shall have a single frontage on a street; double frontage lots or lots without street frontage will not be permitted except where, in the opinion of the City Council, topographic or unusual physical conditions justify a deviation from this rule.”

Due to the irregular shape and topography of the site, no other design was feasible to eliminate the double frontage lots 1-36. As a mitigation measure to reduce the impact of the double frontage lots, a six (6) foot high masonry block wall and landscaping along the North Main Street frontage of the
project will be required.

Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council can modify any of the requirements and regulations set forth in the Subdivision Ordinance provided that the City Council makes the following findings with respect to the lots with excessive depth:

a. That there are special circumstances or conditions affecting such property.

Findings: Due to the shape of the entire site, especially as it narrows on the southeast corner of the site, no other configuration or design was feasible to eliminate the excessive lot depths for Parcels 29, 37, 40, & 41.

b. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

Finding: The modification is requested to allow this infill parcel to be subdivided pursuant to City standards.

c. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

Finding: The exception will allow Parcel 29 to have a lot depth of 41± feet more than the allowed maximum of 180 feet. Parcel 37 would have a lot depth of 33± feet more than the allowed maximum of 180 feet. It is not expected that this will negatively impact the community due to the topography and location of the overall site.

d. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act.

Finding: The modifications will allow for the subject site to be developed insuring that pursuant to Section 21-1.1 (Purpose and Scope) of the prior Subdivision Ordinance, the objectives in this section are achieved.

e. That the granting of the exception is consistent with the General Plan. Any exception may be granted subject to any reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter.

Finding: The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance (with the exception of lot depth for Parcels 40 and 41) and is consistent with the density allowed by the General Plan.
Generally, it would be necessary to request an exception to Subdivision Ordinance Section 21-7 d., which generally prohibits double frontage lots. The double frontage lots in this subdivision are necessary because North Main Street is a major arterial and residential lots cannot front upon it. To lessen the impact of street noise on these lots a six (6) foot high masonry block wall and landscaping along the North Main Street frontage will be required as a mitigation measure. Particular attention shall be directed to provide a graffiti free design through the use of a combination of trees, shrubs and vines to be planted to screen the wall. The subdivision shall be placed in a Landscape Maintenance District comprised of all the lots within the project to assure maintenance of the wall and landscaped areas and pocket parks. Additionally, a condition of approval will require the developer/applicant to dedicate access rights to North Main Street from any lots with frontage on North Main Street and the pocket parks. As a result of these two conditions, staff has determined that the exception to prior Subdivision Ordinance Section 21-7d is not required.

ALTERNATIVES TO THE PROJECT AND THEIR EFFECT:

1. No project. The site would remain undeveloped until an amended development plan is approved.

2. Approve the project. Conditional approval of the proposed tentative subdivision map would allow the site to be developed in conformance with its current General Plan land use designation while contributing additional housing units towards the City’s Fair Share Regional Housing Goal as identified by the General Plan Housing Element.

ENVIRONMENTAL: The Environmental Coordinator on October 27, 2010, determined that a Mitigated Negative Declaration would be appropriate for the project. No comments have been received to date.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: November 14, 2007

DATE ACCEPTED AS COMPLETE: August 25, 2010

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Mitigated Negative Declaration for Sierra Valley Tentative Subdivision Map; and

(2) Adopt the draft resolution approving Sierra Valley Tentative Subdivision Map.

ATTACHMENTS:

1. Sierra Valley Tentative Subdivision Map
2. Mitigated Negative Declaration (Initial Study)
3. Mitigation Monitoring Plan
4. Draft Environmental Resolution
5. Draft Resolution of Approval
6. Applicant’s exception for lot depth letter
City of Porterville

Environmental Checklist Form

1. Project title: Sierra Valley Subdivision

2. Lead agency name and address: City of Porterville
   291 N. Main Street
   Porterville, CA 93257

3. Contact person and phone number: Jose B. Ortiz

4. Project location: Located on the east side of N. Main Street between Westfield Ave and the southerly intersection of Highland Drive and Marshall Street.

5. Project sponsor’s name and address: Bob Purkiss
   Sierra Valley Enterprises
   P.O. Box 912
   Lindsay, CA 93247

6. General plan designation: Low Density Residential

7. Zoning: Low Density Residential (RS-2)

8. Description of project: Proposed tentative subdivision map to divide 22± acres into 74 single family residential lots. Phasing of the project has not been identified. One existing home and storage building on the site is to be removed. Some existing power poles are to be relocated and irrigation and concrete standpipes to be removed. (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

9. Surrounding land uses and setting: Briefly describe the project’s surroundings:
   North – City – Custom Single Family Residential Estate Homes
   South – County Island - Mixed uses of Residential and Commercial uses
   East – City – Custom Single Family Residential Estate Homes
   West – County Island – Commercial

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

   City of Porterville
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Aesthetics ☐ Agriculture Resources ☒ Air Quality
☒ Biological Resources ☐ Cultural Resources ☐ Geology/Soils
☐ Hazards & Hazardous Materials ☒ Hydrology/Water Quality ☐ Land Use / Planning
☐ Mineral Resources ☒ Noise ☐ Population/Housing
☐ Public Services ☐ Recreation ☒ Transportation/Traffic
☐ Utilities / Service Systems ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Signature  
Date  
Printed name
EVALUATION OF ENVIRONMENTAL IMPACTS:
1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

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

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
a) the significance criteria or threshold, if any, used to evaluate each question; and
b) the mitigation measure identified, if any, to reduce the impact to less than significance
Issues:

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I. AESTHETICS -- Would the project:

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

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

c) Substantially degrade the existing visual character or quality of the site and its surroundings?  
   ☐ ☐ ☐ ☒

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

Responses:

a), b), c): No Impact. The project area is in an area defined by the City of Porterville as an undeveloped residential area, but not as a scenic vista. There are no scenic resources on the site and the project area is not within or adjacent to a State Scenic Highway. The proposed residential development will be compatible with the existing and future land uses surrounding it, and it will not substantially degrade the existing visual character of the site. The proposed project would develop a fallow field, but would be consistent with existing development to the east of the project area. The development would not obstruct views of the higher foothills and the Sierra Nevada Mountain range further east. Sources: 1, 5 & 35.

d): Less Than Significant Impact. The project would include new street and residential lighting within the project area. This lighting would be required to meet City standards and would not adversely affect day or night-time views in the area. Sources: 1, 5 & 35.
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

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

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

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

Responses:

a), b), c): No Impact. The project area is within the limits of the City of Porterville and is not being farmed. It is zoned for RS-2 (single family residential) development and would not result in any indirect impact that could result in conversion of farmland to non-agricultural use. Sources: 1 & 35.
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

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

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  

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

d) Expose sensitive receptors to substantial pollutant concentrations?  

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

Response:  

a), b), c), d): Less Than Significant Impact with Mitigation Incorporation. The project is smaller than the 152-unit threshold for small project analysis level defined by the San Joaquin Valley Air Pollution Control District (District), and as such, an URBEMIS model run was not performed. To comply with the District’s restriction of PM_{10} generating activities, the project proponent will follow all Regulation VIII requirements (Tables 1 and 2). In addition, the proponent will further mitigate impacts by meeting the enhanced and additional control measures for construction emissions of PM_{10} (Table 3). These actions will reduce any potential impact to less than significant.  

e): No Impact. The project would not create any scents or odors. Sources: 4 & 24.
IV. BIOLOGICAL RESOURCES. -- Would the project:

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a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Response:

a) **Less than Significant With Mitigation:** Staff conducted a field survey and observed several Elderberry Shrubs within the project. The proposed map identified the shrubs within the project.

The biological report provided, identified a group of Elderberry Plants, Sambucus Californica. The plants were all located northwest of a prominent rock-walled semi-circle directly across the road from 1130 Marshall Street. At one point the canopy drip lines lie within five feet of the wall which is proposed to be removed. Mitigation measures will be required for all resources found. Any mitigation measures identified will be completed prior to construction of any future residential development on the project site, and the proposed project will therefore not result in any additional impacts.

Prior to construction activity within 100 feet of any elderberry shrub, the developer shall secure a written opinion from the U.S. Fish and Wildlife Service that such activity is not likely to affect the Valley Elderberry Longhorn Beetle. The Developer shall ensure compliance will all conditions of approval included in such letter. Also, prior to the removal of any elderberry bush with one or more stems greater that one inch in diameter at ground level, the developer shall secure a Section 10 (a) Incidental Take permit from the U.S. Fish and Wildlife
Service. The developer shall ensure compliance with all conditions of approval, and mitigation measures identified in such permit.

b.,c.,d.,e.,f.) – No other impacts to species, habitat or City conservation plans will result from the project.
V. CULTURAL RESOURCES -- Would the project:

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

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

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

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

Response:

a), b), c), d): No Impact. The project area is disked on a regular basis and it's farmland uses have been removed. The site is currently agriculturally productive. As a result of prior uses, the surface of the site has been significantly disturbed. No known historic, archaeological, or paleontological resources exist on site. In the event that any as-yet undetected (i.e., buried) cultural resources are encountered on this property at a future time, work shall cease within a 50-foot area of the find, and a qualified archaeologist shall be contacted to evaluate any such discoveries. Sources: 4 & 30.
VI. GEOLOGY AND SOILS -- Would the project:

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<td>a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<td>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</td>
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<td>ii) Strong seismic ground shaking?</td>
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<td>iii) Seismic-related ground failure, including liquefaction?</td>
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<td>iv) Landslides?</td>
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<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
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<td>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</td>
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<td>d) Be located on expansive soil, as defined in Table 18-1-5 of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
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<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
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</tbody>
</table>

Response:

a) i, ii, iii, iv, c, d, e) No Impact - The project area is not in the vicinity of any Alquist-Priolo Earthquake Fault Zones as defined by the State Geologist, and would not result in any seismic related impacts. The project area is comprised of stable soils and not subject to landslide, lateral spreading, subsidence, liquefaction or collapse. The project will be fully served by the City wastewater treatment facility, and would not require installation of any septic tanks.

b) Less Than Significant Impact - The project is located on sloped land. Therefore, the project could create any landslide or mudflows. Any future development of the site with single family residential uses would result in ground disturbance through leveling, grading, etc. and absent proper control measures, could contribute to minor soil erosion during construction. The City Engineer will work with the developer to ensure appropriate actions are taken to reduce the potential of impact to less than significant. Development of the site as proposed will result in ground disturbance through leveling, grading, etc. and could contribute to minor soil erosion during construction. Normal project procedures, including the enforcement of a site development plan and other development related conditions of approval would maintain a less than significant impact in regards to erosion. In addition, conformance with the City Storm Drain Master Plan, and requirements relative to grading, the California Building Code, etc., will be required. Sources: 29.
VII. HAZARDS AND HAZARDOUS MATERIALS
Would the project:

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

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

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

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

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

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

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

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

Response:

a), b), c), d), e), f), g), h): No Impact. The project as proposed will not involve hazardous materials, and the project site is not contaminated. The project is not within the vicinity of an airport or an airstrip. The project will not result in any change or interference with an adopted emergency response plan or evacuation plan. Mandatory conformance with the Porterville Zoning Ordinance and the Porterville weed abatement program will ensure that the project will not expose people or structures to a significant risk of loss due to wildfire. Sources: 7 & 12.
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<tr>
<td>a) Violate any water quality standards or waste discharge requirements?</td>
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<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
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<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</td>
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<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</td>
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<td>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
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<tr>
<td>f) Otherwise substantially degrade water quality?</td>
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<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
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<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
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<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
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<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
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Response:

a), c), d), e), f): Less Than Significant with Mitigation Incorporation. Water quality standards could be violated by oils, chemicals, and residues conveyed by stormwater runoff along streets, driveways, and other impervious surfaces. Compliance with Federal, State and local regulations requiring that storm water runoff monitored and maintained free of heavy concentrations of pollutants will mitigate this potential impact to a level of insignificance (NPDES...
The site is within the boundaries of the City’s Master Plan for Storm Drainage (2001). Consequently, the storm water generated from future development of the site has been anticipated by the plan. The installation of storm drain lines in conformance with Federal, State, and local environmental protection requirements and the City’s Storm Drainage Master Plan will be required. Drainage patterns change incrementally as streets, gutters and pipelines are installed to handle additional surface drainage resulting from the development of impervious surfaces such as building and paving. The rate and amount of runoff will increase as these features are constructed. The installation of the curbs, gutters and drop inlets to allow water to channel into the existing storm drain line will prevent any future drainage problems in this area.

The City’s wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 5.3 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plan.

b) Less Than Significant Impact- It is not anticipated that the development of the site as proposed would significantly deplete groundwater supplies or reduce public water supply from the City’s unconfined groundwater aquifer. The City has recently approved capital projects that would add wells and infrastructure to increase the City’s overall water supply. The proposed use is consistent with the General Plan; the capital water system projects are intended to serve projects such as this, and the impact is therefore less than significant.

g), h), i), d) No Impact- The project site is in Zone X, as defined by the Army Corps of Engineers. The FIRM Flood Insurance Map 06107C1634E, Dated June 16, 2009 indicates the site is in Flood Zone X, an area of less than 2% flooding area. The project site is not in an area that could generate seiche or tsunami effects. The site would not be subject to mudflow events.
<table>
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<tr>
<th>IX. LAND USE AND PLANNING - Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact With Mitigation Incorporation</th>
<th>Less than Significant Impact</th>
<th>No Impact</th>
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<tbody>
<tr>
<td>a) Physically divide an established community?</td>
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<tr>
<td>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>☐</td>
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<tr>
<td>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
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**Response:**

a), b), c): No Impact. Porterville’s General Plan designates the subject area for RS-2 Zone (Single Family Residential Zone). The proposed project will not disrupt or divide the physical arrangement of an established community in this area. The project as proposed is consistent with the policies and guidelines set forth in the Land Use Element and Circulation Element of the General Plan and the Zoning Ordinance. The project as proposed will not violate any of the existing polices, nor will it conflict with any applicable environmental plans or policies adopted by agencies with jurisdiction over the project. Therefore, no impact will occur. Sources: 1, 2, 3, 4, 12, & 30
X. MINERAL RESOURCES -- Would the project:

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</table>

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Response:

a), b): No Impact. There are no known mineral resources on the proposed project area. Sources: 4.
XI. NOISE -- Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**Response:**

a), b): Less Than Significant Impact with Mitigation Incorporation. Development of the site as proposed will result in short-term increases in noise associated with construction equipment. To mitigate the potential impacts, construction activities will be restricted to daytime hours: 7:00 AM to 7:00 PM Monday through Friday and 9:00 AM to 5:00 PM Saturday and Sunday.

c), d): Less Than Significant Impact. There will be a slight increase in noise from additional traffic in the area and general noise from increased population after construction is complete and residential uses are in place and occupied. However, the project site is designated for the proposed use in the City’s General Plan and is consistent with existing and planned adjacent uses. These impacts will be less than significant. Sources: 6.

e), f): No Impact. The project is not within the vicinity of an airport or private airstrip. Sources: 6.
XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

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

Response:

a), b), c): No Impact. Based on the historical growth pattern, it is expected that Porterville’s population will continue to grow at about 2.5% annually. The project as proposed will not cause any substantial increase in local population projections; rather, it serves to accommodate the current growth projections. The proposed project will facilitate development envisioned by the General Plan for this area. Further, the project as proposed will not require the removal of any existing housing. Sources: 1, 3 & 30.
XIII. PUBLIC SERVICES

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

- Fire protection? [ ] [ ] [X] [ ]
- Police protection? [ ] [ ] [X] [ ]
- Schools? [ ] [ ] [X] [ ]
- Parks? [ ] [ ] [X] [ ]
- Other public facilities? [ ] [ ] [X] [ ]

Response:

a): Less than Significant Impact. Fire, Police, Schools, Parks, and other Public Facilities will experience increased demand resulting from the development of the 21± acre site as proposed. The anticipated increased demand will be marginal, incremental initial impacts on the above referenced services. Sources: 1, 2, 3, 5, 7 & 8.
XIV. REcreation --

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

☐ ☐ ☒ ☐

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

☐ ☐ ☒ ☐

Response:

a), b): Less Than Significant Impact. The proposed site is not currently used for recreational activities and the proposed project will not reduce the quality or quantity of such opportunities.

City parks and recreation facilities will be sufficient to accommodate the additional recreational needs stemming from development of the site. Sources: 5 & 8.
**XV. TRANSPORTATION/TRAFFIC** -- Would the project:

| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? |
|---|---|---|---|---|
| Potentially Significant Impact | Less than Significant Impact with Mitigation Incorporation | Less than Significant Impact | No Impact |
| ☐ | ☒ | ☐ | ☐ |

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

| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? |
|---|---|---|---|---|
| ☐ | ☐ | ☐ | ☒ |

| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? |
|---|---|---|---|---|
| ☐ | ☐ | ☒ | ☐ |

| e) Result in inadequate emergency access? |
|---|---|---|---|---|
| ☒ | ☐ | ☐ | ☐ |

| f) Result in inadequate parking capacity? |
|---|---|---|---|---|
| ☐ | ☐ | ☒ | ☐ |

| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? |
|---|---|---|---|---|
| ☐ | ☐ | ☒ | ☐ |

**Response:**

A technical memorandum of the potential traffic impacts was provided by the consulting firm Omni Means. The mitigation measurements for the traffic impacts will be incorporated into the mitigation monitoring plan and conditions of approval for the project.

a), b): **Less Than Significant Impact with Mitigation Incorporation.** Development of the 22± acre site with 74 single-family residential units is anticipated to result in about 798 additional daily vehicle trips. This estimate is derived from the technical memorandum provided by Omni Means. The traffic generated within the subdivision can exit from three locations: One location is from the west on to North Main Street; and east on Marshall Drive and Sierra Valley Way. The North Main Street section is planned for 4-lane Major Arterial with the capacity of 21,680 average daily trips (ADT). The increase of trips at the intersections of Main Street/Westfield Ave and Main Street/Highland Drive will contribute to future deficiencies related to LOS for those intersections. Mitigation measures for the Main Street/Westfield Avenue include installation of a traffic signal with dedicated turn lanes. The Main Street/Highland Drive mitigation measures consist of widening Main Street to 4 lanes at the intersection and/or reducing access to right in, right out. Additionally, the project proponent will dedicate right of way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element, and will dedicate and improve the eastside of the Main Street right of way adequate for a minimum of two lanes of traffic and on street parking. Traffic impact fees are assessed for projects of this type to contribute to funding improvements to the overall circulation system as adopted in the Circulation Element of the General Plan. Source: 34.

c), g): **No Impact.** The proposed development was anticipated in the Land Use Element and Circulation Elements of the General Plan and will not conflict with that plan. The project is not within the vicinity of a public airport or private airstrip. Sources: 1, 2, 34, & 35.
d), e), f): **Less Than Significant Impact.** Compliance with the City Code will ensure provision of adequate off-street parking. The project will not result in hazards related to design features. Adequate emergency access and parking will be provided in compliance with the City of Porterville's ordinance and Building Code Regulations that govern development of single-family residential lots. Sources: 1, 2, 34, & 35.
XVI. UTILITIES AND SERVICE SYSTEMS —

Would the project:

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

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

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

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

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

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

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

Response:

a), b), c), d), e): Less Than Significant Impact. The City's wastewater treatment plant has a permitted capacity of 5.3 million gallons per day (mgd) and is currently operating at 5.1 mgd. The plant has a rated capacity of 8 mgd, but is limited to the permitted capacity of 6.5 mgd because of a lack of land on which to use the treated effluent as irrigation water. The City has secured land and is in the process of annexing that land for effluent irrigation and biosolids spreading. Use of these lands will increase the permitted capacity of the treatment plan. Occupation of the project will not be permitted prior to completion of the annexation of land for biosolids spreading. New stormwater drainage facilities will installed as needed to serve the project. Sources: 30 & 35.

f): No Impact. The City of Porterville disposes of its solid waste at the Tea Pot Dome Disposal Site, southwest of the City. The landfill has sufficient permitted capacity to accommodate the projects solid waste disposal needs. Sources: 28 & 35.

g): No Impact. Refuse removed from the project area will conform to County regulations.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

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

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

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

Response:

a), b), c): No Impact. The project as proposed will have no impact on the quality of the natural environment, individually or cumulatively, and will not have substantial adverse effects on humans either directly or indirectly.
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Mitigation Measures</th>
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<tbody>
<tr>
<td>Time Span</td>
<td>Implementation</td>
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<tr>
<td>Monitoring</td>
<td>Time Span</td>
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<tr>
<td>Attachment Item No.</td>
<td>1, 2, 3, 4, 5</td>
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**EXHIBIT**

**ATTACHMENT**

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**Mitigation Monitoring and Reporting Program**

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<thead>
<tr>
<th>Department</th>
<th>City of Patterson</th>
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**Mitigation Measures**

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**Impacts**

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<td>Water</td>
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<td>Air</td>
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<td>Noise</td>
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**Mitigation Measure (1)**

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- Monitor

**Mitigation Measure (2)**

- Monitor
- Monitor
- Monitor
- Monitor
- Monitor

**Mitigation Measure (3)**

- Monitor
- Monitor
- Monitor
- Monitor
- Monitor

**Impacts**

- Water
- Air
- Noise

**Monitor**

- Monitor
- Monitor
- Monitor
- Monitor
- Monitor
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<thead>
<tr>
<th>Building Inspection</th>
<th>Building Inspector</th>
<th>City of Potomac</th>
<th>Condition of Building</th>
<th>Mitigation Measures</th>
<th>Impacts</th>
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<tbody>
<tr>
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<td>City of Potomac</td>
<td>to be the condition of building</td>
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<td>Mitigation Measures</td>
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<th>Monitoring</th>
<th>Implementation</th>
<th>Mitigation Measures</th>
<th>Impacts</th>
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- Improve the Existing Street Network
- Circulation Element and will dedicate and
- Ultimate width in the adopted lane (12 ft) and
- Adequate for a street width that matches the

Sierra Valley Entourage Subdivision Map
Initial Study and Mitigated Negligible Declaration
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS IN SUPPORT OF APPROVAL OF A MITIGATED NEGATIVE
DECLARATION OF ENVIRONMENTAL IMPACT FOR SIERRA VALLEY TENTATIVE
SUBDIVISION 1-2010

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of November 16, 2010, conducted a public hearing to consider approval of Sierra Valley Tentative
Subdivision Map 1-2010 (Attachment A), being a division of a 22± parcel into 74 single family
residential lots generally located on the east side of N. Main Street between Westfield Ave and the
southerly intersection of Highland Drive and Marshall Street; and

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

1. That a Mitigated Negative Declaration was prepared for the project in accordance
with the California Environmental Quality Act; and

2. That the proposed project could have a significant effect on the environment, but
through implementation of mitigation measures, the impact will be reduced to less
than significant; and

3. That the City Council of the City of Porterville is the decision-making body for the
project; and

4. That on October 27, 2010 the Mitigated Negative Declaration prepared for this
project was made available for the 20 day public review and comment period; and

5. That the mitigation measures contained in the Negative Declaration were
incorporated into a Mitigation Monitoring Program attached hereto as (Exhibit A); and

6. That review of the environmental circumstances regarding this project indicates that
no adverse impacts would accrue to wildlife resources from implementation of the
project; and

7. That the project may proceed subsequent to approval and/or conditional approval of
the Fish and Wildlife Service relative to said projects potential environmental
implications; and

8. That the environmental assessment and analysis prepared for this project supporting
the Mitigated Negative Declaration reflects the independent judgment of the City of
Porterville.
NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve the Mitigated Negative Declaration for Sierra Valley Tentative Subdivision Map as described herein.

__________________________________________
Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By

__________________________________________
Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF APPROVAL FOR
SIERRA VALLEY TENTATIVE SUBDIVISION MAP 1-2010 FOR THAT 22± ACRE SITE
GENERALLY LOCATED ON THE EAST SIDE OF NORTH MAIN STREET BETWEEN
WESTFIELD AVENUE AND THE SOUTHERLY INTERSECTION OF HIGHLAND DRIVE
AND MARSHALL STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting
of November 16, 2010, conducted a public hearing to consider approval of Sierra Valley Tentative
Subdivision Map 1-2010 (Exhibit A), being a division of a 22± acre parcel into 74 single family
residential lots generally located on the east side of N. Main Street between Westfield Ave and the
southerly intersection of Highland Drive and Marshall Street; and

WHEREAS: The Parcel Map Committee on November 14, 2007, reviewed and
discussed concerns and conditions that should be addressed before the City Council. Conditions
developed as a result of this meeting and subsequent staff review have been discussed with the
applicant's agent and incorporated into the draft resolution of approval; and

WHEREAS: The City Council received testimony from all interested parties relative to the
proposed tentative subdivision map; and

WHEREAS: The City Council made the following findings:

1. That the design and improvements of the proposed project are consistent with the
General Plan.

2. That the site is physically suitable for the type and density of the proposed
development.

3. That the Mitigated Negative Declaration prepared for this project is in compliance
with the California Environmental Quality Act indicating that such will not have a
significant effect on the environment.

4. That the design of the project, or proposed improvements, is not likely to cause
substantial environmental damage.

5. That the proposed location of the project and the conditions under which it would be
operated or maintained will not be detrimental to the public health, safety or welfare,
or materially injurious to properties or improvements in the area.

6. That the standards of population density, site area dimensions, site coverage, yard
spaces, heights of structures, distance between structures, off-street parking facilities
and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the Zoning Ordinance.

7. That parcels 29, 37, 40, and 41 do not conform to the maximum lot depth of 180 feet pursuant to Section 21-7 b of the Subdivision Ordinance. Parcel 29 has a depth of 242 feet, Parcel 37 has a depth of 213 feet and Parcels 40 and 41 have a depth of 250 feet, therefore a subdivision exception is required.

WHEREAS: Pursuant to Section 21-1.4 of the Subdivision Ordinance, the City Council makes the following findings as they relate to the excessive lots depths designed within this subdivision:

A. That the special circumstances or conditions affecting the property are the irregular shape of the site and topography, especially as it narrows on the southeast corner of the site and design of the subdivision. No other configuration or design was feasible to eliminate the excessive lot depths for Parcels 29, 37, 40, & 41.

B. That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner and that the exception will allow the remaining portion of the property to be subdivided pursuant to City standards.

C. That the granting of the modification will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated. The exception will allow Parcel 29 to have a lot depth of 62± feet more than the allowed maximum of 180 feet. Parcel 37 would have a lot depth of 33± feet more than the allowed maximum of 180 feet. Parcels 40 and 41 would have a lot depth of 70± feet more than the allowed maximum of 180 feet. It is not expected that this will negatively impact the community.

D. That the granting of the exception is in accordance with the purposes prescribed in Section 21-1.1 of this Chapter and the Subdivision Map Act will allow for the subject site to be developed ensuring that pursuant to Section 21-1.1 (Purpose and Scope) of the Subdivision Ordinance the objectives in this section are achieved.

E. That the granting of the exceptions is consistent with the General Plan. Any exception may be granted subject to reasonable conditions which are deemed necessary to effectuate the purposes of this Chapter. The design of the tentative subdivision map complies with the requirements of the Zoning Ordinance and Subdivision Ordinance and is consistent with the density allowed by the General Plan.

WHEREAS: On October 27, 2010, the City of Porterville City Council accepted as complete a Mitigated Negative Declaration for the proposed tentative subdivision.
NOW, THEREFORE, BE IT RESOLVED: That the Porterville City Council does hereby approve Sierra Valley Tentative Subdivision Map 1-2010 subject to the following conditions:

SITE SPECIFIC CONDITIONS:

1. That the project shall comply with the Mitigated Negative Declaration (Exhibit 1) and Mitigation Monitoring Plan (Exhibit 2) throughout the development and construction of the subdivision.

2. Lots 1-36 are dual frontage lots and will be restricted to primary access from Sierra Valley Way street frontage. For setback purposes, the front yard of each of these lots will be along Sierra Valley Way.

3. The developer/applicant shall execute an irrevocable offer of dedication for a potential street connection from the Sierra Valley Way cul-de-sac to the northern property. The dedication shall be clearly shown and identified on the Final Map.

4. Due to the adopted N. Main Street alignment plan, the developer/applicant shall construct improvements in the following manner:

   a. Construct curb, gutter, sidewalk, drainage ditch, cut slope, and block wall as shown on the preliminary design plans on file at the City of Porterville.

   b. There shall be a deceleration lane and an acceleration lane to turn into the residential area. Committed turn lanes would assist in traffic congestion and reduce the possibility of traffic accidents. Extend the existing road easterly to provide for safe parking (8 feet of parking and a 4' shoulder) along full frontage, except at the entrance into the subdivision. The street shall be widened at the entrance to accommodate a south bound left hand turn pocket and a north bound deceleration lane. These lanes shall be a minimum of 100 feet in length. No Parking will be allowed along the deceleration lane.

   c. Construct another drainage ditch along the new edge of pavement that directs the storm water to the City’s drainage system, therefore creating two parallel drainage ditches.

   d. Install a landscaping and an irrigation system along the full frontage in the areas left vacant by the construction of the herein described public improvements. These improvements will create a vacant area between the edge of pavement and the new curb. They will also create another vacant area between the back of sidewalk and the block wall. A landscape and irrigation plan shall be prepared by a Licensed Landscape Architect and delivered to the City for review as part of the improvement plans.

   e. Provide pavement markings and additional pavement, full structural section,
necessary to accommodate a southbound left turning movement at the Westfield Street intersection.

5. The applicant/developer shall provide an irrevocable offer of dedication to the City for the pocket park parcels for recreational open space. The recreational open space areas shall be fully landscaped by the applicant/developer with no greater than 35% turf coverage, pedestrian pathways, interspersed tables and benches, and sufficient trees to provide a minimum of 70% shading within seven years.

STANDARD CONDITIONS:

6. 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.


8. 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). In accordance with City Council's adopted North Main Street alignment plan, about 16 feet of additional right of way dedication is required along the westerly development boundary. An adjoining 20' wide easement shall also be dedicated easterly of the right of way dedication. Graded slope, drainage and Public Utilities is the purpose of the easement.

9. The developer/applicant shall provide and show all required utility easements on the Final Map.

10. The developer/applicant shall dedicate a one-foot (1') limitation of access strip at locations where, in the opinion of the City Engineer, it is desirable to allow access. Access rights shall be relinquished along the full North Main Street frontage and Lots 33 through 36 fronting Marshall Drive.

11. The developer/applicant shall cause all unnecessary easements to be vacated prior to or in conjunction with the Final Map processing.
12. Prior to approval of the improvement plans, the developer/applicant shall have completed and approved, landscaping and/or lighting improvement plans, legal descriptions, etc. The developer/applicant shall petition, on a form provided by the City, to have said subdivision placed in a Lighting and Landscape Maintenance District at the time the final map is approved. Landscape and lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision. The following shall be included in the annex to the district: (1) Lighting, (2) Public Landscaping along N. Main Street (3) Public walls/fences (4) Public Pocket Parks (5) Temporary on-site or off-site drainage reservoir, if any, etc.

13. The developer/applicant shall comply with Chapter 7, Article XIII of the City Code and Appendix Chapter 33 of the California Building Code and provide a Preliminary Soils Report (C.C. Sec. 7-126 & Res. 4997) including results of "R-Value" tests and recommendations regarding the construction of public improvements that address City Standard C-13, satisfactory to the City Engineer, prior to the approval of the improvement plans or start of grading, whichever comes first. Additional reporting requirements are as indicated below:
   
   a. Final Grading, Drainage and Soils Report, prior to issuance of building permits (C.C. Sec. 7-133);
   
   b. Erosion Control Plan in conformance with the California Storm Water Best Management Practice Handbook for Construction Activity, prior to start of grading (CBC Appendix Chapter 33). The provisions of the approved Erosion Control Plan shall be incorporated into the Improvement Plans;
   
   c. Soils Report(s) in accordance with Chapter 18 of the California Building Code. Specific to this development is the necessity to address slope stability, prior to approval of the improvement plans. Said report shall be prepared in accordance with Guidelines for Evaluating and Mitigating Seismic Hazards in California.

14. 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.

15. In accordance with Section 21-51 of the Subdivision Ordinance, the developer/applicant shall enter into an agreement that provides for completion of improvements within twelve (12) months.

16. Prior to start of grading on any unit, 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. Prior to acceptance of improvements, the developer/applicant shall provide the City Engineer with proof of completion in compliance with County regulations. Developer/applicant shall comply with City standard for "backflow"
prevention pursuant to Resolution No. 9615 for all wells that will remain in service.

17. The developer/applicant shall replace or provide surety for replacement of irrigation pipes in the right-of-way, if, in the opinion of the City Engineer, replacement is warranted. The developer/applicant shall provide easements for irrigation pipes across lots created, if pipes will continue in use. The developer/applicant shall also cure leaks in any irrigation pipe that will continue in use. The developer/applicant shall communication, in writing, with the irrigation company of record discussing the proposed development and determines if the development will have any impact on their facilities. Copies of the written correspondences shall be delivered via certified mail with a copy to the City. The ditch company known to have ditches crossing the property is the Sunnyside Ditch Company, managed by Vandalia Irrigation District.

18. Prior to recording the final map, the developer/applicant shall provide surety for off-site improvements and provide easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the subdivision (e.g. water, sewer, drainage, etc.).

19. The developer/applicant shall coordinate with the U.S. Postal Service regarding the kind of mail facilities that will be utilized. If neighborhood box units (NBUs) are to be used, construct sidewalks in a timely manner to facilitate NBU installation.

20. The developer/applicant shall obtain a City demolition permit prior to approval of the improvement plans and, under City inspection, remove all existing, abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to acceptance of the improvements (e.g. buildings, foundations, septic tanks, irrigation pipes, etc.).

21. 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. During grading operations the "Supervising Civil Engineer" shall be responsible for enforcing the dust control provisions of Section 7-8 or the developer/applicant shall pay inspection fees on the grading cost to compensate the City for dust control inspection. 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.

22. The developer/applicant shall construct or provide surety 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 subdivision lots 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.
23. Building or foundation permits shall not be issued until all of the following items are accepted as complete:

a. The storm drain system is functional so that it will accept water from fire hydrant and/or water main flushing;

b. The water system, is functional from the source of water past the lots on which permits are being requested (i.e. all services and the sampling station, if required, are installed, valves are functional and accessible, bacteria testing is completed, etc.);

c. Street base rock for accessibility by the public safety officials and building inspectors;

d. Lots are graded in accordance with the approved grading plan. Prior to receipt of the Final Grading, Drainage and Soils Report a letter from the "Supervising Civil Engineer" is required validating that the grading has been done in accordance with the approved grading plan and in accordance with the recommends contained in the Preliminary Soils Report;

e. Lot corners are marked;

f. Fire hydrants are accepted by the Fire Department and the Engineering Division.

24. 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. Dedicate a drainage easement across each lot requiring an easement, unless all lots are graded to drain to the street (C.C. Sec. 21-50). The developer/applicant shall construct concrete drainage swales, approved by the City Engineer, if necessary, to transport storm water across adjacent subdivision lots to reach a City drainage system. There are significant improvements, property acquisitions and other issues involved in implementing the Strom Drain Master Plan or the N. Main Street improvement plans on file with the City. Should it become unreasonable to implement the Storm Drain Master Plan upon development of the proposed subdivision, the developer/applicant may provide on-site or off-site temporary drainage reservoirs in accordance with City Standards.

25. The developer/applicant shall construct a concrete drainage swale, replacing the existing ditch along the easterly boundary, if in the opinion of the City Engineer it becomes an integral part of the development’s drainage system. The hillside runoff, specifically along the easterly project boundary, shall be captured by a concrete swale, barrier curbs and gutters, or other means acceptable to the City Engineer and directed to the City’s drainage system.

26. 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.

27. To accommodate refuse vehicles and street sweepers, the developer/applicant shall dedicate and improve, to City standards, temporary turn-arounds at the ends of dead-end streets.

28. The developer/applicant shall construct all weather alternative vehicular access road equipped with a double 2.5" pipe security gate with Knox padlock to accommodate emergency service vehicles at such time that phased development of the subdivision results in creation of dead end cul-de-sac streets in excess of 600 feet long.

30. The developer/applicant shall cause all regulatory and street name signs to be installed prior to occupancy of any house located where its occupants will utilize a street that does not have them.

32. The developer/applicant shall construct two City standard barricades at the end of all dead end streets.

33. The developer/applicant shall provide an internal street pattern that will serve the adjacent properties. The developer applicant shall provide a bulb at the north end of Marshall Drive that provides turning movements for the City emergency vehicles and refuse vehicles. Templates illustrating the turning movements within the proposed bulb are required prior to approval of the Tentative Map. The map shall be modified, if required, to meet City standards.

34. The developer/applicant shall constructed frontage improvements along Marshall Drive, specific to Lots 60 through 74 in accordance with Section 21-23 of the Subdivision
35. The developer/applicant shall cause the sewer system to be completed, tested, and accepted by the City prior to residential occupancy of any house in the subdivision.

36. Sewer mains shall be accessible for maintenance within a public ways. The public ways shall be improved to City Street or Alley Standards. A homeowners association or other acceptable associations, complying with state and local regulations, shall be formed for the purpose of maintaining the sewer system in perpetuity as presently proposed (backyard services). Association documents shall be submitted to the City for review and approval. Approval of improvement plans is contingent upon the approval of the association documents.

37. 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).

38. Prior to acceptance of improvements, the developer/applicant shall provide street lights throughout the development, including Main Street, 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.

39. The developer/applicant shall construct the water system in a maximum of two sections for each phase of the subdivision. One section for the model homes and one section for the remainder of the phase. The number of model homes shall not exceed one for each 10 lots in the subdivision or four, whichever is greater. The model homes shall be clustered.

40. The developer/applicant shall construct water main(s) along the frontages of the proposed development, as depicted in the Water Master Plan.

41. The developer/applicant shall have a Civil Engineer design a water system that will provide a fire flow at each fire hydrant of 1,000 g.p.m. with 20 p.s.i. residual pressure for a dwelling less than 3,600 square feet and 1,500 g.p.m. with 20 p.s.i. residual pressure for a dwelling unit greater than 3,600 square feet.

42. 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.

43. The developer/applicant shall comply with the City standard for "backflow" prevention pursuant to Resolution No. 9615.
44. One tree of minimum #15 specimen size and approved as a City Street Tree is required in the front yard of each lot. One additional tree is required on corner lots. Root barriers are required for all trees planted within ten feet of public sidewalks.

45. A PCC or masonry fence with an articulated alignment shall be constructed by the applicant/developer along the Main Street frontage of all lots. A minimum 6-foot wide landscape area shall be provided between the masonry wall and the public sidewalk. The masonry wall shall be located to ensure adequate sight distance at street intersections. A 5-foot wide wall and landscape maintenance easement shall be conveyed to the City of Porterville along the rear and side yards of lots abutting Main Street.

46. The applicant/developer shall construct a 6-foot high PCC or masonry fence along all common lines with residential lots that border the recreational open space. The fence shall be reduced in height at front yard setback lines and otherwise fully comply with fence height requirements.

47. The project must comply with latest applicable codes.

48. When any portion of the building to be protected is in excess of 150 feet from a water supply on a public street, there shall be installed on-site fire hydrants capable of supplying the required fire flow.

49. Additional fire hydrants will be required. Hydrants are to be placed at corner lots where ever possible. All hydrants must be in place and accepted by the Fire Department prior to any combustibles being brought onto the site.

50. 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.

51. Fire hydrant spacing shall be as follows:
   In Residential development, one hydrant shall be installed at 500-foot intervals.

52. Project must meet minimum fire flow requirements per the table in Appendix III-A & III-B of the California Fire Code.

53. 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 III-B Table A-III-B-1, Note Number 3.

54. Hydrants are not to be placed within the bulb of a cul-de-sac but shall not be placed more than 250 feet from the end of any road.

55. 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.
56. Access roads shall be provided for every facility, building or portion of a building, when any portion of the facility or portion of an exterior wall is located more than 150 feet from a fire apparatus access as measured by an approved route around the exterior of the building.

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

58. Slopes of residential driveways shall not exceed 15%. Slopes exceeding 10% grade shall be concrete.

59. Grades for streets shall be as follows: Primary Arterials shall be no steeper than 8 %; Secondary Arterials shall not be steeper than 10% grade, Local Streets shall not be steeper than 12% grade, Loaded Local Streets shall not be steeper than 8% grade, and Intersections shall be at 6% grade or less.

Ronald L. Irish, Mayor

ATTEST:

John Lollis, City Clerk

By

Patrice Hildreth, Chief Deputy City Clerk
City Council  
City of Porterville  
291 North Main Street  
Porterville, CA  93257  

Re:  Sierra Valley Subdivision  
Bob Purkiss, Et Al, Owners/Developers  

Honorable City Council:  

We wish to request an exception to the City Ordinance Section 21-7(b) establishing a maximum lot depth of 180 feet. Lots 29, 37, 40, and 41 have an average depth exceeding the 180 feet. Based upon the irregular shape of the existing property and the alignment of the future streets, these lots exceed the average depth as follows: 

- Lots 29 and 37 average depths are 202 feet (22 feet difference); 
- Lot 40 average depth is 248 feet (68 feet difference); and, 
- Lot 41 average depth is 194 feet (14 feet difference).  

The lot configurations as proposed allow for the best use of the land and are a logical design for the existing site. 

The Council's approval of this request would very much be appreciated. 

If there are any questions, please contact our office.  

Very truly yours, 

[Signature]  
Donna Shamley  

[Attachment Information]
COUNCIL AGENDA: NOVEMBER 16, 2010

PUBLIC HEARING

SUBJECT: CONSIDERATION OF PARKING FEES AT THE SPORTS COMPLEX

SOURCE: Parks & Leisure Services Department

COMMENT: At the City Council meeting on November 2, 2010, recommendation was made to adopt a parking fee for the Sports Complex that would be collected at the time of registration for all participants that competed in each organization that hosted events at the site.

Staff prepared a chart that estimates the revenues at four different levels of fees, from $1 per participant to $2 per participant.

The original intent was for the proposed fees to assist with the funding for maintenance of the facility, particularly the turf. Currently the revenue generated from parking fees reverts into the General Fund Revenue, which equates to approximately $18,000 after expenses. The current expenditure for supplies and maintenance is $2,000.00, which includes a single application of fertilizer annually. In order to properly care for the turf and maintenance of a complex of this purpose, an approximate cost should be $19,000. This would include aeration of the turf, double application of fertilizer (spring and winter) annually, broadleaf preventative, rodent eradication and gypsum application annually.

RECOMMENDATION: That the City Council consider amending the Sports Complex parking fee to coincide with one of the suggested fees.

ATTACHMENT: Proposed Fee Chart
## Fall Sport Organization Fee

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<th>Sport Organization</th>
<th>Estimate # of Youth</th>
<th># of Games</th>
<th>$1.00</th>
<th>$1.50 or Pass</th>
<th>$1.75</th>
<th>$2.00</th>
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<td>$5,136</td>
<td>$5,992</td>
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<td>Youth Tackle Football</td>
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<td>$4,000</td>
<td>$6,000</td>
<td>$7,000</td>
<td>$8,000</td>
</tr>
<tr>
<td>Youth Flag Football</td>
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<td>$2,000</td>
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<td>$4,000</td>
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<td>$900</td>
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## Spring Sport Organization Fee

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<th># of Games</th>
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<th>$1.50 or Pass</th>
<th>$1.75</th>
<th>$2.00</th>
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<td>C.O.P. Youth Baseball</td>
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<tr>
<td></td>
<td><strong>524</strong></td>
<td></td>
<td><strong>$4,192</strong></td>
<td><strong>$6,288</strong></td>
<td><strong>$7,336</strong></td>
<td><strong>$8,384</strong></td>
</tr>
</tbody>
</table>

| Estimate 2010-11 Revenue | 2142                |           | **$18,086** | **$27,099** | **$31,616** | **$35,132** |

Each participant pay $1.50 per game (current fee for parking pass) or $1.75 in registration fee.

### Tournament Fee

Parking fee enforced on tournament and/or special events only.

3 tournaments/special events. We estimate $1,800 of revenue.
COUNCIL AGENDA: NOVEMBER 16, 2010

HEARING

SUBJECT: RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY (6,024 SQ. FEET) LOCATED AT APN #268-120-004, OWNER DARYL C. NICHOLSON, TRUSTEE OF THE DARYL C. NICHOLSON AND VICTORIA M. NICHOLSON TRUST - FOR THE PROPOSED SCRANTON AVENUE AND INDIANA STREET WIDENING PROJECT

SOURCE: CITY ATTORNEY'S OFFICE

COMMENT: Staff has been working with the owner of the subject property, Daryl Nicholson (trustee), to acquire the above-referenced portion of property (approximately 6,024 square ft. of property currently used as an olive grove). This portion of the property needs to be acquired in order to commence construction for the Scranton Avenue and Indiana Street Widening Project. While there have been ongoing discussions between the parties, the City and property owner have not yet been able to reach an agreement. A Resolution of Necessity for a separate portion of property of the same parcel was adopted by the City Council in June 2010.

Staff is asking City Council to adopt a Resolution of Necessity, as the plans for the proposed project are complete and the City wishes to commence construction work. The City Attorney has prepared the attached Resolution of Necessity as authorized and for adoption by City Council. The statutory offer and summary of the basis for just compensation, pursuant to Government Code Sections 7267.1 and 7267.2(a) and prepared by City and/or its agent, have been sent to the owners. The City Attorney has also notified the above owners, in writing via certified mail, and more than 15 days prior to the Council meeting, that this matter would be scheduled for this meeting's agenda. As of today, no written request to be heard has been received by the City from the property owners. In adopting a Resolution of Necessity, the City Council must find that the public interest and necessity require the project, that the project is planned or located in the manner that will be most compatible with the greatest public good and least private injury, and that the property sought to be acquired is necessary for the project.

RECOMMENDATION: That City Council:
1. Hear testimony from the owners and/or their representative(s), if they appear at the hearing and request to be heard;
2. Adopt the attached Resolution of Necessity; and
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

Attachment: Draft Resolution of Necessity and Attachments

ITEM NO. 16A
CITY COUNCIL, CITY OF PORTERVILLE
COUNTY OF TULARE, STATE OF CALIFORNIA

RESOLUTION NO. ___________ - 2010


WHEREAS, the City of Porterville intends to undertake a street widening project (entitled the “Scranton Avenue and Indiana Street Widening Project”), which involves adding lanes along a stretch of these roadways that serve to connect State Route 65 with Porterville’s industrial area, and related work concerning Scranton Avenue and Indiana Street; and

WHEREAS, after notice and opportunity have been given to the property owner(s) at issue, the City Council of the City of Porterville hereby finds and determines as follows:

1. The City of Porterville intends to construct the aforementioned Project, a public use, together with related improvements to carry out and make effective the principal purpose pursuant to Code of Civil Procedure Section 1240.120(a), and in connection therewith, acquire interest in certain real property. Said public use is a function of the City of Porterville.

2. The City of Porterville is authorized to acquire the portion of the parcel described in Appendix 1 herein and exercise the power of eminent domain for the public use set forth herein in accordance with the California Constitution and the California Eminent Domain Law, Code of Civil Procedure Section 1230.010 et seq. and pursuant to Government Code Section 37350.5, Streets and Highways Code Section 5100 et seq., and Sections 3 and 4 of the Charter of the City of Porterville.
3. The property to be acquired consists of a portion of one parcel and is generally located at the southeast corner of Scranton Avenue and State Route 65. The property to be acquired is more particularly described in Appendix 1, attached hereto and incorporated herein by reference together with a map thereof.

4. On October 22, 2010, there was mailed a Notice of City of Porterville’s Intent to Adopt a Resolution of Necessity for acquisition by eminent domain of the real property described in Appendix 1 herein, which Notice of Intent is attached hereto as Appendix 2 and is incorporated herein by this reference. Said Notice of Hearing was mailed to all persons whose names appear on the last equalized County Assessment Roll as having an interest in the property described in Appendix 1, and to the situs address appearing on said Roll. Said Notice advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein. Said persons received the Notice of Intent.

5. The hearing set out in said Notice was held on November 16, 2010, at the time and place stated therein, and all interested parties were given an opportunity to be heard. The hearing was closed.

Based upon the evidence presented, this City Council by vote of two-thirds or more of its members, further finds, determines, declares, and resolves each of the following:

a. The public interest and necessity require the proposed project.

b. The proposed project serves a public purpose and is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The property described herein in Appendix 1 is necessary for the proposed project.

d. The offer required by Section 7267.2(a) of the Government Code, and the summary of the basis for the amount established as just
compensation, attached hereto as part of Appendix 2, was made to the owner or owners of record.

e. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the property described herein have been complied with by the City of Porterville.

f. A portion of the property described in Appendix 1 may be acquired for a more necessary public use pursuant to Code of Civil Procedure Section 1240.610. The City Council further finds and determines that insofar as and to the extent that said parcel has heretofore been dedicated to a public use for telephone and/or electric utility purposes, the acquisition and use of said parcel by the City of Porterville for the public use described above is for a more necessary public use than the use to which the property has already been appropriated.

6. The City Attorney is hereby AUTHORIZED and EMPOWERED:

a. To acquire in the name of the City of Porterville, by condemnation, the property described in Appendix 1, attached hereto and incorporated herein by this reference in accordance with the provisions of the California Eminent Domain Law and the Constitution of California;

b. To acquire the property in fee simple unless a lesser estate is described in Appendix 1, herein;

c. To prepare or have prepared and to prosecute or to retain counsel to prosecute in the name of the City of Porterville such proceedings in the proper court as are necessary for such acquisition;
d. To deposit the probable amount of compensation, based on an appraisal, and to apply to said court for an order permitting the City of Porterville to take immediate possession and use of said property for said public uses and purposes.

This Resolution was passed by the City Council members of the City of Porterville at a regularly scheduled meeting thereof on the 16th day of November, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

______________________________________________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis

______________________________________________________________
By: Patrice Hildreth, Chief Deputy City Clerk
APPENDIX 1
EXHIBIT “A”

That portion of the east half of the Northeast quarter of Section 10, 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:

COMMENCING AT the Northeast corner of the Northeast quarter of said Section 10;

THENCE, North 89°49'58” West, along the north line of said Northeast quarter, a distance of 759.18 feet to the POINT OF BEGINNING;

THENCE, leaving said north line, South 00°28'27” West, a distance of 42.00 feet;

THENCE, North 89°49'58” West, along a line parallel with the north line of said Northeast quarter, a distance of 362.19 feet to a point on the east line of the property conveyed to the State of California per Grant Deed, recorded December 2, 1953 in Volume 1711, Page 185, Tulare County Official Records;

THENCE, North 45°25'17” East, along the east line of said State of California property, a distance of 17.05 feet, to an angle point on said east line;

THENCE, North 00°34'07” East, along said east line a distance of 30.00 feet, to a point on the north line of said Northeast quarter;

THENCE, South 89°49'58” East, along the north line of said Northeast quarter a distance of 350.10 to the POINT OF BEGINNING.

EXCEPTING that interest in the North 25.00 feet of the Northeast quarter of Section 10, 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 April 4, 1940 in Volume 894, page 359 of Tulare County Official Records.

The above described parcel contains 6,024 square feet or 0.138 Acres more or less.

BASIS OF BEARINGS being the north line of the Northeast quarter of Section 10, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, taken as North 89°49'58” 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: 6/30/200
PROPERTY PLAT

EXHIBIT "B"

NORTH

APRIL 4, 1940 IN VOLUME 894, PAGE S59, OFFICIAL RECORDS.

25' RIGHT OF WAY DEDICATION CONVEYED TO TULARE COUNTY PER DEED RECORD April 4, 1940 IN VOLUME 894, PAGE 359, OFFICIAL RECORDS.

LINE DATA

L1 N89°49'58"W 759.18'
L2 S00°28'27"W 42.00'
L3 N89°49'58"W 362.19'
L4 N45°25'17"E 17.05'
L5 N00°34'07"E 30.00'
L6 S89°49'58"E 350.10'

0 100 200 400 FT.

SCALE: 1"=200'

City of Porterville
291 N. MAIN ST.
PORTERVILLE, CA. 93257
559 7827462

That portion of the East half of the Northeast Quarter of Section 10, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.

OWNER: Nicholson Trust
APN: 268-120-004
AREA: 6,024 S.F. (Total)
ACRES: 0.138 AC (Total)
DRAWN BY DC
CHC'K BY MRR
APPENDIX 2
August 27, 2010

Daryl C. Nicholson, Trustee
26914 Avenue 140
Porterville, CA 93257

RE:    Offer to Purchase Real Property Pursuant to
Government Code §7267.1 and § 7267.2(a)
Site Address: SE Corner Scranton Ave. and SR-65, Porterville, CA
Assessor’s Parcel Number: 268-120-004 (Portion)

Dear Mr. Nicholson:

The City of Porterville (City) is proposing to widen and construct improvements to portions of Scranton Avenue and Indiana Street. The proposed project will require the acquisition of a fee interest in a portion of the above referenced parcel. Paragon Partners Ltd. has been retained by the City to acquire those property rights.

California law requires that, before making an offer for the acquisition of real property for the Newcomb and Beverly Project, the City must obtain an appraisal to determine the fair market value of the real property being acquired (the Property), must establish an amount which it believes to be just compensation for that Property and must make an offer to the owner for an amount not less than the just compensation so determined. The City has accordingly had that portion of your property appraised to determine its fair market value, as defined in California Code of Civil Procedure section 1263.320. It was appraised in accordance with commonly accepted appraisal standards and included consideration of the highest and best use of the land, the land’s current use and any improvements located thereon. The appraisal has been completed and reviewed, and the City has determined an amount which constitutes just compensation for the Property.

The City hereby offers you the sum total of FIVE THOUSAND ONE HUNDRED ($5,100.00) DOLLARS for the acquisition of 100% of the interest(s) in the Property. The enclosed Appraisal Summary Statement outlines the basis for this offer.

In accordance with California Code of Civil Procedure § 1263.025(a), the City hereby offers to pay the reasonable costs, not to exceed $5,000, of an independent appraisal should you desire for such appraisal to be conducted. Any independent appraisal shall be conducted by an appraiser licensed by the Office of Real Estate Appraisers.

The amount of the offer is predicated on the assumption that there exists no hazardous substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or addressed pursuant to the Comprehensive Environmental Response, Compensation and
Liability Act, 42 United States Code section 9601 et seq., on the Property. Furthermore, please be advised that the amount offered is subject to an environmental site inspection, and the cost to remediate any identified problems may affect the valuation of the Property. This offer is also conditioned on the City Council’s ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity.

This is an offer to purchase all of the interest designated as the Property, free of all liens and other encumbrances, except as may be agreed to by the City.

No final determination has been made as to the ownership of the subject property. This offer is contingent upon presentation of conclusive evidence of title. If more than one person has an interest in the subject property that the City is seeking to acquire, all parties with such interest must accept this offer.

If you sign and return the Purchase Contract and the Grant Deed, the City will deposit the full consideration with an escrow holder with instructions to pay the same to you or any holder of any encumbrance on your property after the City Council approves the purchase. The City will pay all the escrow fees. When property is sold to the City of Porterville, there is the same obligation as in a private transaction for the Owner to pay in escrow the amounts needed to remove liens and encumbrances, if any. In the event that there are liens and encumbrances, the escrow agent, on behalf of the Owner, shall either:

- Pay to owners of liens and encumbrances, out of the approved compensation paid by the City of Porterville, the amount needed to terminate leases or cancel trust deeds, mortgages, or other liens affecting the property acquired, or

- Arrange for holders of leases, trust deeds, mortgages, or other liens to quitclaim their interest, if any, to the Parcel being acquired. When an Owner sells his/her property to the City of Porterville, the Owner’s obligation to pay current and past due property taxes is the same as if the Owner were selling to a private individual. However, you, as an Owner, will not be required to pay recording fees, transfer taxes, or the pro rata portion of real property taxes which are allocable to any period after the passage of title or possession to the City.

If you agree to the transaction as described, please sign duplicate originals of the enclosed Purchase Agreement and return both signed originals to Paragon in the enclosed envelope. The other materials (Appraisal Summary, Title Report, etc.), are included for your information and files.

If the City and the property Owner(s) are unable to come to an agreement, it may be necessary for the City to proceed with an eminent domain proceeding. However, we look forward to working with you toward a friendly negotiation and timely completion of this transaction. Please let us know if you agree to accept the City’s offer by executing and returning the enclosed Agreement no later than September 17, 2010. Failure to return the signed Agreement by September 17, 2010 will be deemed a refusal of the City’s offer.
If for any reason you should see fit to not accept the City’s offer, please be advised that this letter, the offer made herein, the enclosed summary statements, and all matters stated herein are made under the provisions of California Evidence Code §§ 1152 and 1154, and shall not be admissible in any eminent domain proceeding, or any other action, for any purpose prohibited under these sections.

If you have any questions regarding this Street Improvement Project, the Offer to Purchase, the Purchase Contract, the Right of Entry or the acquisition process, please feel free to contact me at 714-379-3376 or by e-mail at: radler@paragon-partners.com.

Sincerely,
Paragon Partners Ltd.

RICHARD A. ADLER
Agent for the City of Porterville

Enclosures:  Appraisal Summary Statement
              Copy of Title Report
              Eminent Domain Information Pamphlet
              Legal Description and Plat Drawing
              Purchase Contract
              Acknowledgment of Receipt
August 27, 2010

Daryl C. Nicholson, Trustee
26914 Avenue 140
Porterville, CA 93257

RE: Offer to Purchase Real Property Pursuant to
Government Code §7267.1 and § 7267.2(a)
Site Address: SE Corner Scranton Ave. and SR-65, Porterville, CA
Assessor's Parcel Number: 268-120-004 (Portion)

We hereby offers to widen and construct improvements to portions of the proposed project will require the acquisition of a fee parcel. Paragon Partners Ltd. has been retained by an offer for the acquisition of real property for the 1st obtain an appraisal to determine the fair market (the Property), must establish an amount which it is property and must make an offer to the owner for an so determined. The City has accordingly had that mine its fair market value, as defined in California . It was appraised in accordance with commonly onsideration of the highest and best use of the land, 3 located thereon. The appraisal has been completed an amount which constitutes just compensation for

Dated

Daryl C. Nicholson, Trustee
26914 Avenue 140
Porterville, CA 93257
SUMMARY OF THE BASIS FOR THE AMOUNT ESTABLISHED AS JUST COMPENSATION

The following is a summary of the basis for the amount that the City of Porterville established as just compensation, which amount was derived from an appraisal as approved by the City of Porterville. The appraisal was prepared to comply with Code of Civil Procedure Section 1255.010 and to assist the City of Porterville to acquire property by negotiated agreement with Owners, so as to avoid litigation, relieve congestion in the courts, and assure consistent treatment for Owners as required by Government Code Section 7267. The appraisal was made in accordance with accepted appraisal principles, consistent with California valuation law. A statement of the appraisal process, which was the basis for the valuation conclusions, follows:

Definition of the Appraisal Problem – Property Data

<table>
<thead>
<tr>
<th>Date of Valuation Used:</th>
<th>July 23, 1010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Identification:</td>
<td>Scranton Avenue Widening</td>
</tr>
<tr>
<td>Record Owner:</td>
<td>Nicholson Trust</td>
</tr>
<tr>
<td>Parcel Number:</td>
<td>268-120-004</td>
</tr>
<tr>
<td>Property Address:</td>
<td>None</td>
</tr>
<tr>
<td>Date acquired:</td>
<td>January 17, 2007</td>
</tr>
<tr>
<td>Price paid:</td>
<td>N/A</td>
</tr>
<tr>
<td>Character of interest being considered for acquisition:</td>
<td>Fee acquisition</td>
</tr>
<tr>
<td>Area of parcel proposed to be acquired:</td>
<td>6,024 square feet</td>
</tr>
<tr>
<td>Improvements pertaining to the realty:</td>
<td>Trees – 19 total</td>
</tr>
<tr>
<td>Topography:</td>
<td>Level, near street grade</td>
</tr>
<tr>
<td>Shape:</td>
<td>Rectangular-shaped</td>
</tr>
<tr>
<td>Access:</td>
<td>Scranton Avenue or Indiana street</td>
</tr>
<tr>
<td>Utilities:</td>
<td>SCE</td>
</tr>
</tbody>
</table>

Highest and Best Use Analysis

Highest and best use is defined as the reasonably probable and legal use of land which is legally permissible, physically possible, and financially feasible that results in the highest value. Highest and best use analysis is used in the appraisal process to identify comparable properties and, where applicable, to determine whether the existing improvements should be retained, renovated, or demolished. The results of the highest and best use analysis are:

<table>
<thead>
<tr>
<th>Present Use:</th>
<th>Olive Grove</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicable Zoning:</td>
<td>AE-20 Agriculture</td>
</tr>
<tr>
<td>Applicable general plan designation:</td>
<td>Low-Medium Density Residential</td>
</tr>
<tr>
<td>Reasonably probable legal land use designation in the near future:</td>
<td>Agriculture</td>
</tr>
<tr>
<td>Highest and best legal use of the property reasonably probable in the near future:</td>
<td>Agriculture</td>
</tr>
</tbody>
</table>
Value Estimate: Application of the Sales Comparison Approach

The sales comparison approach was used as the best indication of market value. The sales comparison approach is one of the three accepted approaches valuable. The income capitalization approach and the cost approach were not considered to be applicable to this appraisal problem. The sales comparison approach is used to derive a value indication by comparing the property being appraised to similar properties that have sold recently, applying appropriate units of comparison, and making adjustments to the comparables based on the elements of comparison. This is the preferred method of valuation when comparable sales data are available. The sales comparison approach was based on the consideration of comparable sales, which sold within a reasonable time of the date of valuation for unadjusted prices ranging from $9,969 to $20,600 per acre.

Valuation Conclusions

Based on the valuation derived from the said appraisal, the amount which the City of Porterville believes to be just compensation follows:

Fair Market Value of Land Parcel....................................................... $2,661

In addition, in establishing the amount believed to be just compensation, the City of Porterville derived from said appraisal whether or not there were damages and benefits to the remaining property. The basis for this determination is whether or not the remainder had been diminished in value by reason of the acquisition of the Parcel being acquired and the construction of the improvement in the manner proposed (severance damage) and, if so, whether the same remainder had been increased in value by reason of the construction of the improvement in the manner proposed (benefits). If there are no severance damages, then whether there is a benefit is inapplicable since benefits can only be offset against severance damages by reason of California valuation law.

| Derived from said appraisal, the amount established as just compensation is... | $2,661 |
| Severance damages to the remainder......................................................... | $2,400 |
| Total Compensation for Acquisition......................................................... | $5,100 (rd.) |
In response to the application for a policy of title insurance referenced herein, Chicago Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner’s Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a Nebraska corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.
PRELIMINARY REPORT

Title Officer: Casandra Wright
Title No.: 10-42309747-CW
Locate No.: CACTI7754-7754-4423-0042309747

TO: City of Porterville
    291 N. Main Street
    Porterville, CA 93257
    ATTN: Susan Duke

PROPERTY ADDRESS: Porterville, California

EFFECTIVE DATE: August 23, 2010, 07:30 A.M.

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy - 1990

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A Fee

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:


3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DV\DV 08/27/2010

CLTA Preliminary Report Form - Modified (11/17/06)
LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

The East half of the Northeast quarter of Section 10, all in Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the City of Porterville, County of Tulare, State of California, according to the official plat thereof.


APN: 268-120-004
AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. **Reservations** contained in the Patent

   From: The United States of America
   Recorded: of Patents

   Which among other things recites as follows:

   Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by local customs, law and decision of the courts; and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

2. **Property taxes**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2010-2011.

3. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

4. **Taxes and assessments** levied by the Tea Pot Dome Water District.

5. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

   Granted to: County of Tulare
   Purpose: road
   Recorded: January 14, 1892, Book 3, Page 402, of Rights of Way
   Affects: The North 20 feet of the Northeast quarter of the Northeast quarter

   Reference is made to said document for full particulars.

6. **A lease** with certain terms, covenants, conditions and provisions set forth therein.

   Lessor: Edith A. Faris, et al
   Lessee: J. H. Blazius

   The present ownership of the leasehold created by said lease and other matters affecting the interest of the lessee are not shown herein.
7. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

   Granted to: County of Tulare  
   Purpose: road  
   Recorded: April 4, 1940, Instrument No. 6321, Book 896, Page 30, of Official Records  
   Affects: as set forth in said document

8. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

   Granted to: County of Tulare  
   Purpose: road  
   Recorded: April 4, 1940, Instrument No. 6322, Book 896, Page 31, of Official Records  
   Affects: The East 25 feet of the Southeast quarter of the Northeast quarter

9. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

   Granted to: County of Tulare  
   Purpose: road  
   Recorded: April 4, 1940, Instrument No. 6323, Book 896, Page 32, of Official Records  
   Affects: The East 25 feet of the Northeast quarter of the Northeast quarter

10. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

    Granted to: County of Tulare  
    Purpose: road  
    Recorded: April 4, 1940, Instrument No. 6324, Book 896, Page 359, of Official Records  
    Affects: The North 25 feet of the Northeast quarter of the Northeast quarter

11. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

    Granted to: Southern California Edison Company  
    Purpose: public utilities  
    Recorded: July 16, 1942, Instrument No. 14098, of Official Records

The exact location and extent of said easement is not disclosed of record.

Reference is made to said document for full particulars.


Reference is hereby made to said document for full particulars.
12. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Southern California Edison Company
Purpose: public utilities
Recorded: July 16, 1942, Instrument No. 14099, of Official Records

Reference is made to said document for full particulars.

The exact location and extent of said easement is not disclosed of record.

13. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Southern California Edison Company
Purpose: public utilities
Recorded: June 25, 1946, Instrument No. 22327, of Official Records

Reference is made to said document for full particulars.

The exact location and extent of said easement is not disclosed of record.

14. **The fact** that the ownership of said land does not include rights of access to or from the street, highway, or freeway abutting said land, such rights having been relinquished by the document,

Recorded: December 2, 1953, Instrument No. 33209, Book 1711, Page 185, of Official Records

Affects: as set forth in said document

15. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: United States of America
Purpose: water pipe lines

Reference is made to said document for full particulars.
16. **Provisions**, conditions and qualifications affecting said land, adopted by the planning commission for the uses and purposes as set forth therein:

City/County: County of Tulare  
Approving: Special Use Permit No. PSP77-6 (ZA)  
Certified Copy  

17. **Provisions**, conditions and qualifications affecting said land, adopted by the planning commission for the uses and purposes as set forth therein:

City/County: County of Tulare  
Approving: Parcel Map No. PPM 84-161  
Certified Copy  


Reference is hereby made to said document for full particulars.

19. **As of this report date**, we find no open deeds of trust of record. Please verify with escrow personnel and/or agents whether or not we have overlooked something and advise the title department accordingly prior to close of escrow.

20. **We find various Liens and Judgments**, that are of record against persons with similar or the same name as that of our vestee(s) shown herein. In order to complete this report, this Company requires a **Statement of Information** to be provided for the following vestee(s), which may allow and assist elimination of some or all of said Liens and Judgments. After review of the requested Statement(s) of Information, the Company reserves the right to add additional items or make further requirements prior to the issuance of any Policy of Title Insurance.

Vestee(s): Daryl C. Nicholson and Victoria M. Nicholson

21. **Any invalidity or defect** in the title of the vestees in the event that the trust referred to herein is invalid or fails to grant sufficient powers to the trustee(s) or in the event there is a lack of compliance with the terms and provisions of the trust instrument.

If title is to be insured in the trustee(s) of a trust, (or if their act is to be insured), this Company will require a **Trust Certification pursuant to California Probate Code Section 18100.5**. The Company reserves the right to except additional items and/or make additional requirements after reviewing said documents.

**END OF ITEMS**
Note 1.  ***IMPORTANT RECORDING NOTE***

For Kings County, please send all original documents for recording to the following office:

Chicago Title Company  
1460 W. 7th Street, Ste 102  
Hanford, CA 93230  
Attn: Recording Desk  
Phone: (559) 584-3381

For Tulare County, please send all original documents for recording to the following office:

Chicago Title Company  
1750 W. Walnut Ave, Ste A  
Visalia, CA 93277  
Attn: Recording Desk  
Phone: (559) 636-4300

Please direct all other title communication and copies of documents, including recording release instructions, policy write-up instructions, lenders instructions and settlement statements, to the Title Only Department of the issuing office.

Note 2.  The policy of title insurance will include an arbitration provision. The Company or the insured may demand arbitration. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the insured arising out of or relating to this policy, any service of the Company in connection with its issuance or the breach of a policy provision or other obligation. Please ask your escrow or title officer for a sample copy of the policy to be issued if you wish to review the arbitration provisions and any other provisions pertaining to your Title Insurance coverage.

Note 3.  There are NO deeds affecting said land, recorded within twenty-four (24) months of the date of this report.

Note 4.  Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts are:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Identification No.</td>
<td>268-120-004</td>
</tr>
<tr>
<td>Fiscal Year:</td>
<td>2009 - 2010</td>
</tr>
<tr>
<td>1st Installment:</td>
<td>$10,501.79</td>
</tr>
<tr>
<td>2nd Installment:</td>
<td>$10,501.79</td>
</tr>
<tr>
<td>Exemption:</td>
<td>$0.00</td>
</tr>
<tr>
<td>Land:</td>
<td>$2,080,800.00</td>
</tr>
<tr>
<td>Improvements:</td>
<td>$0.00</td>
</tr>
<tr>
<td>Personal Property:</td>
<td>$0.00</td>
</tr>
<tr>
<td>Code Area:</td>
<td>094-000</td>
</tr>
</tbody>
</table>

Note 5.  Escrow information note: Arb No. 268-12-X-04
Note 6. The charge for a policy of title insurance, when issued through this title order, will be based on the Short Term Rate.

Note 7. If a county recorder, title insurance company, escrow company, real estate broker, real estate agent or association provides a copy of a declaration, governing document or deed to any person, California law requires that the document provided shall include a statement regarding any unlawful restrictions. Said statement is to be in at least 14-point bold face type and may be stamped on the first page of any document provided or included as a cover page attached to the requested document. Should a party to this transaction request a copy of any document reported herein that fits this category, the statement is to be included in the manner described.

Note 8. Please contact Escrow Office for Wire Instructions.

Note 9. Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirements cannot be met, please call the company at the number provided in this report.

END OF NOTES
IMPORTANT: This plat is not a survey, it is merely furnished as a convenience to locate the land in relation to adjoining streets and other lands, and not to guarantee dimensions, distances, bearings or acreage.
ATTACHMENT ONE

AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87) EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys’ fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
   • land use
   • improvements on the land
   • land division
   • environmental protection
This exclusion does not apply to violations or the enforcement of these matters which appear in the public records at policy date.
This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:
   • a notice of exercising the right appears in the public records on the Policy Date
   • the taking happened prior to the Policy Date and is binding on you if you bought the land without knowledge of the taking

3. Title Risks:
   • that are created, allowed, or agreed to by you
   • that are known to you, but not to us, on the Policy Date—unless they appeared in the public records
   • that result in no loss to you
   • that first affect your title after the Policy Date—this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks

4. Failure to pay value for your title.

5. Lack of a right:
   • to any land outside the area specifically described and referred to in Item 3 of Schedule A or
   • in streets, alleys, or waterways that touch your land
This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

In addition to the Exclusions, you are not insured against loss, costs, attorneys’ fees, and the expenses resulting from:

1. Any rights, interests, or claims of parties in possession of the land not shown by the public records.

2. Any easements or liens not shown by the public records. This does not limit the lien coverage in Item 8 of Covered Title Risks.

3. Any facts about the land which a correct survey would disclose and which are not shown by the public records. This does not limit the forced removal coverage in Item 12 of Covered Title Risks.

4. Any water rights or claims or title to water in or under the land, whether or not shown by the public records.
ATTACHMENT ONE
(CONTINUED)

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:
1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:
   (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy; or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

SCHEDULE B, PART I
EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.
ATTACHMENT ONE
(CONTINUED)

FORMERLY AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)
WITH A.L.T.A. ENDORSEMENT-FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.

3. Defects, liens, encumbrances, adverse claims, or other matters: (a) created, suffered, assumed or agreed to by the insured claimant;
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
(c) resulting in no loss or damage to the insured claimant;
(d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.

4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.

5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.

6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.

7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on: (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure: (a) to timely record the instrument of transfer; or (b) of such recordation to impart notice to a purchaser for value or a judgement or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage.
In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
6. Any lien or right to a lien for services, labor or material not shown by the public records.
ATTACHMENT ONE
(CONTINUED)

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.

4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.

5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.

6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.

7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage.
In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records;
   (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

6. Any lien or right to a lien for services, labor or material not shown by the public records.

Attachment: One (4/11/10)
ATTACHMENT ONE
(CONTINUED)
FORMERLY AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.

2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.

3. Defects, liens, encumbrances, adverse claims, or other matters:
   (a) created, suffered, assumed or agreed to by the insured claimant;
   (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
   (c) resulting in no loss or damage to the insured claimant;
   (d) attaching or created subsequent to Date of Policy, or
   (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.

4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
   (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
   (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
      (a) to timely record the instrument of transfer; or
      (b) of such recordation to impart notice to a purchaser for value or a judgement or lien creditor.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage.
In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.

3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

6. Any lien or right to a lien for services, labor or material not shown by the public records.
ATTACHMENT ONE
(CONTINUED)

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters (a) created, suffered, assumed, or agreed to by the Insured Claimant;

(b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
(c) resulting in no loss or damage to the Insured Claimant;
(d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
(e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.

4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.

5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage.
In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) that arise by reason of:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

6. Any lien or right to a lien for services, labor or material not shown by the public records.
ATTACHMENT ONE
(CONTINUED)

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (10-22-03)
ALTA HOMEOWNER’S POLICY OF TITLE INSURANCE (10-22-03)

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
   a. building
   b. zoning
   c. Land use
   d. improvements on Land
   e. Land division
   f. environmental protection

This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.

This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.

3. The right to take the Land by condemning it, unless:
   a. notice of exercising the right appears in the Public Records at the Policy Date; or
   b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.

4. Risks:
   a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
   b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
   c. that result in no loss to You; or
   d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24 or 25.

5. Failure to pay value for Your Title.

6. Lack of a right:
   a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A, and
   b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner’s Coverage Statement as follows:

- For Covered Risk 14, 15, 16 and 18, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

<table>
<thead>
<tr>
<th>Covered Risk</th>
<th>Your Deductible Amount</th>
<th>Our Maximum Dollar Limit of Liability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Covered Risk 14:</td>
<td>1.00% of Policy Amount or $ 2,500.00 (whichever is less)</td>
<td>$ 10,000.00</td>
</tr>
<tr>
<td>Covered Risk 15:</td>
<td>1.00% of Policy Amount or $ 5,000.00 (whichever is less)</td>
<td>$ 25,000.00</td>
</tr>
<tr>
<td>Covered Risk 16:</td>
<td>1.00% of Policy Amount or $ 5,000.00 (whichever is less)</td>
<td>$ 25,000.00</td>
</tr>
<tr>
<td>Covered Risk 18:</td>
<td>1.00% of Policy Amount or $ 2,500.00 (whichever is less)</td>
<td>$ 5,000.00</td>
</tr>
</tbody>
</table>
ATTACHMENT ONE  
(CONTINUED)

CLTA HOMEOWNER'S POLICY OF TITLE INSURANCE (01-01-08)
ALTA HOMEOWNER'S POLICY OF TITLE INSURANCE (01-01-08)

EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of those portions of any law or government regulation concerning:
   a. building;
   b. zoning;
   c. land use;
   d. improvements on the Land;
   e. land division; and
   f. environmental protection.

This Exclusion does not limit the coverage described in Covered Risk 8.a., 14, 15, 16, 18, 19, 20, 23 or 27.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes.
   This Exclusion does not limit the coverage described in Covered Risk 14 or 15.

3. The right to take the Land by condemning it. This Exclusion does not limit the coverage described in Covered Risk 17.

4. Risks:
   a. that are created, allowed, or agreed to by You, whether or not they are recorded in the Public Records;
   b. that are Known to You at the Policy Date, but not to Us, unless they are recorded in the Public Records at the Policy Date;
   c. that result in no loss to You; or
   d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.e., 25, 26, 27 or 28.

5. Failure to pay value for Your Title.
6. Leak or a right:
   a. to any land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
   b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 21.

LIMITATIONS ON COVERED RISKS

Your insurance for the following Covered Risks is limited on the Owner's Coverage Statement as follows:

- For Covered Risk 16, 18, 19 and 21, Your Deductible Amount and Our Maximum Dollar Limit of Liability shown in Schedule A.

The deductible amounts and maximum dollar limits shown on Schedule A are as follows:

<table>
<thead>
<tr>
<th>Covered Risk</th>
<th>Your Deductible Amount</th>
<th>Our Maximum Dollar Limit of Liability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Covered Risk 16:</td>
<td>1.00% of Policy Amount or $2,500.00 (whichever is less)</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Covered Risk 18:</td>
<td>1.00% of Policy Amount (whichever is less)</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Covered Risk 19:</td>
<td>1.00% of Policy Amount or $5,000.00 (whichever is less)</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Covered Risk 21:</td>
<td>1.00% of Policy Amount or $2,500.00 (whichever is less)</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>
ATTACHMENT ONE  
(CONTINUED)

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01)  
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the Land; (ii) the character, dimensions or location of any improvements now or hereafter erected on the Land; (iii) a separation in ownership or a change in the dimensions or areas of the Land or any parcel of which the Land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the Land has been recorded in the Public Records at Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 12, 13, 14, and 16 of this policy.

2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the Public Records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without Knowledge.

3. Defects, liens, encumbrances, adverse claims or other matters:  
(a) created, suffered, assumed or agreed to by the Insured Claimant;  
(b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;  
(c) resulting in no loss damage to the Insured Claimant;  
(d) attaching or created subsequent to Date of Policy (this paragraph does not limit the coverage provided under Covered Risks 8, 16, 18, 19, 20, 21, 22, 23, 24, 25 and 26); or  
(e) resulting in loss or damage which would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.

4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of the Insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the Land is situated.

5. Invalidity or unenforceability of the lien of the Insured Mortgage, or claim thereof, which arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, except as provided in Covered Risk 27, or any consumer credit protection or truth in lending law.

6. Real property taxes or assessments of any governmental authority which become a lien on the Land subsequent to Date of Policy. This exclusion does not limit the coverage provided under Covered Risks 7, 8(e) and 26.

7. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This exclusion does not limit the coverage provided in Covered Risk 8.

8. Lack of priority of the lien of the Insured Mortgage as to each and every advance made after Date of Policy, and all interest charged thereon, over liens, encumbrances and other matters affecting the title, the existence of which are Known to the Insured at:  
(a) The time of the advance; or  
(b) The time a modification is made to the terms of the Insured Mortgage which changes the rate of interest charged, if the rate of interest is greater as a result of the modification than it would have been before the modification. This exclusion does not limit the coverage provided in Covered Risk 8.

9. The failure of the residential structure, or any portion thereof to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at Date of Policy.
ATTACHMENT ONE
(CONTINUED)

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (01/01/08)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys’ fees or expenses which arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(a), 13(d), 14 or 16.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 5, 6, 13(a), 13(d), 14 or 16.

2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.

3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27 or 28);
   or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.

4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.

5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury, or any consumer credit protection or truth-in-lending law. This Exclusion does not modify or limit the coverage provided in Covered Risk 26.

6. Any claim of invalidity, unenforceability or lack of priority of the lien of the Insured Mortgage as to Advances or modifications made after the Insured has Knowledge that the vestee shown in Schedule A is no longer the owner of the estate or interest covered by this policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11.

7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching subsequent to Date of Policy. This Exclusion does not modify or limit the coverage provided in Covered Risk 11(b) or 25.

8. The failure of the residential structure, or any portion of it, to have been constructed before, on or after Date of Policy in accordance with applicable building codes. This Exclusion does not modify or limit the coverage provided in Covered Risk 5 or 6.
Notice

You may be entitled to receive a $20.00 discount on escrow services if you purchased, sold or refinanced residential property in California between May 19, 1995 and November 1, 2002. If you had more than one qualifying transaction, you may be entitled to multiple discounts.

If your previous transaction involved the same property that is the subject of your current transaction, you do not have to do anything; the Company will provide the discount, provided you are paying for escrow or title services in this transaction.

If your previous transaction involved property different from the property that is subject of your current transaction, you must - prior to the close of the current transaction - inform the Company of the earlier transaction, provide the address of the property involved in the previous transaction, and the date or approximate date that the escrow closed to be eligible for the discount.

Unless you inform the Company of the prior transaction on property that is not the subject of this transaction, the Company has no obligation to conduct an investigation to determine if you qualify for a discount. If you provide the Company information concerning a prior transaction, the Company is required to determine if you qualify for a discount which is subject to other terms and conditions.

Effective through November 1, 2014
Fidelity National Financial, Inc.

Privacy Statement

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

Personal Information Collected
We may collect Personal Information about you from the following sources:
- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;
- Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

Disclosure of Personal Information
We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:
- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements and/or
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with a judicial proceeding, court order or legal process.
Disclosure to Affiliated Companies - We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

Disclosure to Nonaffiliated Third Parties - We do not disclose Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

Confidentiality and Security of Personal Information
We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

Access To Personal Information/
Requests for Correction, Amendment, or Deletion of Personal Information
As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information. However, FNF's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity. Where permitted by law, we may charge a reasonable fee to cover the costs incurred in responding to such requests. Please send requests to:

Chief Privacy Officer
Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, FL 32204

Changes to this Privacy Statement
This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.
Notice of Available Discounts

Pursuant to Section 2355.3 in Title 10 of the California Code of Regulations Fidelity National Financial, Inc. and its subsidiaries ("FNF") must deliver a notice of each discount available under our current rate filing along with the delivery of escrow instructions, a preliminary report or commitment. Please be aware that the provision of this notice does not constitute a waiver of the consumer's right to be charged the filed rate. As such, your transaction may not qualify for the below discounts.

You are encouraged to discuss the applicability of one or more of the below discounts with a Company representative. These discounts are generally described below; consult the rate manual for a full description of the terms, conditions and requirements for such discount. These discounts only apply to transactions involving services rendered by the FNF Family of Companies. This notice only applies to transactions involving property improved with a one-to-four family residential dwelling.

**FNF Underwritten Title Company**
CTC – Chicago Title Company

**FNF Underwriter**
CTIC – Chicago Title Insurance Company

**Available Discounts**

**CREDIT FOR PRELIMINARY REPORTS AND/OR COMMITMENTS ON SUBSEQUENT POLICIES (CTIC)**
Where no major change in the title has occurred since the issuance of the original report or commitment, the order may be reopened within 12 or 36 months and all or a portion of the charge previously paid for the report or commitment may be credited on a subsequent policy charge.

**FEE REDUCTION SETTLEMENT PROGRAM (CTC and CTIC)**
Eligible customers shall receive a $20.00 reduction in their title and/or escrow fees charged by the Company for each eligible transaction in accordance with the terms of the Final Judgments entered in *The People of the State of California et al. v. Fidelity National Title Insurance Company et al.*, Sacramento Superior Court Case No. 99AS02793, and related cases.

**DISASTER LOANS (CTIC)**
The charge for a Lender’s Policy (Standard or Extended coverage) covering the financing or refinancing by an owner of record, within 24 months of the date of a declaration of a disaster area by the government of the United States or the State of California on any land located in said area, which was partially or totally destroyed in the disaster, will be 50% of the appropriate title insurance rate.

**CHURCHES OR CHARITABLE NON-PROFIT ORGANIZATIONS (CTIC)**
On properties used as a church or for charitable purposes within the scope of the normal activities of such entities, provided said charge is normally the church’s obligation the charge for an owner’s policy shall be 50% or 70% of the appropriate title insurance rate, depending on the type of coverage selected. The charge for a lender’s policy shall be 32% or 50% of the appropriate title insurance rate, depending on the type of coverage selected.
EMINENT DOMAIN
Information Pamphlet

CITY OF PORTERVILLE
Community Development Department
291 North Main Street
Porterville, CA 93257
EMINENT DOMAIN – Information Pamphlet

I. Introduction

Eminent domain is the power of the government to purchase private property for a "public use" so long as the property owner is paid "just compensation." Whenever possible, the City of Porterville tries to avoid use of the eminent domain power, exercising it only when it is necessary for a public project. The decision to acquire private property for a public project is made by the City only after a thorough review of the project, which often includes public hearings.

This pamphlet provides general information about the eminent domain process and the rights of the property owner in that process.¹

- What is a "public use"?

A "public use" is a use that confers public benefits, like the provision of public services or the promotion of public health, safety, and welfare. Public uses include a wide variety of projects such as street improvements, construction of water pipelines or storage facilities, construction of civic buildings, redevelopment of blighted areas, and levee improvements to increase flood protection. Some public uses are for private entities, such as universities, hospitals and public utilities, which serve the public.

- What is "just compensation"?

Just compensation is the fair market value of the property being acquired by the government. The state law definition of fair market value is "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available."

II. The Eminent Domain Process and the Property Owner's Rights

The eminent domain process begins with a public use project. When selecting a project location, the goal is to render the greatest public good and the least private injury or inconvenience. If it is determined that all or a portion of your property may be necessary for a public use project, the City will begin the appraisal process to determine the property's fair market value.

¹ This pamphlet reflects the current law as of January 1, 2008. However, the information in this pamphlet is not, nor should it be construed as, legal advice. You should consult with qualified legal counsel regarding your specific situation rather than relying on this pamphlet as legal advice.
• **How is the fair market value of my property determined?**

The City will retain an independent, accredited appraiser familiar with local property values to appraise your property. The appraiser will invite you to accompany him or her during an inspection of your property. You may give the appraiser any information about improvements and any special features that you believe may affect the value of your property. It is in your best interest to provide the appraiser with all the useful information you can in order to ensure that nothing of value will be overlooked. If you are unable to meet with the appraiser, you may wish to have a person who is familiar with your property meet with the appraiser instead.

After the inspection, the appraiser will complete an appraisal that will include the appraiser's determination of your property's fair market value and the information upon which the fair market value is based. The appraiser will provide the City with the appraisal. The City will then make a written offer to purchase the property. The offer will also include a summary of the appraisal. The offer will be for no less than the amount of the appraisal.

• **What factors does the appraiser consider in determining fair market value?**

Each parcel of real property is different and, therefore, no single formula can be used to appraise all properties. Among the factors an appraiser typically considers in estimating fair market value are:

- The location of the property;
- The age and condition of improvements on the property;
- How the property has been used;
- Whether there are any lease agreements relating to the property;
- Whether there are any environmental issues, such as contaminated soil;
- Applicable current and potential future zoning and land use requirements;
- How the property compares with similar properties in the area that have been sold recently;
- How much it would cost to reproduce the buildings and other structures, less any depreciation; and
- How much rental income the property produces, or could produce if put to its highest and best use.

• **Will I receive a copy of the appraisal?**

The City is required to provide you with its purchase offer, a summary of the appraiser's opinion, and the basis for the City's offer. Among other things, this summary must include:

- A general statement of the City's proposed use for the property;
- An accurate description of the property to be acquired;
- A list of the improvements covered by the offer;
- The amount of the offer; and
- The amount considered to be just compensation for each improvement which is owned by a tenant and the basis for determining that amount.

However, the City is only required to show you a copy of the full appraisal if your property is an owner-occupied residential property with four or fewer residential units. Otherwise, the
City may, but is not required, to disclose its full appraisal during negotiations (though different disclosure requirements apply during the litigation process if the issue of fair market value goes to court).

- Can I have my own appraisal done?

Yes. You may decide to obtain your own appraisal of the property in negotiating the fair market value with the City. At the time of making its initial offer to you, the City must offer to reimburse you the reasonable costs, not to exceed $5,000, of an independent appraisal of your property. To be eligible for reimbursement, the independent appraisal must be conducted by an appraiser licensed by the State Office of Real Estate Appraisers.

- What advantages are there in selling my property to the City?

A real estate transaction with the City is typically handled in the same way as the sale of private property. However, there may be a financial advantage to selling to the City.

  o You will not be required to pay for real estate commissions, title costs, preparation of documents, title policy or recording fees required in closing the sale. The City will pay all these costs.

  o Although the City cannot give you tax advice or direction, you might also be eligible for certain property and income tax advantages. You should check with the Internal Revenue Service (IRS) for details or consult your personal tax advisor.

- If only a portion of my property is taken, will I be paid for the loss to my remaining property?

In general, when only a part of your property is needed, every reasonable effort is made to ensure you do not suffer a financial loss to the "remainder" property. The City will pay you the fair market value of the property being taken as well as compensation for any loss in value to your remaining property that is not offset by the benefits conferred by the project. The compensation for the loss in value to your remaining property is often referred to as "severance damages."

Also, if any remaining part is of such a size, shape, or condition as to be of little market value, the City will offer to acquire that remaining part (or remnant) from you, if you so desire.

- Will I be compensated for loss of goodwill to my business?

If you are the owner of a business that is conducted on the property being acquired, you may have a right to compensation for lost business goodwill if the loss is caused by the acquisition of the property. "Goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage.
• **What will happen to the loan on my property?**

Where the City is acquiring the entire property, generally the compensation payable to the owner is first used to satisfy outstanding loans or liens as in a typical real estate transaction. Where less than the entire property is being acquired, whether outstanding loans or liens are paid from the compensation will depend on the particular facts and circumstances.

• **Do I have to sell at the price offered?**

No. If you and the City are unable to reach an agreement on a mutually satisfactory price, you are not obligated to sign an offer to sell or enter into a purchase agreement.

• **If I agree to accept the City's offer, how soon will I be paid?**

If you reach a voluntary agreement to sell your property or an interest in the property to the City, payment will be made at a mutually acceptable time. Generally, this should be possible within 30 to 60 days after a purchase/sale contract is signed by all parties.

• **What happens if we are unable to reach an agreement on the property's fair market value?**

The City, to the greatest extent practicable, will make every reasonable effort to acquire your property by negotiated purchase. If, however, the negotiations are unsuccessful, the City may either file an eminent domain action in a court located within the same county where your property is located or it may decide to abandon its intention to acquire the property. If the City abandons its intention to acquire, it will promptly notify you.

If the City proceeds with eminent domain, the first step is for the City staff to request authority from the City Council to file a condemnation action. The approval from the City Council is called a "Resolution of Necessity." In considering whether condemnation is necessary, the City Council must determine whether the public interest and necessity require the project, whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and whether your property is necessary for the project. You will be given notice and an opportunity to appear before the City Council when it considers whether to adopt the Resolution of Necessity. You may want to call an attorney or contact an attorney referral service right away. You or your representatives can raise any objections to the Resolution of Necessity and the condemnation either orally before the City Council or in writing to the City Council.

If the City Council adopts the Resolution of Necessity, the City can file a complaint in court to acquire title to the property upon payment of the property's fair market value. The City is the plaintiff. Anyone with a legal interest in the property, generally determined from a title report on the property (including tenants or mortgage holders), are named as defendants. Often, the City will also deposit the amount the City believes is the "probable amount of compensation" with the State Treasurer where the complaint is filed. A deposit must be made if the City is seeking to acquire possession of the property before agreement is reached on the fair market value.
Can the City acquire possession of my property before the property's fair market value is determined in the eminent domain lawsuit?

In some cases, the City may decide it needs possession of the property before the property's fair market value is finally determined. In such a case, the City must apply to the court for an "order for possession" to allow it to take possession and control of the property prior to resolution of the property's fair market value. The City is required to schedule a hearing with the court on the proposed order for possession and to give you notice of the hearing. Notice must generally be sent at least 90 days before the hearing date if the property is occupied and 60 days before the hearing date if the property is unoccupied. A judge will decide whether the order for possession should be granted. As noted above, the City must deposit with the State Treasurer the probable amount of just compensation in order to obtain possession of the property.

Can I oppose the motion for an order for possession?

Yes. You may oppose the motion in writing by serving the City and the court with your written opposition within the period of time set forth in the notice from the City.

Can I rent the property from the City?

If the City agrees to allow you or your tenants to remain on the property after the City acquires possession, you or the tenants will be required to pay a fair rent to the City. Generally, such rent will not be more than that charged as rent for the use of a property similar to yours in a similar area.

Can I withdraw the amount deposited with the State Treasurer before the eminent domain action is completed, even if I don't agree that the amount reflects the fair market value of my property?

Yes. Subject to the rights of any other persons having a property interest (such as a lender, tenant, or co-owner), you may withdraw the amount deposited with the State Treasurer before the eminent domain action is completed. If you withdraw the amount on deposit, you may still seek a higher fair market value during the eminent domain proceedings, but you may not contest the right of the City to acquire the property, meaning you cannot contest that the acquisition of your property is for a public purpose or is otherwise improper.

You also have the right to ask the court to require the City to increase the amount deposited with the State Treasurer if you believe the amount the City has deposited less than the "probable amount of compensation."

Can I contest the condemning agency's acquisition of the property?

Yes. Provided you have not withdrawn the amount deposited, you can challenge in court the City's right to acquire or condemn the property.
EXHIBIT "A"

That portion of the east half of the Northeast quarter of Section 10, 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:

COMMENCING AT the Northeast corner of the Northeast quarter of said Section 10;

THENCE, North 89°49'58" West, along the north line of said Northeast quarter, a distance of 759.18 feet to the POINT OF BEGINNING;

THENCE, leaving said north line, South 00°28'27" West, a distance of 42.00 feet;

THENCE, North 89°49'58" West, along a line parallel with the north line of said Northeast quarter, a distance of 362.19 feet to a point on the east line of the property conveyed to the State of California per Grant Deed, recorded December 2, 1953 in Volume 1711, Page 185, Tulare County Official Records;

THENCE, North 45°25'17" East, along the east line of said State of California property, a distance of 17.05 feet, to an angle point on said east line;

THENCE, North 00°34'07" East, along said east line a distance of 30.00 feet, to a point on the north line of said Northeast quarter;

THENCE, South 89°49'58" East, along the north line of said Northeast quarter a distance of 350.10 to the POINT OF BEGINNING.

EXCEPTING that interest in the North 25.00 feet of the Northeast quarter of Section 10, 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 April 4, 1940 in Volume 894, page 359 of Tulare County Official Records.

The above described parcel contains 6,024 square feet or 0.138 Acres more or less.

BASIS OF BEARINGS being the north line of the Northeast quarter of Section 10, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, taken as North 89°49'58" 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: 6/30/2010

[Seal]
That portion of the East half of the Northeast Quarter of Section 10, Township 22 South, Range 27 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California.
PURCHASE CONTRACT

This Purchase Contract (this "Agreement") is between the City of Porterville ("City") and Daryl C. Nicholson, Trustee of the Daryl C. Nicholson and Victoria M. Nicholson Trust Agreement dated October 1, 1990 ("Grantor").

It is mutually agreed as follows:

1. Grantor agrees to sell to City, and City agrees to purchase from Grantor, on the terms and conditions set forth in this Agreement, the fee interest in and to that certain portion of the real property more fully described in the legal description attached hereto as Exhibit A and incorporated herein by reference, and improvements located thereon consisting of olive trees (together, the "Property"), for the purpose of widening and improving Scranton Avenue. Grantor hereby states that Grantor has full title except as hereinafter mentioned and has full authority to sign this Agreement and to convey the rights described herein.

2. The parties hereto have set forth the whole of their agreement. The performance of this Agreement constitute the entire consideration for the Property and shall relieve the City of all further obligation on this account, or on account of the location, grade, or construction of the proposed public improvement.

3. Upon approval by the City Council, the City shall:

   A. Pay the undersigned Grantor the sum of FIVE THOUSAND ONE HUNDRED DOLLARS ($5,100.00) for the Property within thirty (30) days after date title to said Property vests in the City free and clear of all liens, encumbrances, assessments, easements, and leases (recorded and/or unrecorded).

   B. Pay all the escrow and recording fees incurred in this transaction and, if title insurance is desired by the City, then the City will pay the premium charged therefore. Said escrow and recording reconveyance of Deed(s) of Trust, all of which fees, where required, shall be paid by the Grantor. Grantor hereby authorizes the City to prepare and file escrow instructions with the escrow agent on behalf of Grantor in accordance with this Agreement.
C. Have the authority to deduct and pay from the amount shown in Clause 3. A
above any amount necessary to pay reconveyance fees and trustee's fees for any
full reconveyance of Deed(s) of Trust, and to satisfy any bond demands and/or
delinquent taxes due in any year except the year in which this escrow closes,
together with penalties and interest thereon, and/or delinquent and unpaid non-
delinquent assessments, which have become a lien at the close of escrow. Current
taxes shall be prorated as of the date of possession or the date of conveyance is
recorded, whichever occurs first. However, if an Order of Immediate Possession
has been obtained, then the date of proration of taxes shall be as of the effective
date of said Order.

4. Grantor grants the City, its permittees, contractors, agents or assigns, a right to enter,
upon, over, across, and under Grantor's property shown on Exhibit "A" attached
hereeto and Grantor's property lying adjacent to the property shown on Exhibit "A"
during the period of construction for the purpose of constructing the public
improvement and accomplishing all necessary incidents, thereto, including, but not
limited to, the repair, replacement, restoration, removal, and/or disposal of existing
improvements.

A. Any actual damage or substantial interference with the possession or use of the
adjacent land caused by City, its permittees, contractors, agents or assigns shall be
cured by same. In addition, the City of Porterville agrees to indemnify the
Grantor and hold said Grantor harmless from any loss of, or damage to any
property or injury or death of any person whomsoever arising out of or connected
with their performance of any work authorized under this Agreement.

B. It is agreed and confirmed by the parties hereto that, notwithstanding other
provisions in this Agreement, the right of possession and use of the Property by
the City (including, but not limited to, the right to construct and install new
improvements and to replace, repair, restore, remove, and/or dispose of existing
improvements) shall commence upon execution of this Agreement and shall
terminate upon completion of construction of the project, and that the amount
shown in Clause 3.A. herein includes, but not limited to, full payment for such
possession and use, including damages, if any, from said commencement date.

5. The sum set forth in Clause 3.A. above included payment for the following: fee title
to 6,024 square feet of land and any and all trees, landscaping and improvements
thereon, and all rights of possession and use provided for herein; together with any
and all other losses, whether separately mentioned in this Agreement or not.

6. It is understood that once this Agreement is executed it must be approved by the City
Council to complete the transaction. Delivery of this Agreement and the
accompanying Grant Deed is conditioned upon the City Council's approval of said
documents.
7. NO OTHER OBLIGATION OTHER THAN THOSE SPECIFICALLY SET FORTH HEREIN WILL BE RECOGNIZED.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year shown.

GRANTOR:


________________________
Daryl C. Nicholson, Trustee

Date: ____________________

CITY OF PORTERVILLE:

By: ____________________
For City of Porterville

Date: ____________________

By: ____________________

Witness/Received:

By: ____________________

Date: ____________________

By: ____________________
Acquisition Agent

Date: ____________________
Acknowledgment of Receipt

Please sign and return to Paragon Partners Ltd. in the enclosed self-addressed, stamped envelope.

Acknowledgment of Receipt does not constitute acceptance.

I/We acknowledge receipt of the Offer to acquire a portion of the real property described as APN 268-120-004 and the related materials sent to me/us by Paragon Partners Ltd. on behalf of the City of Porterville.

Name of Recipient  Signature of Recipient  Date

(____)_________________  (____)_________________  
Phone  Cell  E-mail (optional)

☐ The mailing address is correct as sent.  
☐ Please update the mailing address as follows:

________________________________________

________________________________________

________________________________________

5762 Bolsa Avenue Suite 201, Huntington Beach, CA 92649
714-379-3376  Fax 714-373-1234
### PARCEL DIARY

**OWNER NAME:** NICHOLSON, Trust  
**SITE ADDRESS:** (NONE) SE Corner Scranton and SR-65  
**APN:** 268-12-0-004  
**PHONE:** (559) 781-5695

**CLIENT NAME:** City of Porterville  
**PROJECT NAME:** Moe and Nicholson (Phase II) Project  
**PROJECT NUMBER:** 9505400 - II

<table>
<thead>
<tr>
<th>CONTACT DATE</th>
<th>AGENT</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>8/27/10</td>
<td>ra</td>
<td>Mailed Offer of $5,100, via certified mail.</td>
</tr>
<tr>
<td>8/31/10</td>
<td>ra</td>
<td>Called Nicholson – left voicemail requesting response.</td>
</tr>
<tr>
<td>9/7/10</td>
<td>ra</td>
<td>Received signed USPS Certified Return Receipt dated 9/1/10.</td>
</tr>
<tr>
<td>9/17/10</td>
<td>ra</td>
<td>Called Nicholson – no answer, left voicemail message.</td>
</tr>
<tr>
<td>10/20/10</td>
<td>ra</td>
<td>No response to date from Nicholson. Advised by Susan Duke that Nicholson may have contacted City Engineer.</td>
</tr>
</tbody>
</table>
SUBJECT: SECOND READING – ORDINANCE 1768, RENAMING LIBRARY BOARD OF TRUSTEES AND INCREASING NUMBER OF MEMBERS

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1768, An Ordinance of the City Council of the City of Porterville Amending Chapter 14, Article II, Library Board of Trustees, of the Porterville Municipal Code, was given first reading on November 2, 2010, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1768, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1768

Item No. 17
ORDINANCE NO. 1768

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING CHAPTER 14,
ARTICLE II, LIBRARY BOARD OF TRUSTEES,
OF THE PORTERVILLE MUNICIPAL CODE

THE COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN AS
FOLLOWS:

A. That Article II of Chapter 14, Library Board of Trustees, of the Porterville Municipal
Code is hereby amended as follows:

CHAPTER 14, ARTICLE II, LIBRARY AND LITERACY COMMISSION.

SECTION 14-3: DUTY TO MANAGE LIBRARY; COMPOSITION;
APPOINTMENT:
There is hereby created a Library and Literacy Commission consisting of seven (7)
members, who shall be residents of the city of Porterville. The Commission shall
serve in an advisory capacity to the City Council. Said Commissioners shall be
appointed by the Mayor with the consent of a majority of the City Council.

SECTION 14-4: VACANCIES:
Vacancies on the Library and Literacy Commission shall be filled by appointment for
the unexpired term in the same manner as the original appointments are made. All
appointments shall be made for a three (3) year period on a rotating 4-3 basis and
shall conform to Chapter 11 of the Government Code (Sections 54970 and 54975).

SECTION 14-5: APPOINTMENT OF CHAIRPERSON, VICE CHAIRPERSON
AND SECRETARY:
The Library and Literacy Commission shall appoint one of its members Chairperson,
one of them Vice Chairperson, and one Secretary.

SECTION 14-6: TERM OF OFFICERS:
The Officers thus appointed shall serve for one year, until their successors in office
have been elected and appointment by the Library and Literacy Commission.

SECTION 14-7: MEETINGS:
The Library and Literacy Commission shall prescribe the time and place of its
meetings and shall meet not less frequently than once each month; provided,
however, that no meetings need be held during the months of June, July and August.
All meetings shall conform to Section 54950 et seq., of the State Government Code,
also commonly known as “The Brown Act.”
SECTION 14-8: SPECIAL MEETINGS; QUORUM; RECORDS:
Special Meetings of the Library and Literacy Commission may be called at any time by the Chairperson or by four (4) of the Commissioners, by written notice mailed or personally delivered to each member, and to each local newspaper of general circulation, radio or television station requesting notice in writing, at least twenty-four (24) hours before the time specified for the proposed meeting as specified in the California Government Code Section 54950 et seq.; a majority of the Commission shall constitute a quorum for the transaction of business and the Commission shall cause a proper record of all its proceedings to be kept and maintained.

SECTION 14-9: POWERS AND DUTIES GENERALLY:
A. Shall recommend library policy to the City Council for adoption.
B. Shall define the objectives and goals of the Library.
C. Shall advise the City Council and staff on the management and control of the library and literacy services.
D. May establish all reasonable rules and regulations necessary for the day-to-day operation of the Library.
E. Shall give due attention and study to library and literacy services.
F. Shall interpret and advocate library and literacy services to the community.
G. Shall take initiative to reach out to city entities and other advisory commissions in planning for future community library and literacy services and facility needs.
H. Shall serve as the sounding board on which staff may test their plans and ideas.
I. Shall define "literacy" for the purpose of Measure H.

B. This Ordinance and Code amendment shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this 16th day of November, 2010.

___________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

___________________________
By: Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA – NOVEMBER 16, 2010

SUBJECT: SECOND READING – ORDINANCE 1769, REGARDING OPEN BURNING, RECREATIONAL FIRES AND PORTABLE, OUTDOOR FIREPLACES

SOURCE: ADMINISTRATIVE SERVICES/CITY CLERK DIVISION

COMMENT: Ordinance No. 1769, An Ordinance of the City Council of the City of Porterville Amending Chapter 12, Article I, Section 12-1.8 Regarding Open Burning, Recreational Fires and Portable Outdoor Fireplaces, of the Porterville Municipal Code, was given first reading on November 2, 2010, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1769, waive further reading, and adopt said Ordinance.

Attachment: Ordinance No. 1769
ORDINANCE NO. 1769

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE I, SECTION 12-1.8 REGARDING OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

THE CITY COUNCIL OF THE CITY OF PORTERVILLE DO ORDAIN AS FOLLOWS:

A. That Article I of Chapter 12, Fire Prevention, of the Porterville Municipal Code is hereby amended as follows:

12-1.8: OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES:

All open burning, recreational fires and portable outdoor fireplaces shall comply with the requirements set forth in the California Fire Code.

Nothing within this article shall be construed as exempting a person with complying with the requirements set forth with San Joaquin Valley Air Pollution Control District.

Tumbleweeds: Landowners must implement Best Management Practices or reasonable alternatives to open burning for controlling and disposing of tumbleweeds on their property as set forth with San Joaquin Air Pollution Control District. A burn permit may be issued for burning tumbleweeds once the District has deemed that the only disposal method for the site is by open burning and the smoke will not affect smoke sensitive areas or contribute to a nuisance.

Permits are to be issued by SJAPCD and permittee must comply with all requirements. Permittee must also notify the City of Porterville Fire Department prior to burning.

B. This Ordinance and Code amendment shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this ___ day of November, 2010.

______________________________
Ronald L. Irish, Mayor

ATTEST:

John D. Lollis, City Clerk

______________________________
By: Patrice Hildreth, Chief Deputy City Clerk
SUBJECT: CONSIDERATION OF REFINANCING 1997 SEWER BOND ISSUE

SOURCE: Administration

COMMENT: In consideration of the extensive annexation of former unincorporated County areas into the City in 2006, and in coordination with the City Council's ad hoc infrastructure committee, Public Works staff has been evaluating the prospect of extending City water and sewer utility services to constituents currently without access to such services, as well as the necessary curb, gutter, sidewalk, storm drain, and street improvements necessary to bring the former County areas to City standards.

In its evaluation of extending City utility services, Public Works has determined that the need for extending water services is fairly limited, however, the extension of sewer services is rather extensive. Of the estimated 15,000 dwellings within the city of Porterville, approximately 1,500 are not currently connected to sewer services, which staff has estimated that the expense of extending sewer infrastructure to each of these dwellings to be approximately $7 million (not including connection and impact fees).

Over the past several months, staff has been meeting with Mr. John Fitzgerald and Mr. Ben Levine, who have assisted the City with past bond issuances. The purpose of these meetings have been to evaluate the potential in taking advantage of current favorable bond refinancing rates, especially the sewer bond that was issued in 1997, which in coordination with Mr. Fitzgerald and Mr. Levine, options have been identified in the refinancing of this bond. Given current bond refinancing rates, the City could refinance its current sewer bond with an annual debt service savings of $91,555 over the remaining 13 years of the bond issuance, for a total gross savings of approximately $1.2 million. Alternatively, maintaining its current annual debt service level, but extending the payment obligation for an additional 22 years (35 years total), the City would be eligible to receive $7,750,000 in new monies which could be used to extend the necessary infrastructure to serve city residents without sewer services.

The Council ad hoc infrastructure committee recently met to consider this subject, with Vice Mayor Hamilton and Councilmember Ward both opining that the refinancing of the sewer bond should occur, and that their recommendation would be to extend the bond term and receive new monies to extend the sewer infrastructure.

Appropriated/Funded MB C/M Item No. 19
Mr. Fitzgerald and Mr. Levine advise that the current bond refinancing rates are expected to maintain their favor for up to the next 60 to 90 days, however, beyond that timeframe would indicate less favorable rates. For the Council's consideration, a draft resolution has been provided to either proceed with refinancing the sewer bond and maintaining the current 13 years of debt service commitment (Draft Resolution 1), and alternatively a second draft resolution has been provided should the Council wish to refinance the bond and extend the bond term an additional 22 years and receive monies for infrastructure (Draft Resolution 2).

RECOMMENDATION: That the City Council approve to proceed with the refinancing of the 1997 sewer bond, and provide direction in refinancing of either maintaining the current bond term, or extending the term and receiving new monies.

ATTACHMENT: 1. Summary of Refunding Alternatives
2. Draft Resolution 1
3. Draft Resolution 2
4. Locator Maps
# 2010 Certificates of Participation
(1997 Sewer Refinancing Project)
CITY OF PORTERVILLE
(Tulare County, California)
PORTERVILLE PUBLIC FINANCING AUTHORITY

## Summary of the Refunding Alternatives

<table>
<thead>
<tr>
<th></th>
<th>Refunding - No New Money</th>
<th>Refunding &amp; Additional New Money</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bond Amortization Term</td>
<td>13 Years</td>
<td>35 Years</td>
</tr>
<tr>
<td>Existing Annual Avg. Debt Service</td>
<td>$1,024,063</td>
<td>$1,024,063</td>
</tr>
<tr>
<td>Refunding Avg. Ann. Debt Service</td>
<td>$932,508</td>
<td>$1,026,102</td>
</tr>
<tr>
<td>Annual Debt Service Savings</td>
<td>$91,555</td>
<td>0</td>
</tr>
<tr>
<td>Gross Savings</td>
<td>$1,190,217</td>
<td>N/A</td>
</tr>
<tr>
<td>Present Value of Savings</td>
<td>$980,810</td>
<td>N/A</td>
</tr>
<tr>
<td>New Money</td>
<td>$0</td>
<td>$7,750,000</td>
</tr>
</tbody>
</table>
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE, COUNTY OF TULARE, STATE OF CALIFORNIA, AUTHORIZING THE COMMENCEMENT OF PROCEEDINGS IN CONNECTION WITH THE ISSUANCE BY THE PORTERVILLE PUBLIC FINANCING AUTHORITY OF ITS REVENUE BONDS TO REFUND OUTSTANDING CITY OF PORTERVILLE CERTIFICATES OF PARTICIPATION RELATING TO THE CITY’S SEWER SYSTEM AND APPOINTING AN UNDERWRITER, BOND COUNSEL, DISCLOSURE COUNSEL AND A TRUSTEE IN CONNECTION THEREWITH

WHEREAS, the Porterville Public Financing Authority (the “Authority”) anticipates the issuance of its revenue bonds (the “Bonds”) to refinance certain capital improvements relating to the City’s water enterprise, including the refunding, on a current basis, of the City’s outstanding Certificates of Participation (1997 Sewer System Refinancing Project); and

WHEREAS, it is desirable to appoint an underwriter, bond counsel, disclosure counsel and a trustee in connection with the issuance of the Bonds;

NOW, THEREFORE, it is hereby DECLARED and ORDERED, as follows:

The Council hereby authorizes issuance of the Bonds by the Authority. Officers and officials of the City are authorized to proceed with the preparation of the necessary documents in connection with the issuance of the Bonds, subject to the final approval thereof by the Board of Directors of the Authority and by the Council at subsequent meetings.

Wulff, Hansen & Co., San Francisco, California, is hereby designated as underwriter to the Authority and the City in connection with the issuance of the Bonds.

Quint & Thimmig LLP, San Francisco, California, is hereby designated as bond counsel to the Authority and the City in connection with the issuance of the Bonds. The Mayor, the Mayor Pro Tem, the City Manager and the Finance Director, or the designee thereof, are each hereby authorized and directed in the name and on behalf of the City to execute an agreement for legal services with such firm, with compensation to be paid thereunder subject to the approval of the City Manager.

Raymond M. Haight, Esq., Scotts Valley, California, is hereby designated as disclosure counsel to the Authority and the City in connection with the issuance of the Bonds. The Mayor, the Mayor Pro Tem, the City Manager and the Finance Director, or the designee thereof, are each hereby authorized and directed in the name and on behalf of the City to execute an agreement for legal services with such firm, with compensation to be paid thereunder subject to the approval of the City Manager.
U.S. Bank National Association, Corporate Trust Services, is hereby designated as trustee in connection with the issuance of the Bonds.

The Mayor, the Mayor Pro Tem, the City Manager, the Finance Director, the City Clerk and other appropriate officers and officials of the City are hereby authorized and directed to take such action and to execute such documents as may be necessary or desirable to effectuate the intent of this resolution.

This Resolution shall take effect from and after the date of its passage and adoption.

APPROVED AND ADOPTED this 16th day of November, 2010.

________________________________________
Ronald L. Irish, Mayor

ATTEST:
John Lollis, City Clerk

By: ________________________________
Patrice Hildreth, Chief Deputy City Clerk
RESOLUTION NO.________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE,
COUNTY OF TULARE, STATE OF CALIFORNIA, AUTHORIZING THE
COMMENCEMENT OF PROCEEDINGS IN CONNECTION WITH THE ISSUANCE BY
THE PORTERVILLE PUBLIC FINANCING AUTHORITY OF ITS REVENUE BONDS
TO REFUND OUTSTANDING CITY OF PORTERVILLE CERTIFICATES OF
PARTICIPATION RELATING TO THE CITY’S SEWER SYSTEM AND TO FINANCE
CERTAIN NEW IMPROVEMENTS TO THE CITY’S SEWER SYSTEM AND
APPOINTING AN UNDERWRITER, BOND COUNSEL, DISCLOSURE COUNSEL AND
A TRUSTEE IN CONNECTION THEREWITH

WHEREAS, the Porterville Public Financing Authority (the “Authority”) anticipates
the issuance of its revenue bonds (the “Bonds”) to (a) refinance certain capital
improvements relating to the City’s water enterprise, including the refunding, on a
current basis, of the City’s outstanding Certificates of Participation (1997 Sewer System
Refinancing Project), and (b) finance new improvements to the City’s municipal sewer
system; and

WHEREAS, it is desirable to appoint an underwriter, bond counsel, disclosure
counsel and a trustee in connection with the issuance of the Bonds;

NOW, THEREFORE, it is hereby DECLARED and ORDERED, as follows:

The Council hereby authorizes issuance of the Bonds by the Authority. Officers
and officials of the City are authorized to proceed with the preparation of the necessary
documents in connection with the issuance of the Bonds, subject to the final approval
thereof by the Board of Directors of the Authority and by the Council at subsequent
meetings.

Wulff, Hansen & Co., San Francisco, California, is hereby designated as
underwriter to the Authority and the City in connection with the issuance of the Bonds.

Quint & Thimmig LLP, San Francisco, California, is hereby designated as bond
counsel to the Authority and the City in connection with the issuance of the Bonds. The
Mayor, the Mayor Pro Tem, the City Manager and the Finance Director, or the designee
thereof, are each hereby authorized and directed in the name and on behalf of the City
to execute an agreement for legal services with such firm, with compensation to be paid
thereunder subject to the approval of the City Manager.

Raymond M. Haight, Esq., Scotts Valley, California, is hereby designated as
disclosure counsel to the Authority and the City in connection with the issuance of the
Bonds. The Mayor, the Mayor Pro Tem, the City Manager and the Finance Director, or
the designee thereof, are each hereby authorized and directed in the name and on
behalf of the City to execute an agreement for legal services with such firm, with
compensation to be paid thereunder subject to the approval of the City Manager.

U.S. Bank National Association, Corporate Trust Services, is hereby designated
as trustee in connection with the issuance of the Bonds.

The Mayor, the Mayor Pro Tem, the City Manager, the Finance Director, the City
Clerk and other appropriate officers and officials of the City are hereby authorized and
directed to take such action and to execute such documents as may be necessary or
desirable to effectuate the intent of this resolution.

This Resolution shall take effect from and after the date of its passage and
adoption.

APPROVED AND ADOPTED this 16th day of November, 2010.

__________________________________________
Ronald L. Irish, Mayor

ATTEST:
John Lollis, City Clerk

By: _______________________________________
Patrice Hildreth, Chief Deputy City Clerk
ISLAND ANNEX. 456B
SUBJECT: REVISION OF TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) JOINT POWERS AGREEMENT

SOURCE: City Manager

COMMENT: At its meeting on October 5, 2010, the City Council considered the two proposed draft amendments to the TCAG Joint Powers Agreement. The first Amendment would propose the authority for TCAG "to acquire, maintain, and dispose of real property." The second Amendment proposes language that would authorize TCAG to enter into other JPAs. After considering the proposed amendments, the Council acted not to support either of the amendments in their draft form. Subsequent to the Council’s action, correspondence was received from TCAG that Tulare County Counsel had opined that with providing TCAG property rights, it would not have Eminent Domain authority, as it is a reserved “extraordinary power.”

Given the Council’s concerns, as well as those apparently expressed by other TCAG member agencies, the TCAG Board reconsidered the draft amendments, and modified the voting requirement of the proposed amendment regarding “property rights” in making it more stringent, attempting to remedy what apparently seemed to be a major concern in regards to the proposed amendments. The TCAG Board modified the proposed amendment to include an additional requirement that the member agency whose jurisdiction is affected by the property action must approve the action. The proposed amendment would continue to be required to garner ten (10) “yea” votes, including votes of approval from three (3) County Board of Supervisors and from five (5) cities that constitute at least fifty percent (50%) of the County’s incorporated population. Also, the proposed amendment includes a declaration that TCAG would not possess Eminent Domain authority.

In regards to the “joining other JPAs” amendment, the TCAG Board did not modify the proposed amendment, continuing to require the garnering of ten (10) “yea” votes, including votes of approval from three (3) County Board of Supervisors and from five (5) cities that constitute at least fifty percent (50%) of the County’s incorporated population. Council comments and concerns had been expressed in regards to this amendment, in that perhaps all nine (9) of the member agencies should approve joining another JPA, similar to the voting requirement of amending the TCAG JPA.

RECOMMENDATION: That the City Council consider the proposed Amendments to the TCAG JPA, and give direction accordingly.

ATTACHMENT: Proposed Amendment to the TCAG Joint Powers Agreement

C/M Item No. 30
AMENDMENT ONE TO THE
TULARE COUNTY ASSOCIATION OF GOVERNMENTS
JOINT POWERS AGREEMENT

THIS AGREEMENT, dated for convenience as of this ___ day of ________, 2010, by and between the COUNTY OF TULARE, hereinafter referred to as the “County,” and the CITIES OF DINUBA, EXETER, FARMERSVILLE, LINDSAY, PORTERVILLE, TULARE, VISALIA, and WOODLAKE, or so many of said Cities as have executed this Agreement, hereinafter collectively referred to as the “Cities”;

WITNESSETH:

WHEREAS, the Tulare County Association of Governments, hereinafter referred to as the “Association,” will be a separate entity from the County; and

WHEREAS, as of the 4th day of May, 1971, the County and the Cities executed an Agreement (Tulare County Agreement No. 6460) which established the Association, and set forth the powers and duties of the Association; and

WHEREAS, the Joint Powers Agreement may be amended from time to time; and

WHEREAS, the Association desires to amend said Agreement to give the Association the ability to make real property transactions; and

WHEREAS, the Association desires to amend said Agreement to enable the Association to enter into Joint Powers Agreements, hereby amend said Agreement;

NOW, THEREFORE, BE IT AGREED as follows:

Paragraph (2) of said Agreement is hereby amended by adding thereto subparagraph (q) and (r) to read as follows:

q) In order for TCAG to acquire, maintain, and dispose of real property or an interest in real property, the TCAG board must approve the acquisition, maintenance and/or
disposal by a vote of at least 10 Board members. TCAG’s approval must be confirmed without changes or conditions by a majority of the cities representing a majority of the incorporated population AND the majority of the Board of Supervisors. In addition, if the property is located within a city, that city must confirm the acquisition, maintenance and/or disposal. The TCAG ability to purchase property does not include the power of Eminent Domain.

r) In order for TCAG to enter into joint powers agreements pursuant to the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, the TCAG Board must approve entering into the JPA by a vote of at least 10 Board members. TCAG’s approval must be confirmed without changes or conditions by a majority of the cities representing a majority of the incorporated population AND the majority of the Board of Supervisors.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written pursuant to resolutions of the governing bodies of the respective parties, duly adopted, authorizing such execution.

ATTEST: Jean M. Rousseau
County Administrative Officer
Clerk, Board of Supervisors

By _________________
Deputy

COUNTY OF TULARE

By _________________
Chairman, Board of Supervisors

ATTEST:

CITY OF DINUBA

By _________________
City Clerk

By _________________
Mayor

Joint Powers Agreement – Tulare County Association of Governments
ATTEST:

By ____________________________

City Clerk

CITY OF VISALIA

By ____________________________

Mayor

ATTEST:

CITY OF WOODLAKE

By ____________________________

Mayor

By ____________________________

City Clerk
PORTERVILLE PUBLIC FINANCING AUTHORITY

SUBJECT: ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - REDEVELOPMENT

COMMENT: In 1992, the Porterville Public Financing Authority was formed designating the City Council members as directors. According to the Authority's By-laws, an annual meeting is to be held each year to report on the progress of the Redevelopment Projects being funded by Bond Issue #1 issued in December 1992. In September 2008, the Redevelopment Agency refinanced the Tax Allocation Bonds for the purpose of financing the Porterville Hotel Project and related housing project. The same reporting requirements are necessary.

A status report for these projects is provided as an attachment to this agenda item.

RECOMMENDATION: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority's By-laws, accept public comment, and approve the 2010 Status Report for the Redevelopment Bond Issue #1 and refinancing of Tax Allocation Bond Projects.

ATTACHMENT: 2010 Status Report for Redevelopment Bond Issue #1 and Refinance of the Tax Allocation Bond Projects
1992 Total Bond Issue: $6,185,000
   Redevelopment Fund $4,682,242
   Low and Moderate Income Housing Fund $1,170,561

2008 Total Refinance Bond Issue: $8,475,000
   Redevelopment Fund $5,725,000
   Low and Moderate Income Housing Fund $2,750,000

<table>
<thead>
<tr>
<th>REDEVELOPMENT FUND</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projects:</td>
<td></td>
</tr>
<tr>
<td>Porterville Hotel Project</td>
<td>In Negotiations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Streetscape:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Street – Morton Avenue to Olive Avenue (includes conversion of Main Street, Second Street and Hockett Street to two-way traffic)</td>
<td>Complete</td>
</tr>
<tr>
<td>Putnam Avenue and Olive Avenue – Hockett Street to Second Street</td>
<td>Design Phase Complete</td>
</tr>
<tr>
<td>Street and Pedestrian Lighting of side streets</td>
<td>Construction Documents Complete</td>
</tr>
<tr>
<td>Alley Lighting – Morton Avenue to Olive Avenue</td>
<td>Construction Documents Complete</td>
</tr>
<tr>
<td>Street Furnishings</td>
<td>Phase 1 Complete; Additional Phases to be accomplished as funds become available</td>
</tr>
<tr>
<td>Main Street – Olive Avenue to Orange Avenue</td>
<td>Design Phase Complete</td>
</tr>
</tbody>
</table>

Parking Lots – Construction and Acquisition:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Second/Harrison</td>
<td>Complete</td>
</tr>
<tr>
<td>Hockett/Oak</td>
<td>Complete</td>
</tr>
</tbody>
</table>
### REDEVELOPMENT FUND

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Second/Olive and adjacent lots</td>
<td>Complete</td>
</tr>
</tbody>
</table>

**Building Renovation:**

| Financial Incentive Program         | 14 Façade Renovations Complete                                                                  |

**Building Assistance:**

| Chamber of Commerce Office Complex  | Complete                                                                                       |

**Loan Repayment:**

| City Loan Repayment – Risk Management Fund Loan 1 | Complete |

### LOW AND MODERATE INCOME HOUSING FUND

<table>
<thead>
<tr>
<th>Villa Siena – (Macfarlane &amp; Costa) 70 unit multi use Low and Moderate Housing Project (a portion of the replacement housing for the Porterville Hotel)</th>
<th>Property sold to developer for $930,000 with the funds rolled into a long term loan per the executed Affordable Housing Agreement.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 1 (1994)</td>
<td>Complete - $250,000 expended</td>
</tr>
<tr>
<td>Low and Moderate First-Time Homebuyer Program HOME Grant Match No. 2 (Year 2002)</td>
<td>Complete - $121,951 expended</td>
</tr>
<tr>
<td>Low Income Homebuyer Casas Buena Vista Homebuyer Assistance</td>
<td>Complete - $425,342 expended</td>
</tr>
<tr>
<td>Casas Buena Vista Project Common Area Improvements, Utilities, Meeting Expenses, Escrow Costs, Debt Service</td>
<td>Complete - $321,830 expended</td>
</tr>
<tr>
<td>Multifamily Rental Construction Program:</td>
<td></td>
</tr>
<tr>
<td>Project #1: St. James Place Construction Complete February 2005</td>
<td>Complete - $254,000 expended (served as the 25% match for the $1,000,000 HOME grant)</td>
</tr>
<tr>
<td>Project #2: Date Avenue Apartments Infrastructure</td>
<td>Complete - $115,000 expended</td>
</tr>
<tr>
<td>LOW AND MODERATE INCOME HOUSING FUND</td>
<td>STATUS</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Implementation Plan</td>
<td>Complete -</td>
</tr>
<tr>
<td></td>
<td>$24,364 expended</td>
</tr>
</tbody>
</table>

Note: Bond funds have been allocated toward the highest priority projects as detailed in the Redevelopment Strategic Plan. Projects detailed in the Redevelopment Strategic Plan with a lower priority ranking are not included in this Status Report due to lack of available funds.